



**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

February 15, 2002

The Honorable Christine Todd Whitman
Administrator, U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue
Washington, DC 20460

Dear Governor Whitman:

Mercury is undeniably one of the most intractable pollutants currently threatening the health of our global environment. Widely recognized as a persistent, bio-accumulative toxic substance, mercury's prevalence in the environment is a growing concern. Nowhere is mercury's impact more evident than in the nation's lakes, rivers and streams. In fact, more than 40 states have issued over 2,000 fish consumption advisories due to high concentrations of mercury. While several federal, state, and local initiatives are under way, a much broader, national initiative is needed to adequately abate the levels of mercury in the environment.

The Association of Metropolitan Sewerage Agencies (AMSA) represents over 260 publicly owned wastewater utilities (POTWs). AMSA's members are on the frontlines in the battle to reduce mercury releases to our nation's waters. AMSA's members have experienced firsthand the complexities inherent in reducing mercury, and have come to recognize the need for a comprehensive, multimedia approach. AMSA encourages the U.S. Environmental Protection Agency (EPA) to work with the leaders from the state environmental associations (the Quicksilver Caucus), as well as leaders from the POTW community, to devise a national strategy to address mercury and the threat it poses to human health and the environment.

The hurdles to achieving meaningful reductions in the level of mercury in the nation's waters are numerous and will require cooperation and coordination to overcome. As you are aware, EPA last year issued a criterion for levels of methyl-mercury in fish tissue. This marked the first time a national water quality criterion was based on concentrations in fish rather than water. EPA believed the new approach was warranted given the fact that methyl-mercury is the most bioaccumulative form of mercury and comprises almost all of the mercury in consumable fish. To date, however, the unique nature of the criterion has complicated implementation and generated debate over how to apply it in a meaningful regulatory context.

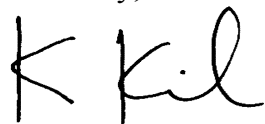
For the wastewater treatment community, mercury presents a particularly troublesome issue. More and more POTWs are receiving permit limits for mercury. In fact, over the past year several state legislative bodies developed bills addressing mercury discharges from POTWs, in some cases dictating extremely stringent discharge limits. For mercury, however, traditional end-of-pipe treatment will not be the solution. Because POTWs are typically de minimis sources of environmental mercury, treating large volumes of wastewater to meet extremely low limits will be technically infeasible and/or cost prohibitive, and in most cases will provide no net environmental benefit. Recognizing the limits of treatment, POTWs across the nation continue to explore the use of pollution prevention and other source control programs to address mercury. However, it is becoming increasingly clear that these efforts alone will also be insufficient to meet stringent limits for mercury.

State governments, recognizing the benefit of controlling mercury at its source, have also taken steps to address mercury. They have enacted legislation aimed at mercury-added and mercury-containing products, used their pollution prevention programs to find alternatives to mercury, and attempted to improve the infrastructure for the collection and recycling of mercury. However, states have acknowledged that they cannot solve this multi-state, multi-national problem alone.

The issues facing officials at the federal, state, and local levels, and the current patchwork of efforts to control mercury releases to the nation's waters, underscore the need for a broad, innovative environmental strategy for addressing mercury, one that moves beyond traditional pollutant controls. Local, state, and federal governments must work together, pooling their expertise and resources to develop a greater understanding of the scope of the problem and the underlying science that drives it, and to devise meaningful, equitable solutions. An effective national strategy must address those sources of mercury, such as abandoned mines and air deposition, which are recognized as the primary sources of mercury for most of the nation's watersheds. The strategy must also recognize the limits of treatment and provide interim options for POTWs short of forcing municipalities to add advanced treatment and spend billions of dollars to remove minute quantities of mercury with negligible environmental benefit. There are several state models that could serve as examples for a national approach, including most notably programs in Ohio and Wisconsin, where great strides have been made to address mercury releases to the environment.

In light of these issues, we encourage EPA to initiate a dialogue with the Quicksilver Caucus and representatives of the POTW community to facilitate the development of a national strategy for reducing the quantity of mercury in the environment. AMSA is committed to working with the Agency and the states to address this critical environmental issue. Please contact me at 202/833-4653 if you have any questions or would like to discuss how the POTW community can contribute to this important effort.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, somewhat stylized font.

Ken Kirk

Executive Director