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December 11, 2015

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

Dear Administrator McCarthy,

On behalf of the Local Government Advisory Committee (LGAC), we would like to thank you for the opportunity to provide feedback and recommendations to you and the Environmental Protection Agency on issues of great importance to local governments and communities across the country. As a group of state, local government officials and tribal leaders, we are working with the EPA to help protect public health and the environment, especially as it impacts the most vulnerable, children, women and those with health disparities.

Your commitment to focus on all communities, especially environmental justice communities, rural, small and tribal communities is critically important to safeguard our environment and health. Clean, safe drinking water and public health in particular is important to our communities. Toxic algal blooms have come to our attention as they pose a serious threat to our community's drinking water supplies, recreational waters and our health; therefore we are writing to give our perspectives on how the EPA can work with local, state and tribal governments to safeguard our drinking waters and prevent and manage this serious public health concern.

Above all, we need to make sure there is a safe drinking water standard when impacted by harmful algae blooms and that aquatic life and fish consumption (in particular, for those impacted communities such as tribal communities that depend on fish as a major dietary staple) is safe. We urge EPA to always consider how we communicate with the public on these concerns and how we alert, conduct outreach and develop

communication strategies for safe fish consumption, safe drinking water and health.

Background: In 2014, the issue of toxic algal blooms made headline news when residents of Toledo, Ohio could not use their tap water because of contamination of toxic levels of microcystin in the city's water supply. The largest bloom in recorded history happened in 2011, stretching from Toledo to Cleveland.¹ With warmer summers and increased nutrients from non-point source pollution, harmful algae varieties are notably more prevalent and pose more acute public health concerns.

Toxic algal blooms have also been a problem not just in mid-west states, but also identified as a concern in all 50 states. Just this year there was a harmful algal bloom (HAB) occurrences along the Ohio River that spanned approximately 700 miles and impacted four (4) states. HABs pose a growing significant health and financial burden to communities across the country. These blooms are due, in part, to nutrient runoff, specifically nitrogen and phosphorus, from farms, urban runoff, and other point and nonpoint sources.² As Lake Erie became more populated and industrial agricultural farming rose in the surrounding areas, these toxic algal blooms began to occur more frequently. Therefore, it is apparent that uncontrolled runoff from non-point source pollution is a prevalent factor and is a continuing national water quality concern.

Public Health Concern: it is well documented that algae blooms affect the health of the environment, plants, animals and people. The toxic levels of HABs, are an increasing occurrence affecting aquatic life, fresh waters and human health producing gastrointestinal symptoms to severe neurotoxic symptoms (tingling of fingers and toes). For those that depend on fish consumption as a daily dietary supplement HABs can have a negative health impact as well on our safe drinking water.

Since local governments are on the front line in assuring safe water for our communities and protect our public's health, the LGAC is concerned, and we are also offering our recommendations to the EPA especially in regard to how we improve communication and outreach in order that we can be more responsive at the local level to take appropriate actions. We also encourage further review and enhance safe drinking water standards when they are impacted by HABs

Finding: By far, the LGAC's finding is that the most important action communities can take is to protect source water. Therefore, the LGAC supports EPA's efforts to protect source water through statutory authorities of the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) to ensure that source water is fully protected from nutrient run-off which might exacerbate this public health problem. Health advisories play a key role in raising awareness about HABs, but they alone will not entirely protect the public from potential harm and potential cumulative health risks and their cumulative health impacts. Moreover, the costs of trying to fix the problems after they occur far outweigh the costs of preventative measures.

Recommendation: The LGAC recommends that the EPA work with local communities to utilize the regulatory tools that the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) provide in order to protect source water, especially for low-income, minority, rural and tribal communities where this threat remains.

¹New York Times, "Behind Toledo's Water Crisis, a Long-Troubled Lake Erie"

http://www.nytimes.com/2014/08/05/us/lifting-ban-toledo-says-its-water-is-safe-to-drink-again.html?_r=0

²NPR, "Phosphorous Fed Algae Bloom Threatened Toledo's Tap Water"

<http://www.npr.org/2014/08/05/337973447/phosphorous-fed-algae-bloom-that-threatened-toledo-s-tap-water>

Recommendation: The LGAC strongly recommends that the EPA continue to explore how the SDWA and the CWA could be coordinated to better protect source water and our nation's water resources. In addition, the LGAC recommends that EPA coordinate with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) concerning their Soil Health programs that are intended to reduce agricultural runoff.

