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Information Collection Request/National Study of Nutrient Removal/Secondary Technologies (POTWs): Association of Clean Water Administrators Comments on U.S. EPA Proposal

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The Association of Clean Water Administrators ("ACWA") submitted November 9th comments to the United States Environmental Protection Agency ("EPA") on the federal agency's proposed Information Collection Request for the *National Study of Nutrient Removal and Secondary Technologies: Publically Owned Treatment Works ("POTWs") Screener Questionnaire* ("Questionnaire").

EPA is utilizing Section 308 of the Clean Water Act to administer the questionnaire as a mandatory census.

ACWA describes itself as an independent, nonpartisan, national organization of state, interstate, and territorial water program directors responsible for the daily implementation of the Clean Water Act's water quality programs. The Arkansas Department of Environmental Quality is a member of the organization.

ACWA notes its support of EPA's efforts to address the issue of nutrient pollution by gathering more information on secondary treatment at publically owned treatment works ("POTWs") nationwide to help these facilities better understand the range of nutrient removal performance opportunities available, based on data from their peers, to optimize nutrient removal. Nevertheless, the organization states that EPA's reliance on the Section 308 authority "is inappropriate and that the agency should consider an alternative method to gather this information." However, EPA's belief that this Clean Water Act authority is needed to ensure that a statistically relevant sample size be obtained because of concerns that a voluntary survey could result in a lower or unrepresentative survey response rate is acknowledged.

ACWA asks that EPA consider an alternative method to gather the information. The organization believes such an alternative method should be utilized because of the following concerns:

- Skepticism that use of the Section 308 authority is necessary to obtain the statistical significant sample which EPA seeks
- Concern that POTW owners and/or operators that are unable to answer the survey will be penalized

- Many states have hundreds of small communities (less than 5,000 persons population)(of which many will be largely unable to answer the detailed questions/rendering little useful information/while potentially creating friction between states and the regulated POTW community)
- Concern that the collection and public release of data will open POTWs to enforcement actions from EPA and/or third parties

ACWA offers to assist EPA in considering an alternative approach to compel response to the survey.

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