

UAAs for Bacteria Standards

QUESTION

The following questing was sent to members of the NACWA Legal Affairs Committee on January 23, 2009:

“We are writing to you as a member of NACWA’s Legal Affairs Committee with a request for information from a NACWA member, which has asked the following question:

Does any NACWA member have an approved UAA for bacteria standards associated with CSOs (or other wet weather events) where swimming uses are not obtainable because of physical restrictions (e.g., swimming is dangerous due to depth or velocity)?”

RESPONSES

The following responses were received from member of the Committee:

Response 1: Our utility has conducted two UAA’s on a 30 mile stretch of the Mississippi River. These analyses have found no whole body contact recreational use and have substantiated the existence of channelization that produces consistently high velocities and the fact that high barge traffic creates a very dangerous environment for recreation. Our analyses includes velocity characterization, analysis of the river bank conditions, analysis of barge traffic through area, input from the Corp, the Coast Guard, and citizens that routinely are on or near the river during the recreational season. We used automated cameras to take over 80,000 photos of the river in various locations to search for WBC recreation and found none. Our first UAA was approved by the State of Missouri and then denied by EPA which prompted the second. The second was submitted to EPA in 2007. We have been to Washington to present our findings and answer questions. No action has been taken to date.

In our UAA we did a search for other locations in the US where UAA’s have been conducted and at least some have been granted. The best examples I know of are:

Mobile River, Alabama, 2001
Chicago Area Waterways UAA 2002
Outer Erie Harbor, Erie PA 1985
Los Angeles Regional Water Quality Control Board 2003
New York Harbor Complex 1985

Response 2: A Water Environment Research Foundation (WERF) project , <http://www.nacwa.org/images/stories/public/2009-02-06WEM1.pdf>, identified 23 UAA efforts nationwide where the designated use assessed was recreation. Particulars, including their approval status as of 2007 and which CFR 131.10 (g) factors were considered (e.g., human-caused conditions, physical conditions related to natural features), should be specified in the document.

The U.S. EPA website on UAAs at <http://www.epa.gov/waterscience/standards/uses/uaa/> also has some case studies, including the Los Angeles region's Suspension of Recreational Beneficial Uses in Engineered Channels during Unsafe Wet Weather Conditions at http://www.epa.gov/waterscience/standards/uses/uaa/casestudies/la_channels.htm