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August 1, 2003

Mr. Tracy Mehan:
401 M
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Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
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Dear Mr. Mehan:

Re: 2003 Report to Congress on the Impacts and Controls of Combined Sewer Overflows and Sanitary Sewer Overflows

Tri-TAC appreciates the opportunity to provide comments on the information presented at the July 8, 2003 Stakeholder meeting in support of EPA's "2003 Report to Congress on the Impacts and Controls of Combined Sewer Overflows and Sanitary Sewer Overflows."

Tri-TAC is a technical advisory group that includes representatives from the California Association of Sanitation Agencies (CASA), the California Water Environment Association, and the League of California Cities. Tri-TAC's goal is to improve the overall effectiveness of environmental programs and, ensure that regulations affecting publicly owned treatment works (POTWs) in California are reasonable, and in the public's best interest. The constituent agencies of Tri-TAC provide water and wastewater services to most of the population of California.

Tri-TAC understands and appreciates the work that has thus far gone into the compilation of information for this report. We are also appreciative of the effort that went into the extended stakeholder process, including the additional meeting held in California and EPA's willingness to consider the many suggestions made at the July 8th meeting. We have, however, three significant concerns with the material presented on July 8th: 1) the nature of how CSOs and SSOs information was combined and assessed; 2) the apparent limited information to support an assessment of the human health impacts of CSOs and SSOs; and 3) the apparent limited information to support conclusions regarding CSO and SSO impacts on the environment on a national basis. These three issues are discussed in greater detail below.

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Combining Information on CSOs and SSOs

At the beginning of the Stakeholder Meeting, Linda Manning, the Facilitator, stated that it is EPA's intention in preparing the report to give as complete a picture as possible on the impacts and control of CSOs and SSOs; namely, to clearly say what we know and what we do not know. While we realize that the presentations will not be provided to Congress and that they did not represent what will be specifically included in the report, we are concerned that many of the national estimates and conclusions noted in the various presentations may be misleading and/or misinterpreted. One specific example is the approach used to assess the volume and location of CSOs and SSOs by combining data for the different events and aggregating state data into national estimates as shown in the presentation entitled "Characterization of CSOs and SSOs." This presentation predominantly consisted of slides that separately presented information on the volume and location of CSOs and SSOs. As indicated in the charts from some of the presentations, SSOs are less than one percent of the pollutant load. Yet the last four slides, which presented national estimates and conclusions, grouped CSO and SSO information together, resulting in a very important, but unsubstantiated conclusion, that "on a local scale pollutant loads from CSOs and SSOs can be significant." From the material presented, this conclusion is only supported if CSOs and SSOs are combined. If kept separately, a more appropriate conclusion from the available data may be "SSOs alone may or may not have significant pollutant loads, dependent upon local water quality conditions and beneficial uses."

This problem is exacerbated by combining SSO and CSO information from 18 states with limited databases, since it was apparent that the type and occurrence of these events vary dramatically depending on which part of the country you are looking at. For example, California has only two CSO communities and we are aware of the incomplete and in some cases inaccurate SSO database in California. In addition, southwestern states have very limited wet weather seasons and rainfall events, a circumstance considerably different than other parts of the country. Thus, trying to aggregate limited data and make national estimates will not paint an accurate or reliable picture.

Additionally, the information presented shows that 98.5% of permitted CSOs are in the eastern portion of the United States. Concentrated regional problems may call for regional solutions instead of a national approach. SSOs, on the other hand, are likely evenly distributed with the population and POTW systems. This is an important distinction that needs to be highlighted.

Consequently, Tri-TAC believes that it is critical for EPA to separate the analyses for CSOs and SSOs in the report to Congress, particularly since recommended solutions for each will likely be very different, and will be different depending on which region of the country is being considered. Federal funding for solving CSOs and SSOs may ultimately be included in state revolving loan fund programs. Prioritization of projects should be based on impacts and this is best accomplished by separating CSOs and SSOs.

Recommendation: Keep all material (from factual information to the conclusions) regarding CSOs and SSOs separate, throughout the report, and do not present national estimates to derive conclusions, but instead, compare and contrast regional differences. It is very critical that the report clearly acknowledges what we know and do not know about CSOs and SSOs, and this will be the only impartial way to accomplish this goal.

