



Association of
Metropolitan
Sewerage Agencies

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March 30, 2001

Mr. Barry Burgan
U.S. Environmental Protection Agency
Ariel Rios (4504-F)
1200 Pennsylvania Ave, NW
Washington, DC 20460

**RE: Draft National Coastal Condition Report, 66 Fed. Reg. 7760
(Jan. 25, 2001)**

Dear Mr. Burgan:

The Association of Metropolitan Sewerage Agencies (AMSA) appreciates the opportunity to provide comments on the *Draft Clean Water Action Plan: National Coastal Condition Report (Draft Report)*. AMSA represents the interests of the nation's publicly-owned wastewater treatment works (POTWs). AMSA's member agencies serve the majority of the sewered population in the United States and treat and reclaim more than 18 billion gallons of wastewater every day.

AMSA has worked at the federal, state, and local level to preserve and protect our nation's water quality for over 30 years. We support efforts to provide objective and comprehensive water quality reporting to the public. AMSA is committed to improving monitoring standards and expectations nationwide. For example, AMSA is a member of and has actively participated in the National Water Quality Monitoring Council (Council) since its inception in 1991.

AMSA believes the *Draft Report* falls short of its goal to provide an objective assessment of our nation's coastal waters. As a Council member, AMSA is particularly concerned that EPA did not seek the Council's input on the approaches used in the *Draft Report*. AMSA is forwarding our overall comments on the *Draft Report* today, and will be forwarding comprehensive technical comments to you in the next week. AMSA's overall comments outline our concerns with the *Draft*

Report. We hope these comments and our subsequent technical submission assist the Agency in its next steps.

I. *State Water Quality Standards Should Be the Basis for Measuring Progress*

AMSA is concerned that the *Draft Report* develops and uses indicators based on data sets inconsistent with state 305(b) and 303(d) reports, unilaterally develops new benchmarks while neglecting existing ones and endorses the use of inappropriate national indicators.

AMSA recommends EPA use assessment data from state and Tribal programs – specifically 303(d) listings – as the appropriate approach to a comprehensive report on our nation’s coastal waters. It is essential that federal and state agencies work together to provide a consistent picture to the public. Using states’ 305(b) and 303(d) reports will achieve this goal.

Further, a review of the *Draft Report* indicators shows they fall into several distinct categories relative to present standards:

- (1) the indicator parameter itself is the same as an existing standard, but differs in terms of how it is applied relative to threshold level or degree of exposure (i.e., dissolved oxygen (DO));
- (2) the indicator parameter serves in a substitute capacity using criteria/guidelines which are under development but are not yet complete or promulgated by states (i.e., water clarity, eutrophic condition/nutrients, sediment contamination, benthic index, and wetlands loss); and,
- (3) the indicator reflects federal or international criteria (i.e., fish tissue contaminants) as opposed to state standards.

Again, these inconsistencies support the use of existing state 305(b) and 303(d) reports as the appropriate measures to characterize the nation’s coastal waters.

We also are concerned that the *Draft Report* develops new benchmarks in lieu of existing benchmarks (i.e., water column metals, water column organics, ammonia, pH, ambient toxicity, etc.). For example, while EPA uses human health criteria to define acceptability standards for fish tissue, the *Draft Report* uses Food and Drug Administration (FDA) action levels — an entirely different benchmark. Further, the *Draft Report* does not explain EPA’s reasons for adopting each indicator.

EPA acknowledges throughout the *Draft Report* that there are fundamental uncertainties and

shortcomings associated with the use of national indicators. AMSA believes it is inconsistent to establish a national grading system while acknowledging that the indicators may be inappropriate for that purpose. Given EPA's recognition that the indicators are significantly limiting, EPA must pursue a more reliable approach using state water quality standards.

II. *The National Indicators Lead to Misleading Ratings*

AMSA recommends that EPA develop a ranking system aligned with public assumptions and expectations. Given the limitations of the "good", "fair" or "poor" categories, AMSA believes a coastal area would be more prone to a "poor" than "good" rating due to disproportionate scales. For example, overall national coastal conditions are rated as "fair"¹ even though 88% of the nation's coastlines support their beneficial uses as judged by legally-derived, state standards. Most citizens would think an 88% grade is a B+ or "good", as opposed to a C, the typical understanding of a "fair" rating. Another example of misleading grading is in the rating for fish tissue contamination. This rating requires an area to exhibit greater than 98% outside of the "poor" category to be considered "good"². At the same time, if 11% of the areas are classified as "poor", this would result in an overall "poor" rating. It seems more appropriate to assume that the public at large would consider a 98% rating to be at least "good" if not "excellent". The *Draft Report*, as shown in these examples, implies that the states are not adequately addressing the nation's waters. This again supports the use of state 305(b) and 303(d) reports as the ultimate benchmarks to measure water quality.

III. *The Draft Report Does Not Adequately Weight Each Indicator*

In the *Draft Report*, EPA assumes that each indicator equally correlates and supports the beneficial uses in question. However, there is no evidence in the *Draft Report* that this assumption is valid. For example, does a finding of DO less than 2 ppm in a water body convey the same conclusion regarding support of uses as a water body that exceeds a single sediment effects range medium (ERM)? The answer to this question is likely "no" because ERMs do not address bioavailability of pollutants while DO measurements directly relate to organism physiology and condition. This same question can be asked of all of the indicators in the "poor", "fair" and "good" categories. Unless equality can be illustrated with data, EPA can not assume the indicators are of equal weight relative to beneficial uses. This concern further elevates the uncertainty in the *Draft Report's* conclusions.

¹ *Draft Report*, Executive Summary, page xi.

² *Id.* at Chapter 1, page 11.

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Again, AMSA appreciates the opportunity to provide EPA with our comments on the *Draft Report*. We look forward to the opportunity to assist the Agency with revisions to the *Draft Report*, either independently or through the Council. We will forward to you comprehensive technical comments in the next week. Should you have any questions, please contact Christopher Hornback at AMSA at 202/833-9106.

Sincerely,

A handwritten signature in black ink that reads "Norman LeBlanc". The signature is written in a cursive style with a long, sweeping underline.

Norman LeBlanc
Chair, AMSA Water Quality Committee
Chief, Technical Services
Hampton Roads Sanitation District