ASSOCIATION OF MISSOURI CLEANWATER AGENCIES

July 10, 2017

By email: emily.carpenter@dnr.mo.gov

Ms. Emily Carpenter
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

RE: Proposed Revisions to Chapter 2: *Definitions* (10 CSR 20-2.010)

Dear Ms. Carpenter:

I am writing on behalf of the Association of Missouri Cleanwater Agencies ("AMCA") regarding the Department's proposed revisions to Chapter 2: *Definitions*. While AMCA appreciates the Department's efforts to develop these proposed revisions, AMCA is concerned that the Department is sacrificing accuracy and clarity by trying to do too much. In particular, AMCA opposes the Department's proposed revision to the definition of "daily maximum," which would effectively convert it to an instantaneous maximum. As set forth below, AMCA's comments suggest ways we believe the Department can more effectively streamline and clarify these definitions.

AMCA is a Missouri statewide association comprised of owners and operators of public water, sewer, and stormwater utilities. AMCA strives to ensure that Federal and Missouri water quality programs are based on sound science and regulatory policy so that AMCA members can protect public health and the environment in the most affordable and cost-effective manner possible. AMCA offers the following comments:

Major Concerns

Daily Maximum. AMCA opposes the Department's proposed revision of this definition as contrary to federal regulations. The existing definition correctly states: "An effluent limitation that specifies the total mass or average concentration of pollutants that may be discharged in a calendar day." The Department is

proposing to delete "average" and to replace it with "maximum," and thereby convert a daily maximum into an *instantaneous* maximum. Using the Department's proposed revision would mean that a single high value taken during the day would result in a violation even if the average of all of the values taken during the day is below the permit limit. This is contrary to federal regulations. See 40 C.F.R. 122.2 (defining maximum daily discharge in terms of either a total mass amount or an "average measurement of the pollutant over the day").

503(b) Regulations. The Department correctly explains that "Class A" and "Class B" designate pathogen densities. However, Class A biosolids must also meet most of the vector reduction requirements before or at the same time as these pathogen reduction requirements are achieved. For this reason, subsection A should be revised as follows: "Class A Biosolids. ~~The Class A designation only applies to the vector attraction reduction requirements.~~ To meet the Class A designation, pathogens (Salmonella sp. bacteria, enteric viruses, and viable helminth ova) in the biosolids are below detectable levels. Class A corresponds to the existing 40 CFR Part 257 'Process to Further Reduce Pathogens (PFRP)' designation. Additionally, certain vector reduction requirements must be met before or at the same time as these pathogen reduction requirements are achieved." *See A Plain English Guide to the EPA Part 503 Biosolids Rule*, 110 (EPA 1994).

Additionally, there appears to be a typo in the first sentence of subpart B. "designed" should be "designated."

Biosolids. AMCA suggests the following clarifications to the definition of biosolids: "Biosolids refers to treated sludge that has received an established treatment and is managed in a manner that meets ~~the~~ required vector attraction reduction ~~EPA pollutant,~~ and pathogen control requirements, and contains concentrations of regulated pollutants below the ceiling limits established in 40 CFR Part 503 and 10 CSR 20-8.170, such that it meets the standards established for use of biosolids for land application, marketing, or distribution~~ and surface disposal. Biosolids are organic wastewater solids that can be reused after suitable sludge treatment processes leading to sludge stabilization~~." This clarification is based on federal regulations and mirrors the Commonwealth of Virginia's approach. *See* 9 VAC 25-31-10.

Blending. AMCA suggests the Department include a definition of blending to accompany its proposed revision to the definition of bypass. AMCA suggests the following definition: "Blending refers to the practice of combining treated

wastewater streams within a treatment plant prior to discharge. Blending is not a form of bypass."

Collection System. This definition should be streamlined and clarified. First, the definition should reflect that collection systems can transport wastewater and stormwater. This will also facilitate streamlining the definition of sanitary sewer system, as discussed below. Second, the Department should identify service lines and service connections along with building laterals as being generally excluded from collection systems. This is consistent with the Department's exclusion of service connections from the definition of "sanitary sewer system." Additionally, the Department defines both "building laterals" and "service lines" as "generally" the responsibility of the property owner (which would mean they are not part of the collection system). Third, the definition should reflect that determining whether a particular pipe is or is not part of the collection system is a fact specific inquiry. The can be accomplished by including the word "generally."

For these reasons, AMCA recommends revising the definition as follows: "A collection system is a network of pipes or similar conduits and all other structures, devices and appurtenances <u>generally</u> excluding building laterals<u>, service lines and service connections</u>, for collecting and conveying wastewater <u>and, in the case of combined sewer systems, stormwater</u> to treatment or other disposal facilities. Maintenance and ownership of the collection system is the responsibility of one (1) of the continuing authorities listed in 10 CSR 20-6.010(3)(B)."

<u>Concerns</u>

Alternative Sewer Systems. In the context of the Department's proposed revisions to the Chapter 8 Design Guides, the Department agreed to remove "lightweight plastic" from the definition of alternative sewer systems. AMCA requests that the Department make the same change in Chapter 2 to allow use of other pipe material.

