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Office of Water (4100T)

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Email: [nrsta-hq@epa.gov](mailto:nrsa-hq@epa.gov)

Re: Comments on National Rivers and Streams Assessment 2008-2009 - DRAFT

Dear Nancy,

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on EPA's draft *National Rivers and Streams Assessment 2008-2009* (Draft NRSA) issued February 28, 2013. NACWA represents more than 280 public wastewater treatment utilities across the country, many of whom discharge into the nation's rivers and streams that were surveyed as part of this report. Maintaining and improving water quality in the nation's waterways is a top priority for NACWA and its members; therefore the conclusions contained in the assessment and the propriety of the methods used to arrive at these conclusions are vitally important.

While we commend EPA on undertaking a survey of this magnitude to determine overall ecological condition of the nation's waterways, the Draft NRSA does not, in fact, support its conclusion that "55 percent of the nation's rivers and stream miles do not support healthy populations of aquatic life." NACWA has serious concerns with the "reference condition-based approach" used by EPA to measure and assign condition classes to streams and rivers. NACWA understands that a full-scale survey of every waterway segment is not feasible, but using this statistical reference/least disturbed approach to establish biological and chemical stressor levels based on the "best" sites within each of the nine eco-regions is not an accurate measure of stream health.

NACWA has raised concerns with EPA's use of the reference condition approach to setting water quality criteria since the 1990s, especially relating to nutrient issues. This survey attempted to identify "least disturbed" reference sites that, when compared to similar stream lengths, determined their ecological health. The Draft NRSA notes that during reference site selection, if any potential reference sites had

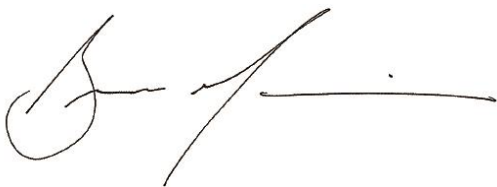
“high” stressor values, i.e. nitrogen or phosphorus, the site was not included as a reference site. It stands to reason that after excluding sites with high stressor levels from the least disturbed reference dataset, that those sites remaining would have extremely low stressor concentrations, regardless of whether they were actually from natural or anthropogenic sources. So simply by the way EPA selected its reference streams, the stream lengths being evaluated were more likely to exceed the low stressor levels in those reference streams. This results in many healthy streams and rivers being incorrectly marked in poor condition and the Draft NRSA improperly concluding that a small percentage of rivers and streams are in “good” condition.

Another concerning element of the Draft NRSA is the suggestion that the survey results can be used to judge stream and river water quality and inform Clean Water Act management decisions based on assumed sources of stressors. The report does not establish a causal relationship between stressors themselves and the biological condition of the streams evaluated. The Draft NRSA states that rivers and streams are “under significant stress” and cites wastewater as a possible source of chemical stressors, particularly nitrogen and phosphorus. It goes on to recommend management actions. However, the survey results do not present a scientifically defensible cause and effect relationship between the “many sources of [the] stressors” and waterway biological health sufficient to suggest management actions.

Improvement in the condition of surveyed streams is obvious when the results of the Draft NRSA are compared to the 2004 Wadeable Streams Assessment – most notably that 9 percent more stream miles are in good condition for nitrogen, 17 percent more for in-stream fish habitat, and 12 percent as measured by riparian disturbance. These changes in stream condition are noted only briefly in the Draft NRSA, perhaps because only the condition of streams could be compared, but these indicators demonstrate a positive change in stream condition that should factor more prominently in the report and EPA’s public statements concerning the report’s findings. The NRSA methodology should be adjusted in line with NACWA’s comments so it could be used to track changes in waterways over time, rather than as a one-time evaluation or a potentially misleading snapshot of national river and stream biological health.

NACWA appreciates the opportunity to provide these comments. There is clearly more work to be done to improve water quality, but by adjusting the methodology, we believe the outcomes of the Draft NRSA would likely have shown a more accurate and positive picture of the condition of the nation’s waterways after 40 years of communities’ and utilities’ commitment to water quality. Do not hesitate to contact me at bmannon@nacwa.org if you would like to discuss these comments further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenna Mannion', with a long horizontal line extending to the right.

Brenna Mannion
Manager, Regulatory Affairs