

May 22, 2015

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Submitted Via Email

Subject: Docket No. 58-01 02-1201-Negotiated Rulemaking: IDEQ's Recommendation on Fish Consumption Criteria Calculation

Dear Ms. Wilson:

The following are Idaho Power's comments provided under the above referenced docket addressing the proposed policy recommendations that were discussed at the April 21, 2015, rulemaking meeting. While several important proposed policy recommendations were discussed, Idaho Power limits its comments to the determination to base the fish consumption rate on local fish rather than all market fish, the determination to exclude anadromous fish, and the topic of suppression.

Idaho Power Company submitted comments on June 24, 2014, relating to IDEQ's Discussion Paper No. 4, titled "Market (All) or Local Fish." Idaho Power encourages IDEQ to review those comments again in whole, but summarizes the salient points of those comments here. In Discussion Paper No. 4, IDEQ expressed some concern that criteria based on only local fish may "discount the risk associated with consumption of fish from other sources," but conceded that "excluding market sources of fish...will be more specific to what Idaho water quality standards can regulate." In its policy recommendations IDEQ has determined that it will base Idaho's regulatory fish consumption rate on local fish only. Idaho Power Company agrees that this determination will allow IDEQ to make the best policy decisions based on verifiable data that is truly representative of Idaho fish consumption for all populations. A contrary determination, one that would include all market fish, has the potential to subject Idaho to unachievable water quality standards that would not provide a corresponding benefit to the quality of market fish consumed by Idaho's population but not raised in Idaho waters. The policy to base Idaho's regulatory fish consumption rate on local fish only ensures that Idaho's water quality standards will be appropriately tailored to protect the local fish that Idaho consumes.

On the issue of anadromous fish, IDEQ has stated, "[t]he issue is where anadromous fish acquire their burden of contaminants and how that should be handled in developing water quality criteria that are applied in Idaho." *Idaho Fish Consumption Rate and Human Health Water Quality Criteria – Discussion Paper #5*. In its policy recommendations discussed at the April 21, 2015,

rulemaking meeting, IDEQ stated that it has made the policy decision to exclude anadromous fish from its regulatory fish consumption rate. Idaho Power supports this recommendation. As explained by IDEQ in Discussion Paper #5, because of the relatively small amount of time anadromous fish spend in Idaho waters very little of their toxic load can be attributable to Idaho water quality. Thus, as IDEQ observed, “it is arguably not appropriate to include a full consumption rate for these fish if the overall purpose of the criteria is to regulate only Idaho waters and the impacts from Idaho waters.” *Id.*

A Washington Department of Ecology technical paper provides an in-depth review of life histories of Pacific salmon, including the species present in Idaho waters: Chinook, Coho and Sockeye. *See Technical Issue Paper: Inclusion of Salmon in Fish Consumption Rates* (Washington DOE, 2012). According to that paper “indications are that more than 98 percent of the final body weight of most salmon is attained at sea.” *Id.*

The difficulty of parsing out toxic contribution from fresh or marine waters is why several agencies have decided not to include anadromous fish in Pacific Northwest fish consumption rates. For example, EPA Region 10 has excluded anadromous fish from fish consumption rate calculations:

For sites in Region 10, particularly PCB-contaminated sediment sites, salmon have typically been excluded from the fish consumption rate used to estimate site-related risks. This exclusion has been based on the assumption that adult salmon spend most of their lives in the open ocean and take up bioaccumulative and persistent contaminants almost exclusively via the food chain in that environment.

*EPA, Framework for Selecting and Using Tribal Fish and Shellfish Consumption Rates for Risk-Based Decision Making at CERCLA and RCRA Cleanup Sites in Puget Sound and The Strait Of Georgia* (2007). Notably, Region 10 excluded anadromous fish in calculating a fish consumption rate for Asian and Pacific Islanders in 2005: “Anadromous fish were not included in the fish consumption scenario because it is problematic to apportion salmon (anadromous fish) contaminant body burden to site-specific chemical contaminants.” *Fish Consumption Rates, Technical Support Document: A Review of Data and Information About Fish Consumption in Washington* (September 2011).

EPA has also excluded Pacific salmon from its national default fish consumption rate due to the classification as marine.

EPA classified the habitat of salmon based on commercial-landings data provided by the National Marine Fisheries Service for the period of 1989-1991 (65 FR 66469, 2000b). All landings of Pacific salmon, including Chum, Coho, King, Pink, or Sockeye were assigned to marine habitat. All landlocked Great Lakes salmon and farmed salmon received the classification of freshwater.

As the landings of Pacific salmon were reported from the marine environment, Pacific salmon were classified as marine (USEPA 2002b) and excluded from the national default fish consumption rates for calculating water quality standards.

*ODEQ: Human Health Focus Group Report Oregon Fish and Shellfish Consumption Rate Project (June 2008).*

Similarly, a Washington Department of Health technical report observed:

Anadromous fish spend most of their lives in open marine-ocean environments where they accumulate most of their contaminant body burden. Bioaccumulative contaminant body burdens in adult salmon are primarily attributable to migratory behaviors located beyond reach of Washington regulations. Consequently, estimated risks associated with the consumption of adult salmon may be unrelated to site-specific contaminants.

*Fish Consumption Rates, Technical Support Document: A Review of Data and Information About Fish Consumption in Washington (September 2011).* IDEQ's decision not to include anadromous fish in its fish consumption calculation is therefore consistent with the example set by EPA and other regional agencies.

Finally, at the conclusion of the April 21, 2015, rulemaking meeting a question was raised regarding the lack of recommendations relating to earlier discussions of the suppression of fish consumption. Idaho Power submitted comments on this issue on November 17, 2014. In those comments Idaho Power encouraged IDEQ to concentrate on the ultimate issue that is intended to be addressed in this rulemaking: protecting health effects from actual consumption of fish caught in Idaho waters. A policy relating to suppression of historical fish consumption is not properly before IDEQ in this rulemaking.

Thank you for the opportunity to submit comments on IDEQ's proposed policy recommendations. We look forward to continued productive discussions with IDEQ and the other stakeholders participating in this rulemaking.

Sincerely,



Sarah W. Higer  
Corporate Counsel