Backflow. AMCA suggests streamlining this definition. In particular, AMCA strongly urges the Department to remove the term "undesirable" from the definition of backflow as it is unnecessary. Accordingly, AMCA suggests revising this definition as follows: "The ~~undesirable~~ reversal of flow of water or mixtures of water and ~~other liquids, gases, or~~ other substances into the public water system from any source(s)." This is consistent with the *Cross-Connection Control Manual*, at 42 (EPA 2003).

Blackwater. The Department is proposing to include definitions for both "blackwater" and "human sewage." However it is unclear how these terms are

different. AMCA requests that the Department either delete one of these proposed definitions or more clearly differentiate them.

Equivalent Dwelling Unit. For clarity, AMCA suggests revising this definition as follows: "~~An equivalent dwelling~~ A unit equivalent to ~~is a system that produces~~ the raw domestic wastewater produced by~~equivalent to~~ a typical single family residence in volume and strength."

Force Main. Force mains can be used to move both wastewater and stormwater. Accordingly, AMCA suggests revising this definition as follows: "A force main is a pipe or conduit that conveys wastewater (and stormwater in the case of combined sewers) under pressure ~~from the discharge side of a pump to a discharge point. A force main~~. It is considered part of a ~~sanitary sewer~~ system ~~that is~~ operated and maintained by one of the continuing authorities listed in 10 CSR 20-6.010(3)(B)."

Leachate. AMCA suggests that the Department delete the second sentence of this definition which states: "Leachate usually is quite high in organics, nutrients and metals." The first sentence accurately describes leachate while the second sentence merely surmises possible constituents found in leachate. The second sentence unnecessarily editorializes and should be removed.

Residuals. AMCA suggests using the term "industrial residuals" rather than simply "residuals" because the Department uses the term residuals in other contexts (e.g., "chlorine residuals"). AMCA also suggests clarifying what industrial residuals actually are by revising the definition as follows: "Industrial ~~R~~residuals refers to solid or semisolid industrial waste including solids, residues, and precipitates separated or created by the unit processes of a device or system used to treat industrial wastes.~~sludge produced from industrial wastewater treatment facilities~~ that undergo treatment for pollutant and pathogen reduction." This definition is based on Virginia's definition of industrial residuals found at 9 VAC 25-32-10.

Sanitary Sewer System. AMCA suggests the Department clarify that a sanitary sewer system is a type of collection system. This is consistent with AMCA's earlier suggestion to revise the definition of collection system. It will also allow the Department to streamline the definition as follows: "A sanitary sewer system is a collection system designed to convey sanitary wastewater (domestic, commercial and industrial) ~~network of pipes or similar conduits, pumping stations and force mains, and all other structures, devices, and appurtenances excluding service connections for collecting and conveying wastewater~~ to treatment or other disposal facilities. Maintenance and ownership of the sanitary sewer system

is the responsibility of one (1) of the continuing authorities listed in 10 CSR 20-6.010(3)(B)."

Septage. AMCA recommends using the federal definition found at 40 CFR 122.2, which states: "the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained."

Sewer Lateral. AMCA again suggests that the Department revise the second sentence of the definition of sewer lateral to state: "A sewer lateral is generally considered part of a sanitary sewer system…" In response to AMCA's same comment on the Department's proposed Chapter 8 revisions, the Department itself stated that determining who is responsible for the sewer lateral is a case-by-case determination (e.g., either at the point of service or once it crosses a homeowner's property). (Letter dated April 21, 2017). For this reason, the Department should not conclusively state that a sewer lateral is always the responsibility of the continuing authority. Additionally, elsewhere, the Department defines "building laterals" and "service lines" and explains that these lines are "generally" the responsibility of the property owner. The use of generally in these contexts is appropriate as the determination will depend on the particular facts. For these reasons, the Department should revise the definition of sewer lateral to include "generally" both in Chapter 2 and in Chapter 8.

Service Line. AMCA proposes streamlining and clarifying this definition. As drafted, the definition fails to consider instances where a service line might feed into another pipe before connecting to the sewer system. For example, a service line might connect to a building lateral for an apartment building. Accordingly, AMCA suggests the following revisions: "A service line is a pipe or conduit that conveys wastewater from only one (1) platted lot to a point where it is generally joined to a sanitary sewer system ~~which is operated and maintained by one (1) of the continuing authorities listed in 10 CSR 20-6.010(3)(B)~~. Maintenance and ownership of the service line is generally the responsibility of the property owner."

Seven (7)-day Q10 stream flow. AMCA believes there is a minor typo in this definition. "Probably" should be "probability."

Sludge. The Department refers to "sewage sludge" in Chapter 8 rather than wastewater. Accordingly, AMCA recommends using this term rather than "wastewater sludge."

Soil Scientist. AMCA encourages the Department to delete this definition. Whether a particular soil scientist is qualified is a case-by-case determination. For this reason, the term should not be defined.

Total Suspended Solids. AMCA suggests revising this definition as follows: "TSS is the dry-weight of solids particles (including organic and inorganic) dispersed in water ~~trapped by a filter~~."

Thank you in advance for your consideration of AMCA's comments. Please let me know if you have any questions.

Sincerely,

F. Paul Calamita
General Counsel

cc: AMCA Members