



Association of
Metropolitan
Sewerage Agencies

President
Gurnie C. Gunter
Director
Kansas City Water
Services Department
Kansas City, MO

Vice President
Paul Pinault
Executive Director
Narragansett Bay Commission
Providence, RI

Treasurer
Thomas R. "Buddy" Morgan
General Manager
Water Works & Sanitary
Sewer Board
Montgomery, AL

Secretary
William B. Schatz
General Counsel
Northeast Ohio Regional
Sewer District
Cleveland, OH

Executive Director
Ken Kirk

October 29, 2001

Part 136 Biological Methods Comment Clerk (W-99-14)
Water Docket, MC 4101
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: *Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water; Proposed Rule, 66 Fed. Reg. 45,811 (August 30, 2001)*

Dear Sir/Madam:

The Association of Metropolitan Sewerage Agencies (AMSA) is pleased to provide comments on the U.S. Environmental Protection Agency's (EPA) proposal to add to the list of Agency-approved methods several analytical test procedures for enumerating the bacteria, *Escherichia coli* (E. coli) and enterococci, and the protozoans, *Cryptosporidium* and *Giardia*, in ambient water. Founded in 1970, AMSA represents the interests of over 260 of the nation's publicly owned wastewater utilities (POTWs). AMSA members serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day. For decades now, AMSA members have worked to ensure their discharges are protective of both human health and the environment.

EPA's current *Ambient Water Quality Criteria for Bacteria*, which utilize E. coli and enterococci as indicators of bacterial contamination, were developed in 1986. Since that time, few states have developed water quality standards based on the criteria and instead continue to rely on fecal or total coliform as indicators of bacterial contamination. Though the efficacy of E. coli and enterococci as indicators of bacterial contamination continues to be debated, the lack of approved analytical procedures for enumerating E. coli and enterococci has been the primary roadblock to using the indicators in a regulatory context.

As required by Section 303(i)(1)(A) of the Clean Water Act, as amended by the Beaches Environmental Assessment and Coastal Health Act (BEACH Act) of 2000, states must develop water quality standards based on EPA's water quality criteria for bacteria by April 2004. As states develop these standards, POTWs and other point sources will begin receiving permit limits for E. coli and enterococci. These regulated entities will need procedures for assessing compliance with their permit limits. The proposed methods for evaluating E. coli and enterococci, however, are only approved for ambient water quality monitoring purposes. EPA has determined and noted in the text of the methods that these procedures are not acceptable for evaluating other matrices, such as POTW or other point source effluent. For this reason, the proposed methods fall short of meeting the needs of the regulated community and fail to recognize real-world implementation of water-quality based permit limits.

Though permits containing water-quality based limits may require ambient water monitoring, permitting authorities historically have relied on effluent monitoring as a more reliable means of determining compliance. Assessing compliance using ambient water monitoring, evaluating the upstream and downstream conditions, is extremely difficult on water bodies with multiple discharges. In these cases, permitting authorities typically will default to more reliable effluent monitoring provisions. Implementation of the bacteria criteria in this manner will force POTWs to use unapproved methods for sampling effluent for these indicators or force continued reliance on fecal coliform. For example, while one AMSA member agency is already using the proposed Quanti-Tray Colilert method in a regulatory context and supports the addition of the method to EPA's list of approved methods, fecal coliform tests of their effluent are still required to assess compliance.

Currently, most POTWs operate with effluent limits for fecal coliform bacteria. There is no evidence to demonstrate that POTWs meeting these fecal coliform requirements are causing any in-stream compliance, health or environmental problems. To ensure POTW discharges maintain this level of protection, regulators will seek to establish E. coli and enterococci limits that are equivalent to existing requirements. However, without approved test procedures for enumerating E. coli and enterococci in effluent, POTWs and regulators will have no reliable means to assess effluent quality with respect to the new water quality criteria.

Again, we appreciate the opportunity to comment on these proposed analytical test procedures. We hope that EPA will recognize the limitations of the current test procedures and pursue development or approval of test methods for enumerating E. coli and enterococci in effluent matrices. Please do not hesitate to contact me if you have any questions regarding our comments at 202/833-9106 or via email at chornback@amsa-cleanwater.org.

Sincerely,



Christopher Hornback
Manager, Government Affairs