

# The Western Coalition of Arid States

## WESTCAS



September 13, 2016

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*Submitted electronically to: [ow-docket@epa.gov](mailto:ow-docket@epa.gov)*

Water Docket  
U.S. Environmental Protection Agency  
Mail Code: 2822T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: **WESTCAS Comments on Draft Guidance for Conducting Fish Consumption Surveys, No. EPA-HQ-OW-2016-0419**

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Dear Sir or Madam:

WESTCAS is a coalition of nearly 100 water and wastewater districts, cities, towns, and professional organizations focused on water quality and water quantity issues in the States of Arizona, California, Colorado, Nevada, New Mexico, and Texas. Our mission is to work with Federal, State, and regional water quality and quantity agencies to promote scientifically-sound laws, regulations appropriations and policies that protect public health and the environment in the arid west.

WESTCAS members own and operate facilities located in the arid southwest. Those facilities operate pursuant to NPDES permits that impose control requirements with respect to wastewater discharges, including discharge limits based on water quality standards. In developing and issuing water quality standards based on protection of human health, States consider the extent of fish consumption by their residents. Therefore, to the extent that States use the new EPA Guidance in assessing fish consumption, which will likely affect the human health water quality standards, which in turn will change the effluent limits imposed in discharge permits issued by the States and EPA. WESTCAS members are concerned that fish consumption rates in non-arid states will be used to set human health water quality standards that are over-protective and not appropriate for arid states.

In the Draft Guidance, EPA's discussion about fish availability reflects the Agency's underlying assumption that contamination has reduced the population of fish in an area. This ignores other factors, completely

***The Voice of Water Quality in the Arid West***

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independent of contamination, which could affect the availability of fish. Fish availability in the arid southwest is primarily controlled by the scarcity of water. Fish consumption rates in arid areas are also related to dietary preferences influenced by factor of availability and are generally not a result of contamination.

In the arid southwest, the number of perennial streams that support fish is low: in New Mexico, 6 percent of the stream miles are perennial, 4 percent in Arizona, and 10 percent in Nevada<sup>1</sup>. Fish that are caught are often released: anglers in New Mexico keep only 30 percent of the fish that they catch<sup>2</sup>. The diets of indigenous people have been shaped by scarcity: Navajo, Zuni, and Hopi people in New Mexico and Arizona have historically avoided eating fish, based on ethnographic studies<sup>3</sup>. WESTCAS members urge the Agency to allow and encourage States to determine fish consumption rates that are characteristic of fish availability and dietary preferences of their citizens.

Once again, WESTCAS appreciates the opportunity to provide comments on this draft guidance. We provide them in the interest of cooperation, increased clarity, and in order to avoid the unintended consequences. If you have any questions regarding our comments please contact me at 505-350-4200.

Sincerely,



Kelly Collins, President

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<sup>1</sup> 2014-2016 State of New Mexico CWA §303(d)/§305(b) Integrated List & Report, <https://www.env.nm.gov/swqb/303d-305b/2014-2016/2014-2016NMReport.pdf>; Arizona's Comprehensive Water Quality Monitoring Strategy, [http://legacy.azdeq.gov/environ/water/assessment/download/Comprehensive\\_WQ\\_Monitor\\_Strategy.pdf](http://legacy.azdeq.gov/environ/water/assessment/download/Comprehensive_WQ_Monitor_Strategy.pdf); and Nevada 2012 Water Quality Integrated Report; [https://ndep.nv.gov/bwqp/file/IR2012\\_Report\\_Final.pdf](https://ndep.nv.gov/bwqp/file/IR2012_Report_Final.pdf)

<sup>2</sup> 2016 Statewide Fisheries Management Plan; <http://www.wildlife.state.nm.us/fishing/fisheries-management/>

<sup>3</sup> Kuhnlein, H.V. and Calloway, D.H. (1977) "Contemporary Hopi food intake patterns" Ecology of Food and Nutrition, Volume 6, pp. 159-173.

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