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Water Docket

Environmental Protection Agency

Mail Code 2282-IT

1200 Pennsylvania Ave. NW

Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OW-2016-0551

Re: Docket ID No. EPA-HQ-OW-2016-0551: Comments on Selenium Criteria Implementation Guidance Documents (EPA-F-820-16-007, EPA-F-820-16-008, EPA-F-820-16-009, EPA-F-820-16-010)

The following comments are submitted by WESTCAS, 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 while meeting water needs in the arid west.

We appreciate the opportunity to provide comments on the draft selenium (Se) implementation guidance documents as we are concerned with any changes to the federal water quality standards and implementation of these standards that have a disproportionate effect on states in the arid west. In addition to the comments below, WESTCAS fully supports the comments provided by the Federal Water Quality Coalition (FWQC) and the Colorado Wastewater Utility Council (CWWUC).

In the West, where water is extremely limited, approximately 90 percent of the water courses are ephemeral or intermittent streams where fish populations are not necessarily limited by water quality but by water quantity. In the absence of water and fish, attainment in fishless waters should not automatically default to the requirement to meet the water column criterion value. The water column criterion is intended to protect fish, and if fish are not present in the reach, it is overprotective. As presented, the Selenium Criteria Implementation Guidance Documents do not address areas in which selenium is naturally elevated, which results in higher ambient water column and fish tissue concentrations. The arid western states have large areas of underlying

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geology that results in higher selenium concentrations in groundwater and surface waters. The elevated water concentrations then become part of the food web and result in naturally elevated tissue concentrations. EPA should provide the guidance to States and authorized tribes as the current implementation guidance will not work in these situations.

For example, in Section 1.2 of the TSD, EPA states that site-specific criteria can be developed using one of two methods provided in Appendix K of the criteria document. However, neither of the methods is appropriate for calculation of site-specific criteria in waterbodies with naturally elevated selenium.

Another example is found in Section 2.1 of the EPA document which discusses the use of the species recalculation procedure for development of site-specific standards when species present in the toxicity database are not present at the site. The most sensitive species in the EPA database that is ultimately driving the criteria values is the White Sturgeon. EPA has stated that the White Sturgeon also serves as a surrogate for other species such as the Pallid Sturgeon or Green Sturgeon. Sturgeon are not found in many of the interior western arid states, including Colorado, Arizona, New Mexico, Nevada, and Utah. EPA should give states which do not have any sturgeon present the option to recalculate the criteria values with statewide criteria that exclude sturgeon.

Finally, the response to Question 16 of the EPA document provides only two scenarios in which they state site-specific water column elements might be warranted. These two scenarios are 1) when the water column element is exceeded but the fish tissue is not, and 2) the water column element is not exceeded but the fish tissue criteria is. The scenario that is missing is that in which both tissue and water column criteria are exceeded due to elevated ambient conditions, such as are found throughout the arid west.

Sincerely,



Kelly Collins
President

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