

**Local
Government
Advisory
Committee**



Hon. Bob Dixon, Chairman
Greensburg, Kansas
Hon. Salud Carbajal, Vice Chairman
Santa Barbara, California
Hon. Norm Archibald
Abilene, Texas
Hon. Kitty Barnes
Catawba County, North Carolina
Hon. Robert Cope
Salmon, Idaho
Hon. Hardie Davis
Augusta, Georgia
Hon. Johnny DuPree
Hattiesburg, Mississippi
Hon. Jill Duson
Portland, Maine
Hon. Kevin Faulconer
San Diego, California
Hon. Karen Freeman-Wilson
Gary, Indiana
Dr. Hector Gonzalez
Laredo, Texas
Hon. Jacqueline Goodall
Forest Heights, Maryland
Hon. Manna Jo Greene
Cottkill, New York
Ms. Susan Hann
Palm Bay, Florida
Hon. Elizabeth Kautz
Burnsville, Minnesota
Hon. Ben McAdams
Salt Lake County, Utah
Hon. Jeff Morris
Anacortes, Washington
Hon. Carolyn Peterson
Ithaca, New York
Hon. Brad Pierce
Aurora, Colorado
Hon. Victoria Reinhardt
Ramsey County, Minnesota
Hon. Dave Richins
Mesa, Arizona
Mr. Kevin Shafer
Milwaukee, Wisconsin
Hon. Ryan Sundberg
Humboldt County, California
Mr. Jeff Tiberi
Helena, Montana
Hon. Stephen T. Williams
Huntington, West Virginia
Mr. Jeff Witte
State of New Mexico
Hon. Shawn Yanity
Stillaguamish Tribe, Washington
Hon. Dawn Zimmer
Hoboken, New Jersey

Frances Eargle, DFO

December 11, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

The Local Government Advisory Committee (LGAC) would like to take the opportunity to provide input on state water quality standards. Access to clean, safe water is crucial for everyone and for all of our communities. State, local and some tribal governments need to fully utilize and have access to information on how to use water quality standards as a tool to successfully manage water resources and preserve its safety. The LGAC also fully supports the EPA's efforts to support states and tribes in developing water quality standards protective of their designated uses.

Background: Water quality standards are legally enforced guidelines that set a level of protection for a given waterbody. A state's water quality standard is determined by: 1) the designated use of the water body; 2) the maximum concentration of contaminants that may be present in the waterbody without impairing its designated use; and 3) anti-degradation requirements. Section 303 (a)-(c) of the Clean Water Act (1972) requires the states to establish water quality standards for their jurisdictional waters. The EPA reviews the state standards to ensure that they are protective and scientifically defensible; however, states and some tribes have the flexibility to provide for standards that are more stringent than recommended under national guidance if they believe doing so is necessary to protect water quality and their designated uses.

State water quality standards are important to protect human health and aquatic ecosystems. Although the standards themselves are established at the state level, how the standards are implemented has impacts at the local level and often entails local governments as partners and/or regulated entities. Therefore, state and local government partnerships are necessary to ensure that water quality standards are adhered to and adequately protect the environment and public health.

Finding: State water quality standards are a critical safeguard for the environment and human health. Establishing criteria for new emerging contaminants and for human health will help prevent exposure to pathogens and pollutants through drinking water and contaminated fish. This is especially true in the Northwest, where numerous tribes and many communities rely on subsistence fishing for cultural purposes and as a main food source. In this case, water quality standards are measured by fish consumption rates to evaluate the level of risk that faces the population that consumes fish from a particular waterbody. For rural and tribal communities which rely on fish for sustenance, cultural, and health reasons. Underestimated fish consumption rates can be particularly harmful, especially for children¹.

Green infrastructure is an important tool for state, local and tribal governments to meet state water quality standards. Small, underserved, rural and tribal communities can become more resilient and sustainable if they are made aware of opportunities for developing green infrastructure approaches. Additionally, it is important to give equal opportunity for underserved, environmental justice and tribal communities to acquire the funding and capacity for such infrastructure. This infrastructure can also help state, local and tribal governments preemptively deal with issues such as exposure to harmful chemicals and toxins.

Recommendation: The LGAC recommends that the EPA strongly encourage states and tribes to update their water quality standards especially to address emerging contaminants and promote a more robust set of public health criteria for water quality standards. Communities and at-risk populations should also be considered for future rulemaking.

Finding: Water quality standards can be an important tool for local governments to protect waterbodies and their designated uses. For example, Lake Tahoe was suffering from increased levels of phytoplankton and fine sediment, which was not conducive to its recreational use and tourism. A local government Board, the Lahontan Regional Water Board (LRWB), took action and worked with state agencies and the League to Save Lake Tahoe to develop a plan for creating a stricter standard for water quality, by establishing nine criteria including water clarity.² This sort of action can be used to protect values that are important at the local level, such as a community's economy and tourism, as well as public health.

Finding: It is also important to notify communities about violations of water quality standards; especially since it can be an important environmental justice issue. In New York City, for example, city legislators are implementing EPA's EJ SCREEN tool to help identify disparities in access to clean and safe water. From a report published for the November environmental justice hearings, it was found that only one

¹U.S. Environmental Protection Agency (EPA). (2013) Reanalysis of fish and shellfish consumption data for the Tulalip and Squaxin Island Tribes of the Puget Sound Region. National Center for Environmental Assessment, Washington, DC; EPA/600/R-06/080F.

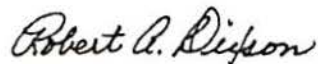
² Keep Tahoe Blue, "Enacting standards to protect Tahoe's shoreline" <https://keoptahoebblue.org/our-work/nearshore/>

beach in the City had swimmable waters. A disproportionately high rate of minorities were unknowingly fishing and swimming in unsafe waters. Additionally, their investigation showed that seafood fished in the upper bay, rivers, and streams of New York City were not safe for large amounts of human consumption. Only some sections of the City have access to healthy fish, and furthermore, the safest fish were only available to those who had access to boats capable of fishing into the Atlantic Ocean.³ Informing the public about these water quality problems where the water is not safe is imperative to protecting our local communities. Additionally, public health criteria and environmental justice considerations should be considered when establishing water quality standards to ensure equality in that protection.

Recommendation: The LGAC further recommends that the EPA develop outreach materials for local governments to better understand how to use water quality standards to protect the designated uses of their communities' waters. Such tools should include multi-media communications strategies, webinars and multi-lingual materials, as well as intergovernmental and public-private partnerships, and funding programs.

The LGAC appreciates the Administrator's ongoing collaboration with state and local governments to protect our water resources so that we can continue to sustain them for years to come. The LGAC stands ready to assist the EPA in developing outreach strategies for state, local and tribal governments so that they can fully utilize water quality standards to protect water quality in the way envisioned in the Clean Water Act.

Sincerely,



Mayor Bob Dixon
Chairman



Susan Hann
Chairwoman, Protecting America's Waters
Workgroup



Dr. Hector Gonzalez, M.D., M.P.H.
Chairman, Environmental Justice (EJ)
Workgroup



Commissioner Robert Cope
Chairman, Small Community Advisory
Subcommittee (SCAS)

³ New York City Council Report of the Infrastructure Division. Committee on Environmental Protection. November 23, 2015

