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Draft U.S. EPA Health Recreational Ambient Water Quality Criteria and/or Swimming Advisory for Microcystins/Cylindrospermopsin: American Water Works Association Comments

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The American Water Works Association (“AWWA”) submitted March 14th comments on the draft United States Environmental Protection Agency Clean Water Act *Health Recreational Ambient Water Quality Criteria and/or Swimming Advisories for Microcystins and Cylindrospermopsin* (“Draft Criteria”). See No. EPA-HQ-OW-2016-0715.

AWWA indicates in its March 14th letter that it reviewed the draft criteria and concluded:

...that EPA has not conducted all of the necessary analysis to assure that these criteria will protect public health, be implementable and be economically viable.

The organization requests “additional involvement of stakeholders and the public. . .to assure that the final criteria will benefit public health.”

Section 303(c) of the Clean Water Act requires that the states specify one or more uses for all waterbodies within their jurisdiction. States have some latitude in specifying uses for various waterbodies.

A use classification can either be an existing use or a higher quality use that has not yet been attained (i.e., a “designated use”). The designation of a higher quality use will require that water quality conditions improve to the extent necessary to meet the applicable Water Quality Criteria (“WQC”) or standards necessary to support that use. A state may designate several compatible uses for the same waterbody.

WQC are ambient water quality conditions that are deemed protective of the uses established for a waterbody. States are required by the Clean Water Act to adopt WQC protective of the designated uses. The WQC must specify the maximum concentration of pollutants that may be present in the water without impairing its suitability for certain uses.

The primary themes of AWWA’s comments include:

- Clean Water Act criteria provide important protections for source water, but balance is needed (asking [as an example] how would cyanotoxin ambient water quality criteria be used to improve management of nutrient loadings from non-point sources?)

- EPA should re-examine the underlying toxicological information and its portrayal in this document
- EPA should better describe analytical methods and their limitations
- EPA should consider and describe Clean Water Act implementation for this criteria
- EPA should consider and discuss public engagement and public perception
- EPA should more clearly analyze and discuss the public health, environmental, and economic impacts of these guidelines (stating no analysis is presented in the docket on the costs of implementing the criteria for any of their intended uses/nor any discussion of the costs and benefits of beach closures if implemented by the states)

[A copy of the comments can be downloaded here.](#)