Human Health Impacts of CSOs and SSOs

As stated in the presentation, and discussed at the stakeholder meeting, there is very limited data providing any sort of linkage between CSOs or SSOs with human health impacts. Yet, one of the conclusions presented was that “The pathogens and pollutants in CSOs and SSOs have human health impacts.” This statement is far too definitive given the state of the science for this topic area. As one participant at the July 8th Workshop noted, it is critical for EPA to highlight what is certain and what is not. For pathogen impacts, there are only two documented cases of waterborne illnesses resulting from SSOs, and none from CSOs. While there are pathogens in raw sewage, the report needs to articulate what the risk to human health and public health may be from exposure to those pathogens. To do so, the report would need to clearly identify the expected levels of pathogens in CSOs and SSOs, the probability of pathogen viability, the probability and anticipated intensity of exposure, and the resulting probability of illness. Further, the public health risk from exposure to pathogens in CSOs and SSOs is inextricably linked with the magnitude of exposure which is likely to vary substantially among the different types of overflow events. In addition, the relative risk from CSOs and SSOs needs to be put into context of other relative risks.

For toxics, the presentation was very misleading. The slide entitled “Pathogens & Pollutants in Sewage” gives the impression that the toxic constituents listed are problematic for CSO and SSO events. However, EPA needs to acknowledge that health impacts for these constituents are related to chronic not acute exposures, and thus not relevant to CSOs and SSOs. Linda Manning mentioned that these might be related to protecting groundwater beneficial uses. If that is the case, there is significant information in the literature on the attenuation of pollutants through soil aquifer treatment that, based on our review, should negate any concerns. We would be glad to provide this information upon request.

Recommendation: The report needs to place the only two presented cases of waterborne illnesses attributed to overflows in the context of all waterborne illnesses (e.g., they are not significant causatory sources) even if waterborne diseases are under-reported. Rather than definitively saying there is a known problem, the report should highlight the uncertainties associated with assessing impacts and the lack of definitive information. The report should also recommend that “more studies and data gathering efforts are necessary” to appropriately assess human health impacts of CSOs and SSOs.

Environmental Impacts

While we understand EPA’s resource limitations in preparing the report, which forced EPA to rely on existing information, and predominantly information in the literature or national databases, we are concerned that this could present a skewed picture for drawing conclusions for environmental impacts. The presentation entitled “Environmental Impacts” included numerous slides on the composition of raw sewage. No attempt was made to characterize the composition of SSOs or CSOs, or better yet, by collecting real data from POTWs. Two slides that were compiled using Ohio and Vermont pretreatment data were particularly troublesome. For example, the slide entitled “Inorganic pollutants most often detected in untreated sewage” compared median concentrations to recommended water quality criteria, again not taking into account dilution that occurs during wet weather events, and giving the impression that if the median values exceed criteria levels, there is a problem.

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Moreover, some of the data presented simply “looked” wrong. For example, the median cyanide value of 22.5 ug/L is highly improbable. We are aware that many state and national databases contain errors and are concerned that EPA is taking these numbers at face value without questioning their validity. Also troubling are the slides that presented information on the leading sources of water quality impairments that give the impression that CSOs and SSOs are contributing sources, yet the databases do not allow for these to be specifically cited or their relative contribution to impairments delineated. This should lead EPA to consider revising the conclusions presented in the slide entitled “Conclusions - pollutants.” This slide stated that “CSOs and SSOs contain pollutants that cause impairments to designated uses, as reported in national estimates,” and “CSOs and SSOs can be a principal cause of an environmental impact, or a contributing cause.” It would seem that this could only be said on a site-specific, case-by-case basis - not for the nation as a whole. For the slides that presented beach closures for 2000, the report needs to accurately depict California laws and policies that result in beach closures and postings, which are in some circumstances precautionary and not based upon water quality information. Since catastrophic un-preventable events can be responsible for line breakages, the information presented needs to delineate between these kinds of events as well.

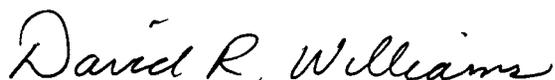
Recommendation

The report should state what is exactly known and not known about environmental impacts based on facts. Conclusions, which are derived from limited information or questionable databases, should be considered before being included, but if used, should be clearly qualified as to their limitations.

The recommended changes will address inaccuracies in the information presented and help to avoid misunderstandings and confusion. We would be pleased to meet with EPA to discuss our concerns further.

Thank you again for holding the stakeholder meeting in California, and we hope these additional comments will be carefully considered as you move forward with preparing the report.

Sincerely,



David R. Williams
Tri-TAC Chair

DRW:BKH:dlp

cc: Benita Best-Wong, Office of Wastewater Management, USEPA
Kevin DeBell, Office of Wastewater Management, USEPA

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