



June 26, 2020

David Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 4101M
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2019-0675
Re: Comment Deadline Extension Request – Draft LNNC

Dear Assistant Administrator Ross:

We are requesting a 60-day extension of the comment period for the above-referenced Request for Public Comment as published in the Federal Register on May 22, 2020.

The Association of Clean Water Administrators (ACWA), the Association of State Drinking Water Administrators (ASDWA), and the Environmental Council of the States (ECOS) are nonpartisan organizations representing the voices of state and territorial (“states”) clean water, drinking water, and environmental agencies and leaders. As the primary entities responsible for carrying out Clean Water Act (“CWA”) and Safe Drinking Water Act (“SDWA”) programs on a daily basis, we are obligated as provided in CWA Section 304(a) to consider the draft National Recommended Numeric Nutrient Criteria for Lakes (“draft LNNC”) when final, and are particularly interested in the possible use of the finalized draft LNNC to protect drinking water sources from excessive nutrients and harmful algal blooms that have the potential to adversely impact human health and drinking water treatment processes and costs. Therefore, states are keenly interested in the science and technical approaches used in the draft LNNC.

On March 13, 2020, President Trump declared a National Emergency due to COVID-19, which remains in place. As you are aware, this declaration redirected states’ and EPA’s attention to continuity of operations and ensuring the safety of staff while carrying out their essential functions. As of this writing, disruptions to states’ programs imposed by COVID-19 are ongoing, and staff remain delayed in their ability to focus on the draft LNNC.

Additionally, the draft LNNC builds on over a decade of effort by EPA and others to integrate national- and local-scale water quality data into a risk assessment approach which links nutrient concentrations to the protection of designated uses. The draft LNNC represents a new era and a potentially flexible approach in the management of nutrient concentrations that is unlike approaches of the past. Review of that approach in the draft LNNC requires analysis of the primary draft document, which provides narrative explanation

of the modeling equations and assumptions employed, as well as 26 supplemental documents in Docket ID *EPA-HQ-OW-2019-0675*. Some of these supplemental materials includes the draft LNNC's model scripts in the R computing language. For states to evaluate those scripts and provided models with their available data, and to understand the models' potential interoperability with local data and existing data reporting systems, significant human resources must be dedicated at a time when, due to COVID-19, human resources are inherently strained.

States appreciate EPA's collaborations to date in support of our review of the draft LNNC, as well as EPA's dedicated work in publishing the draft LNNC during this difficult period. However, we believe the draft LNNC represents an important milestone in the development of national tools to minimize risks to sources of drinking water as well as surface water-related risks to public health and aquatic life posed by nutrient pollution – and as such, we believe it is imperative to conduct rigorous review and analysis of the draft LNNC. States believe a 60-day comment period extension will allow sufficient time to explore the associated models and provide thoughtful comments and questions to EPA. States, who must consider adoption of the draft LNNC when final, are confident that answers to these questions will provide important and necessary clarifications related to numerous aspects of the draft LNNC and its potential adoption and implementation. This will also help states consider how such changes might impact their own programs and future collaborations between states, EPA, and other parties in multi-pronged efforts to address nitrogen and phosphorus pollution, hypoxia, and microcystin proliferation in lakes and reservoirs across the United States. For these reasons, we respectfully request a 60-day comment period extension, which is necessary to enable states' sufficient review of the draft LNNC.

We appreciate your consideration of this comment extension request and look forward to the Agency's response. Should you have questions regarding this request, please contact Julia Anastasio, ACWA's Executive Director and General Counsel (janastasio@acwa-us.org or 202-756-0600); Alan Roberson, ASDWA's Executive Director (730-812-9507 or aroberson@asdwa.org); or Don Welsh, ECOS' Executive Director (202-266-4929 or dwelsh@ecos.org).

Sincerely,



Melanie Davenport
ACWA President
Water Permitting Division Director
Virginia Department of Environmental Quality



Shellie Chard
ASDWA President
Water Quality Division Director
Oklahoma Department of Environmental Quality

A handwritten signature in black ink, appearing to read "Jim Macy". The signature is fluid and cursive, with the first name "Jim" and last name "Macy" clearly distinguishable.

Jim Macy
ECOS President
Director
Nebraska Department of Environment and Energy

cc: Deborah Nagle, Director, Office of Science and Technology