Denis Law
Mayor

City of Renton
Mayor's Office

October 24, 2012

Adrienne Dorrah
Washington Department of Ecology
Toxics Cleanup Program
P.O. Box 47600
Olympia, WA 98504-7600

RE: Ecology's Fish Consumption Rates Technical Support Document Public Review Draft (Version 2)

Dear Ms. Dorrah:

The following are the City of Renton's comments on the second version of the draft Fish Consumption Rates Technical Support Document. We appreciate the work that Ecology has done to prepare this technical document and thank you for the opportunity to provide comments.

The Technical Support Document does not provide a complete and unbiased presentation of the relevant factual and scientific information for Washington's general population. Fish consumption rates should be based upon a comprehensive survey of fish consumption by the entire general population of Washington. The Technical Support Document focuses on fish consumption of specific population segments (Native American and Asian) within Washington. The Technical Support Document should be revised to reflect fish consumption rates of Washington's general population.

The Technical Support Document needs to account for and include information about the source of fish and shellfish being consumed. The regulation of water and sediment quality in Washington only has the potential to affect chemical concentrations in fish and shellfish tissue if they are raised or spend significant periods of their life cycle in Washington waters. The consumption of fish and shellfish reared in other geographical areas, fish that spend relatively short periods of their life cycles in Washington waters, and different species of fish must be accounted for in the Technical Support Document and in future human health risk calculations. The document should acknowledge the limitations of the data, if the source of fish or shellfish is unknown.

The species of fish or shellfish being consumed is important because of the different bioaccumulation rates and application of bioconcentration factors used to establish human health criteria. Some fish species may have higher bioaccumulation rates and thus higher concentrations of toxins in their tissue. However, if that species is not consumed or has a low consumption rate, it should not be the dominant species used when establishing the human health criteria or changing the state's water quality and sediment standards.

As the Technical Support Document acknowledges, the consumption of salmon and other anadromous fish should be addressed differently than consumption of other less mobile, resident fish species. Again, their life cycle and time spent in Washington waters should be accounted for when attempting to associate salmon tissue concentrations with local water and sediment quality standards. The current scientific data and past practice has not supported the application of higher clean-up standards as a way to reduce concentrations of toxins in salmon tissue. The use of salmon consumption rates should be excluded in water and sediment quality (clean-up) standards for these reasons. Due to the popularity of salmon to the consumers in Washington, it is important that the Technical Support Document distinguishes salmon consumption rates separately from consumption rates of other fish species.

The Technical Support Document acknowledges that fish consumers make up a relatively small percentage of the total population, but presents the fish consumption rates in terms of percentiles of fish consumers. This creates confusion and appears to suggest a higher level of fish consumption in the total population. The Technical Support Document should present averages and percentile information for both the entire population and the fish consuming subpopulation to present the information in a complete and unbiased manner.

The proposed change in fish consumption rates is an important factor when considering changes to water quality and sediment clean-up standards. As with any change to regulatory requirements, there are other factors that deserve equal consideration such as the effect of the regulatory requirements on employment and the state's economy, and cost to citizens, businesses, cities, counties and special purpose districts. The change in water and sediment quality standards could result in more streams being listed on the EPA 303(d) list of impaired water bodies, which requires more Total Maximum Daily Load pollutant clean-up plans. This could lead to more stringent stormwater regulatory requirements that are costly and impact existing business, new economic development, jobs and affordable housing. The change in these regulations

could significantly increase the cost of wastewater treatment that would have to be passed on to the rate payers (citizens). The ability to achieve new water and sediment quality standards would be expensive, may not be achievable given current technologies, and may impact the state's economy without significant benefit.

We look forward to continuing to work with Ecology on future rulemaking processes. If you require additional information or have questions, please contact Gregg Zimmerman, Public Works Administrator, at (425) 430-7311.

Sincerely,

Denis Law

Denis Law
Mayor

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cc: Renton City Councilmembers
Jay Covington, Chief Administrative Officer
Gregg Zimmerman, P.E., Public Works Administrator
Chip Vincent, Communities and Economic Development Administrator
Suzanne Dale Estey, Economic Development Director
Lys Hornsby, P.E., Utility Systems Director
Ronald J. Straka, P.E., Surface Water Utility Engineering Supervisor