

**MEETING ON ORSANCO's DEVELOPMENT
OF WET WEATHER STANDARDS
August 22, 2006**

- 1) It is important for ORSANCO to succeed in developing wet weather standards.
 - Wet weather standards essential to achieving the ultimate goals of the Clean Water Act (CWA) and the 1994 Combined Sewer Overflow (CSO) Policy.
 - ✓ In the CSO Policy, EPA directs water quality standards (WQS) authorities to review and revise WQS and their implantation procedures during the development of CSO control plans to reflect the site-specific wet weather impact of CSOs.
 - ✓ The CSO Policy encourages WQS authorities to more explicitly define their recreational and aquatic life uses and if appropriate to modify criteria according to protect the designated uses.
 - ✓ Additionally, the CSO Policy specifically cites the appropriateness of an authority's adoption of partial uses by defining when primary contact recreation does not exist, such as during certain seasons of the year in northern climates or during a particular type of storm event and then, adjusting the associated water quality criteria accordingly.
 - ORSANCO's efforts to adopt practical wet weather standards are consistent with the CSO Policy and an important step in achieving the Policy's directives and fundamental purposes.
 - ORSANCO has the ability to demonstrate how solid science together with public input can protect water quality and acknowledge wet weather conditions.
 - NACWA member agencies in the Ohio River area are even obligated under consent decree to contribute to ORSANCO's efforts.

- 2) EPA Headquarters (EPA HQ) support for ORSANCO's effort to develop wet weather water quality standards is needed in the following areas:
 - Clarifying that ORSANCO's efforts to develop standards are consistent with the 1994 CSO Policy and EPA Headquarters intentions;
 - Explaining the complex nature of pollution, including nonpoint sources, along the Ohio River; and
 - Responding to public misperception that wet weather standards will lower the Ohio River's water quality.

We feel strongly that these issues are best taken up by EPA HQ given its national credibility and leadership role.

3) EPA program and scientific staff support of ORSANCO could take several forms, for example:

- Bacterial Requirements

- ✓ Generally, ORSANCO proposed that the recreational standards would be suspended when the River was moving at greater than 2MPH; the standards would always protect public drinking water sources. In addition, they would allow CSO communities progressing with their long-term control plans to develop alternative bacteria criteria for up to two days following a wet weather event. These are concepts that EPA has discussed before as ways to approach bacteria criteria in urban/wet weather situations.
- ✓ **We are not asking EPA to endorse ORSANCO's specific proposals.** In fact, ORSANCO is likely to revisit many elements of their proposals.¹ To that end, ORSANCO's proposed standards would benefit from EPA finalizing the implementation guidance for its bacteria criteria and/or developing an interim statement regarding the protectiveness of the criteria.
- ✓ Other CSO communities could make progress if EPA devoted staff resources to these issues.
- ✓ EPA involvement could spur municipalities hesitant to spend resources to improve their wastewater treatment facilities without EPA's assurance that they will meet pollution requirements.

- Refining Use Classifications

- ✓ ORSANCO proposed changing the single sample maximum E. coli criterion for the Ohio River to be consistent with a "light use" definition from May through October.² The River does not have designated bathing beaches and is used mostly for recreational boating.
- ✓ Public comments claim that the river may have more contact use than what has been generally observed by ORSANCO staff and state agency personnel.
- ✓ **Once again, we are not asking EPA to endorse ORSANCO's specific proposals.** In fact, ORSANCO is likely to revisit elements of its proposal.
- ✓ Accordingly, additional EPA guidance on use classifications (particularly recreational uses) would be helpful.

4) We would like to establish a mechanism for continued collaboration with EPA on these issues as follows:

- Identification of an EPA HQ point of contact to provide support to ORSANCO in this effort and to work with the Regions in the ORSANCO area (e.g., Jim Keating);
- EPA HQ representation at the next three ORSANCO Commission meetings (in coordination with the ORSANCO Commissioners);
- A HQ response to an ORSANCO letter to EPA seeking clarification that ORSANCO is on the right track in several areas with regard to wet weather standards development;
- EPA participation in a stakeholder process that ORSANCO may convene to receive additional perspectives on the proposed standards; and
- EPA consideration of identifying ORSANCO's efforts as an EPA HQ national demonstration project.

¹ Based upon public comment, ORSANCO is considering a higher cutoff that coincides with flood stage.

² ORSANCO's proposed revisions to numeric bacteria criteria would be more stringent than what EPA has indicated is protective of primary contact recreation.