

Lower Neuse Basin Association®

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February 13, 2017

Mr. John Ravenscroft
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 4304T
Washington, DC 20460

Docket ID EPA-HQ-OW-2016-0715

Reference: Comments on Draft Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin EPA 822-P-16-002.

Dear Mr. Ravenscroft:

On behalf of the Lower Neuse Basin Association (LNBA) we respectfully submit the attached comments regarding the Microcystins and Cylindrospermopsin Criteria Document.

This year represents the 23rd year the LNBA has participated in a voluntary NPDES coalition program based on cooperation between the NC Division of Water Resources (DWR) and the members of our coalition. The LNBA's extensive water quality monitoring data has been collected and analyzed in concert with the NC DWR to provide an abundant amount of water quality assessment data for the Neuse River Basin. In addition, over many years, the LNBA has expended extensive resources supporting the data collection efforts of the UNC Institute of Marine Sciences' ModMon program in the Neuse River estuary.

Thank you for the opportunity to provide comments.

Sincerely,



Daniel F. McLawhorn
Chairman

Cc: LNBA Board
Haywood Phthisic, Executive Director

Attachments: LNBA Membership List
Comments on Draft Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin EPA 822-P-16-002.

Lower Neuse Basin Association Membership

Town of Apex, N.C.
Town of Benson, N.C.
Town of Cary, N.C.
Town of Clayton, N.C.
Contentnea Metropolitan Sewage District, Grifton, N.C.
Town of Farmville, N.C.
Dupont-Kinston, Kinston, N.C.
Town of Fuquay-Varina, N.C.
City of Goldsboro, N.C.
Town of Havelock, N.C.
Johnston County, N.C.
Town of Kenly, N.C.
Town of LaGrange, N.C.
City of New Bern, N.C.
Duke Energy - Progress
City of Raleigh, N.C.
City of Wilson, N.C.
City of Kinston, N.C.

LOWER NEUSE BASIN ASSOCIATION®

Comments on Draft Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin EPA 822-P-16-002.

1. The LNBA and its members have cooperatively worked with the NC Division of Water Resources in the review and development of many of NC's rules and regulations related to water quality. The LNBA has also been heavily involved in the NC Environmental Management Commission's (EMC) methodology for generating the NC 303(d) list. Our NPDES members and their communities must deal with the consequences of the 303(d) listing decisions. As such we are particularly interested in the draft document's suggestion of the CWA 303(d) 10 % exceedance frequency and alternative frequencies. This is a regulatory decision and as such should be made in a regulatory review process. The criteria document does not represent water quality standards for comparison to a regulatory threshold. These elements of the criteria document should be removed. We support North Carolina's general statutes which delegate this authority to the NC EMC. The vast scientific uncertainty in deriving the recommended criteria do not support the adoption of these criteria into regulatory requirements.

2. In NC the Occupational & Environmental Epidemiology Branch is the arm of our public health agency that deals with environmental and occupational conditions and hazards that may pose a risk to human health (<http://epi.publichealth.nc.gov/oeel/algae.html>). This agency provides a very practical set of recommendations that proactively informs the public about cyanobacteria blooms and human health exposure. Since most recreational water bodies are not, and never will be, monitored for specific algal toxins the advice does not rely on laboratory analysis nor does it rely on the necessary delays caused by sampling and analytical assessments. A number of the significant points presented by the NC health agency are included here because the EPA draft document neglects the importance of similar proactive advice and makes no mention of the fact that most recreational waters will never be monitored for toxins:

- Children and dogs are the most vulnerable to the effects of cyanobacterial toxins.
- Dogs are especially susceptible to cyanotoxins that attack the nervous system.
- Deaths of dogs associated with cyanobacteria have been identified in North Carolina.
- Inadvertently, dogs can alert us to possible adverse human health effects due to blooms.
- No reports of cyanobacterial adverse health effects in children have been identified in NC.

N.C. DHHS recommends harmful cyanobacterial safeguard actions for pets and children

- Keep children and pets away from waters that appear discolored or scummy.
- Do not handle or touch large accumulations ("scums" or mats) of algae.
- Do not water ski or jet ski over algal mats.
- Do not use scummy water for cleaning or irrigation.
- If you accidentally come into contact with an algal bloom, wash thoroughly.
- If your pet appears to stumble, stagger, or collapse after being in a pond, lake or river, seek veterinary care immediately.
- If your child appears ill after being in waters containing a bloom, seek medical care immediately.
- If you are unsure whether or not a bloom is present, it is best to stay out of the water.

3. Given the advantages expressed in using proactive recreational exposure advisories such as those provided above, the LNBA remains very tentative about the intent of EPA to potentially use this draft document for stimulating rules and regulations. Briefly stated, EPA should remove any suggestion that the document's highly uncertain numeric thresholds be used as the basis for regulation development.