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Sewerage Agencies

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Ken Kirk

February 20, 2003

Jim Hanlon
Director, Office of Wastewater Management
Office of Water
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW 4201M
Washington, DC 20460

VIA FAX AND REGULAR MAIL

Dear Jim:

Over the past few weeks, the Association of Metropolitan Sewerage Agencies' (AMSA's) staff and members have had the opportunity to review the recently released report entitled *Summary of the August 14-15, 2002, Experts Workshop on Public Health Impacts of Sewer Overflows (Workshop Report)* (EPA Document #833-R-02-002). In light of the anticipated release of the draft sanitary sewer overflow (SSO) regulations, AMSA is keenly interested in the *Workshop Report* and the CSO/SSO Report to Congress (RTC) your office will deliver to Congress this December. Despite the fact that there is growing evidence that CSOs and SSOs are a very minor contributor to waterborne illness, the wastewater treatment community continues to collect data and support efforts to evaluate potential impacts of overflows on public health.

During the two-day workshop, the panel of experts freely discussed their concerns and beliefs on the impacts of CSOs and SSOs on public health. Facilitators at the workshop recorded the experts' comments while roughly 20 other individuals including two AMSA representatives observed the proceedings. While the *Workshop Report* accurately reflects the majority of the discussions that took place, AMSA has two major concerns, one concerning the report and another regarding EPA's next steps for completing the RTC.

The first concern relates to the unique nature of the workshop and its specified goals, which did not include reaching consensus among the experts on health impacts. The workshop was designed to provide a forum where ideas and opinions could be freely discussed with the goal of assisting EPA in its efforts to develop the RTC by framing the study questions correctly, collecting all pertinent data, and developing a methodology to ensure the RTC reflects actual real world experiences. During the two days of discussion, the experts did indeed reach consensus on several topics related to identifying the pathogens that potentially could be found in sewer overflows and identifying potential exposure pathways. Thus there was general agreement on the specific pathogens and pollutants; what illnesses are associated with these specific pathogens and pollutants; which ones produce the most serious illness; what are the myriad of pathways for exposure; and who are the most sensitive populations. But when the discussion turned to the issue of the relative importance of CSOs and SSOs compared to the vast array of pollutants, pathogens and exposure pathways that the general public faces on a daily basis, the opinions and specific comments of the experts became quite diverse. The *Workshop Report* attempts to capture these diverse opinions, but the tone of the report seems to imply that consensus was reached when it states on page 27 that “[c]ompletely eliminating CSO’s and SSO’s would have a real public health benefit,” and by making the weighty assumption that if there were simply better recording and tracking of data, this statement would be confirmed.

What appears to be missing from the specific comment section of the report is a brief discussion which occurred at the end of the second day in which several of the experts opined that perhaps the total impact of sewer overflows on public health is relatively minor and that funds would be better spent implementing a “national hand-washing program” rather than spending billions of dollars on trying to eliminate all sewer overflows. Our concern is that the *Workshop Report* will be closely scrutinized and specific comments will be extracted and used as proof, based on expert testimony, of the need to protect public health by eliminating all sewer overflows regardless of cost or real public health benefit. We are also concerned that, due to a significant lack of data on this issue, the tone of the RTC will intimate that “although the data isn’t conclusive, sewer overflows may be a very significant public health threat requiring massive rehabilitation efforts” rather than “the data is inconclusive but relative to all other public health threats, sewer overflows appear to be a minor threat.”

Our second major concern relates to a potential change in the process established for completing the RTC. We understand that the stakeholder meeting originally scheduled as a follow-up to the Expert’s Workshop may be canceled. Although several of the key stakeholders attended the Expert’s Workshop, they participated only as observers. AMSA believes that an open discussion among all the stakeholders is an essential component of the process to ensure a balanced report is ultimately presented to Congress. The stakeholder meeting could be timed to follow AMSA’s upcoming National Environmental Policy Forum (May 17-21, 2003) in Washington, D.C., as many of the key stakeholders will already be in town.

AMSA would like EPA to amend the *Workshop Report* to include the key dialogue that took place toward the conclusion of the second day of the workshop, which conveyed the opinion of several experts that, compared to all other sources, sewer overflows do not result in a significant public health impact. We also urge EPA to continue with the original plan of holding a stakeholders meeting as the next step in the RTC preparation process.

Please feel free to contact Chris Hornback of my staff at 202/833-9106 or *chornback@amsa-cleanwater.org* to further discuss any of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is stylized with a large "K" and a cursive "Kirk".

Ken Kirk

Executive Director

cc: Tracy Mehan, EPA
Kevin DeBell, EPA