

January 29, 2018

Attn. Docket ID No. EPA-HQ-OW-2016-0404
EPA Docket Center
U.S. Environmental Protection Agency, Mail Code 28221T
1200 Pennsylvania Ave. NW
Washington, DC 20460
Via *Regulations.gov*

RE: Comments on: "Submission to OMB for Review and Approval; Comment Request; Information Collection Request for the National Study of Nutrient Removal and Secondary Technologies: POTW Screener Questionnaire"

Dear Sir or Madam:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA or Agency) draft screener questionnaire for the national study of nutrient removal and secondary treatment technologies and the related burden as EPA seeks approval for an Information Collection Request (82 *Fed. Reg.* 61756; December 29, 2017). NACWA is grateful to EPA for its continued willingness to work with the public clean water utility sector to refine the questionnaire.

With input from NACWA members and other interested stakeholders, EPA has significantly reduced the length and complexity of the survey from earlier drafts. This will help minimize the burden on those utilities that choose to complete the survey. NACWA understands that a few states and other stakeholders are also interested in collecting these data and we can appreciate the value they see in having access to this type of information. NACWA has raised concerns with the questionnaire and the overall study in the past and will be discussing this issue with its Board of Directors in early February to get further direction on how the Association should engage with the Agency going forward on the study. In advance of that discussion, NACWA offers the following comments and input.

NACWA's Previous Input on the Study and Screener Questionnaire

NACWA's Board of Directors, at its meeting in November 2016, discussed EPA's study at length and voted to oppose moving forward with the screener questionnaire if it continued to rely on the Agency's authority under Clean Water Act (CWA) Section 308. The Association is pleased that the Agency has decided to instead pursue the screener and broader study as a voluntary data collection and has worked with EPA staff over the past year to improve the scope and content of the questionnaire.

As NACWA noted in its 2016 comments on the original draft screener questionnaire, the Association is concerned that the multi-year study will not be able to achieve the objectives EPA has outlined. Based on input from technical experts among the NACWA membership, as well as experience in attempting to conduct a similar study for a much smaller group of clean water utilities, we are concerned that a national study will not be able to achieve the level of granularity necessary to draw meaningful conclusions. Instead of conducting a study to better document opportunities to optimize plant performance and improve nutrient removal, EPA's resources would be better spent providing technical assistance to help utilities improve their operational efficiency.

NACWA understands that the screener questionnaire may facilitate this type of technical assistance by helping to identify which utilities are most appropriate to target and have the greatest potential for nutrient reduction, and that at least one state wants to use the information for this purpose. NACWA hopes that, once the screener survey is fielded and data are available for analysis, EPA will engage NACWA, the states and other stakeholders to re-evaluate the later phases of the study. We hope EPA will re-evaluate whether the later phases will contribute meaningfully toward addressing the nation's nutrient over-enrichment challenges or whether there are more direct assistance measures the Agency can pursue.

Specific Comments on the Estimated Burden and the Questionnaire

After reviewing the latest version of the screener questionnaire and the burden estimates developed for the ICR process, NACWA and its members have the following specific feedback and comments.

- NACWA appreciates the work EPA has done to drastically reduce the burden associated with completing the screener questionnaire. Combined with the fact that this is now a voluntary survey, EPA has addressed NACWA's most significant concerns with earlier drafts of the screener.
- The tailoring of the screener questionnaire to further reduce burden for smaller utilities is an added enhancement that will help address concerns raised by NACWA members.
- The estimated average time for completing the questionnaire of 3.3 hours, based on input from NACWA members, underestimates the amount of time it will take to complete the questionnaire. NACWA understands that EPA has done a number of 'trial runs' of the survey to refine this number, but NACWA members believe that once the survey is being officially completed, the time and cost of doing so will go up. Submitting information to U.S. EPA will trigger internal reviews from management, involving senior level staff who do not appear to have been accounted for in the time and labor cost estimates. The time involved and costs will vary by agency type (municipal or special district and utility size) and be further influenced by different management decisions regarding the level of scrutiny this information should receive before submittal.
- The actual questionnaire document itself does not indicate that this is a voluntary survey. A clear statement of the voluntary nature of the questionnaire should be included at the start of the survey and prominently throughout the transmittal materials.
- NACWA continues to have concerns with elements of questions 23-26 that request responses as they relate to "Wet Weather System Effluent". As defined in Footnote 19, a wet weather system is a "system through which flow is diverted past portions of the treatment works during wet weather events." This

information could potentially expose utilities to additional scrutiny from EPA with regard to peak flow management, blending and the bypass regulations. The flows from these units would be recombined with the main plant flows and any nutrient concentrations would then be captured through monitoring of the "Treatment System Effluent" category or, if not recombined, would be captured by monitoring of the "Final Outfall(s)" category. It is unlikely that utilities will be monitoring nutrient levels in effluent from wet weather treatment systems and including that option in questions 23-26 suggests that EPA is trying to identify plants that may not be in full compliance with the bypass regulations. We do not believe there is a compelling reason to include this category and recommend removing it to reduce the chance for it raising concern with utility respondents.

- The survey does not request any information on sludge treatment (e.g., whether the utility digests its sewage sludge). Digestion followed by dewatering can have a large impact on effluent nitrogen loads. In addition, if a treatment plant receives sludge from other facilities for digestion, the effluent nitrogen loads could be higher than anticipated based on the design capacity of the facility alone. NACWA suggests adding a simple, yes/no or multiple-choice question – to minimize the additional burden associated with a new question – to ascertain whether the facility utilities digestion. It will not provide all the information needed but will be a useful screening tool when reviewing the data.
- NACWA members noted that EPA is not requiring the use of 40 CFR Part 136 approved test methods for monitoring of nutrient concentrations. NACWA understands that this approach may lead to more information being submitted, where utilities may have data from non-Part 136 test methods, but it raises concerns about data quality and comparability. EPA is only looking at ranges of nutrient concentrations to categorize utilities and treatment systems – so the impacts of data quality may be less acute – but NACWA believes the Agency must appropriately qualify the results of the screener if it maintains its current approach of not requiring Part 136 methods.

We look forward to continued engagement with EPA on this important issue. Please contact me with any questions.

Sincerely,



Chris Hornback
Chief Technical Officer