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DALE E. ARNOLD
DIRECTOR

VIA E-MAIL to fishconsumption@ecy.wa.gov

January 10, 2011

Toxics Cleanup Program
Washington State Department of Ecology
fishconsumption@ecy.wa.gov

RE: City of Spokane Comments - Fish Consumption Rates Technical Support Document: A Review of Data and Information About Fish Consumption in Washington (September 2011)

To the Department of Ecology:

Thank you for the opportunity to review the referenced Fish Consumption Rates Technical Support Document. The City of Spokane Wastewater Management Department offers the following comments:

Practical Implications of Increasing Fish Consumption Rates

The City of Spokane acknowledges that, according to surveys conducted for the technical support document, a relatively small percentage of Washingtonians may consume more than the current EPA standard of 6.5 grams per day. (Table A-1 shows that Ecology used data from 1,188 surveyed adults to develop the proposed default fish consumption rate; there are about 6.7 million Washington residents according to the 2010 census.) However, practical implications of increasing the fish consumption rate are not identified. Fish consumption rates drive water quality and sediment cleanup standards. Increasing the adopted fish consumption rate will therefore sharply increase the stringency of water quality and sediment standards, and increase the cost of attaining those more stringent standards.

Many dischargers, including stormwater and wastewater municipalities and industries, are unable to meet water quality standards at the currently adopted fish consumption rates. Multiple factors contribute to this, including a lack of technology available to achieve current standards and the expense of treatment and infrastructure. In addition, several human-made contaminants have become ubiquitous in the environment at concentrations higher than water quality standards due to factors beyond the control of dischargers such as air deposition and foreign import. The current fish consumption rates should not be increased until Washington waters meet current standards. After current standards are met, a framework should be adopted to aid dischargers in meeting incrementally more stringent water quality standards over the decades-long timeframe that will be required.

Federal Standards

Human-health based ambient water quality criteria used in The National Toxics Rule are based on a fish consumption rate of 6.5 grams per day. The EPA currently recommends a fish consumption rate of 17.5 grams per day. The Washington State Department of Ecology, however, proposes to use 150 to 275 grams per day which is 10 times more stringent than the federal standard. Ecology needs to develop

and articulate both the public health need and a regulatory basis for setting a statewide standard that is far more stringent than the standards EPA recommends.

Timeline

Ecology proposes to have the default fish consumption rates finalized in Washington by Fall 2012 after publishing the technical support document in September 2011. This time frame must be extended. Washington has an opportunity to learn from Oregon State's process. Oregon only recently finalized a new default fish consumption rate in October 2011. Washington will observe the implications, implementation, and unforeseen complications that arise from this rule and learn what has worked from the process and what may be done better. In addition, rushing to a final fish consumption rate only one year after the draft technical support document is published is unnecessary. The City of Spokane asks that Ecology develop a timeframe that would at least permit meaningful observation and "lessons learned" from Oregon's process.

PCBs and Human Health

Have any studies been performed that focus on particular PCB congeners found in fish tissue that cause cancer risk in humans? It is our understanding that not all PCB congeners are hazardous to human health. Fish tissue should be analyzed for presence of the same PCB congeners that pose a human cancer risk.

Site-Specific Fish Consumption Rates

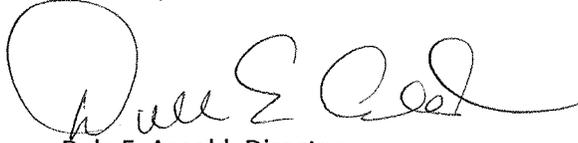
As shown in the technical support document, people eat fish and shellfish in varying quantities in each region and water body. The amount of shellfish consumed in western Washington is far greater than the amount of shellfish consumed in eastern Washington, for example. In addition, some ethnic populations consume more fish and shellfish and Ecology should consider focusing efforts to develop site-specific consumption rates for waterbodies serving these unique populations. Given the disparity of consumption across the State, site-specific fish consumption rates should be developed by Ecology. Realistically fish consumption is not often from the same impacted body of water, and by assuming this for all situations it results in overly conservative concentration allowed for consumption.

Validity of Survey

It is not clear from the technical support document whether the survey questions asked participants for fish consumption rates generally, or if the questions asked specifically for rates of consumption of fish caught in Washington State water bodies. It seems likely that most of the fish consumed by Washingtonians generally is not actually caught in Washington State water bodies. It does not make sense to set fish consumption rates for Washington State, which will in turn be used to set water quality and sediment quality standards for Washington State water bodies, using surveys regarding fish consumption generally.

Thank you in advance for your consideration of these comments. Please call me at 509-625-7900 if you have questions or would like more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale E. Arnold". The signature is fluid and cursive, with a large initial "D" and "A".

Dale E. Arnold, Director

City of Spokane Wastewater Management

cc: Lars Hendron; Principal Engineer
Gary Kaesemeyer; Collection System Superintendent
Carrie Holtan; Assistant City Attorney
Marcia Davis; Senior Engineer
Raylene Gennett; Stormwater District Supervisor
Tim Pelton; Administrative & Technical Superintendent
Mike Coster; Operations & Maintenance Superintendent
Lloyd Brewer; Manager – Environmental Programs
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