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Harmful Algal Bloom Determination/U.S. Environmental Protection Agency Policy Development: Association of State Drinking Water Administrators Comments

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The Association of State Drinking Water Administrators (“ASDWA”) submitted October 31st comments to the United States Environmental Protection Agency (“EPA”) on its:

Notice of Intent to Develop a Policy on the Determination of a Harmful Algal Bloom and Hypoxia as an Event of National Significance in Freshwater Systems (“Notice”)

See 84 Fed. Reg. 4861 (September 16) for Notice.

Amendments to the Harmful Algal Bloom and Hypoxia Research and Control Act provide EPA the statutory authority to make such determinations in the case of a freshwater harmful algal bloom (“HAB”) or hypoxia event.

HABs are overgrowths of algae in water. Such blooms can produce toxins that can cause illnesses in people and animals. They can occur in warm fresh, marine, or branch water if abundant nutrients are present.

Besides producing dangerous toxins, HABs can also:

- Create dead zones in the water
- Increase treatment costs for drinking water in industrial facilities that need clean water

EPA stated in the September 16th Notice that it would utilize public comments in developing a policy for making determination of what constitutes a freshwater HAB or hypoxia determination that either has occurred and constitutes an event of national significance which provides the agency the authority to mobilize federal resources to assess and mitigate associated detrimental effects (if appropriations are available).

EPA asks how in making such determination it should define, quantify, and weigh various statutory parameters. The federal agency also asks whether it should consider developing additional criteria or to establish specific procedures for making such determinations.

ASDWA expressed concern in its October 31st comments about what it describes as the “increasing frequency in drinking water sources” of cyanotoxins from HABs which negatively affects drinking water treatment facilities. They cite as examples impacts in states along the Ohio River and in Toledo, Ohio and Salem, Oregon noting that the water systems had to shut down their systems.

The ASDWA comments provide responses to each of EPA’s questions.

A copy of the comments can be downloaded [here](#).