Recommendation: The LGAC further recommends that EPA continue to promote the use of Integrated Planning so that local governments can coordinate efforts at the local level for highest efficiency to reach water quality goals at the regional and local level.

Recommendation: The LGAC recommends that the EPA should focus the efforts of the newly announced EPA Water Finance Centers to provide technical assistance and funding resources to assist communities in preventing toxic algal blooms; identification of threats; treatment options; and notifications to the public as well as developing a safe drinking water standard when impacted by HABs.

Finding: The LGAC notes that the New York City model of source water protection is one example where a municipality is protecting their cities' drinking water supply through source water protection to achieve the highest quality standards. Because non-point run-off is a major contributor to water quality degradation including the proliferation of toxic algal blooms, protecting water at its source is essential. This is particularly true where drinking water sources and other designated uses are vulnerable and threatened by runoff from construction, urban areas, agricultural and animal feed operation runoff. Additionally, there are some specific water quality regulations for some water bodies which include a Total Maximum Daily Load (TMDL) standard.³

Recommendation: The LGAC recommends that the EPA should distribute information on best practices of local, state and tribal governments that have effectively protected source water, and addressed toxic algal blooms through source water protection.

Recommendation: The LGAC should utilize its CWA 319 program guidance to address toxic algal bloom and prevent harmful run-off contributing to water quality problems.

Finding: Public awareness of the danger of toxic algal blooms is essential to protect the public from its harmful impacts.

Recommendation: The LGAC recommends that clear and effective community based communication collaborating with local community strategies should be emphasized to ensure that the public and water providers are aware of the dangers of the algal blooms. If cyanotoxins are detected in the water, providers should test their water supplies and the public should be informed immediately with appropriate preventive actions and alternative water source and food actions. Timely notification is essential to protecting public health.

³NYSDEC Water Quality Assessment Program, "Top Ten Water Quality Issues in New York State"
http://www.dec.ny.gov/docs/water_pdf/305btopten10.pdf

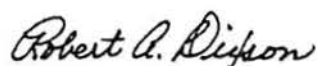
Recommendation: The LGAC also further recommends that the EPA Source Water Collaborative a partnership with as many as 20 active partnering organizations which focus on source water protection could be a valuable partnership to help EPA develop and distribute outreach materials to state, tribal and local governments.⁴

Recommendation: The LGAC recommends that further monitoring and testing be done on toxins of algal blooms in drinking water, recreational water, and source water. If the source water is contaminated, this increases the probability that the wildlife in the water will have ingested the toxins, and poses other potential pathways of contamination and risk to public health. In addition we recommend that health impacts and preventive measures be further reviewed, that research continue on health effects, and containment and that cumulative risk analysis and impacts be integrated into this assessment.

Recommendation: To increase the effectiveness of communication, the LGAC recommends that the EPA work closely with environmental justice stakeholders, rural and small community leaders and tribal leaders to determine the best modes and strategies of communicating within their communities so that they are able to get easily accessible, understandable, culturally appropriate and readable information on how to avoid ingesting or exposure to contaminated water or fish.

In Summary: The LGAC appreciates the efforts of the Office of Water to fully engage the LGAC as your local advisors on matters which impact our communities. The LGAC stands ready to offer our assistance to review the toxic algal bloom strategic plan and to offer our input on ways to best communicate with EPA's intergovernmental partners. We also offer our assistance in helping to get the word out through our various intergovernmental networks of the importance of this issue. We thank you for the opportunity to advise you on this issue and many issues of concern for our community's well-being. And we hope respectfully that you will consider our recommendations and offer for our assistance.

Sincerely,



Mayor Bob Dixon
Chairman



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



Ms. Susan Hann
Chairwoman, Protecting America's Waters Workgroup

⁴EPA, "Protect Sources of Drinking Water"

<http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/sourcewatercollaborative.cfm>