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December 23, 2015

Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
Submitted via www.regulations.gov

Re: Docket No. EPA-HQ-RCRA-2007-0932, Management Standards for Hazardous Waste Pharmaceuticals

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the proposed rule, *Management Standards for Hazardous Waste Pharmaceuticals*. NACWA and its nearly 300 public wastewater treatment utility members across the United States are concerned about the potential environmental and human health impacts of unused pharmaceuticals that are inappropriately disposed of into the sewer system, and support efforts to prevent disposal of drugs into the sewer.

NACWA members, along with their counterparts in the drinking water community, face growing pressure from ratepayers, Congress, EPA, and the press to address the issue of pharmaceuticals in water. Publicly owned treatment works (POTWs), however, were not designed to remove pharmaceuticals from wastewater. Although some treatment or removal may occur, trace amounts of unused pharmaceuticals that are flushed into sewer systems may pass through treatment facilities and be discharged into the receiving waters. Preventing disposal of unused pharmaceuticals into the sewer is one of the few tools utilities currently have to reduce pharmaceuticals in wastewater.

NACWA supports the proposed rule's requirement that unused hazardous waste pharmaceuticals not be disposed of in the sewer. Requiring all healthcare facilities to meet this requirement will help to establish uniform disposal methods that will be clearly understood by the staff of these facilities. NACWA offers the following specific comments about the proposed rule:

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- The broad range of healthcare facilities that are included in the ban on sewer disposal of hazardous waste pharmaceuticals in proposed rule – including coroners, long-term healthcare facilities, and conditionally exempt small quantity generators (CESQGs) – should be kept in the final rule. As EPA explains in the proposal, POTWs are not designed to remove pharmaceuticals and there may be adverse impacts to human health and the environment from pharmaceuticals discharged by any of these facilities. To ensure national consistency, EPA’s proposed framework for disposing of hazardous waste pharmaceuticals should apply to all healthcare facilities.
- NACWA supports the conditional exemption of RCRA regulatory requirements for pharmaceuticals that are both a RCRA hazardous waste and a Drug Enforcement Administration (DEA) controlled substance. Since incineration is an existing and environmentally acceptable option for disposing of controlled substances, using this disposal option will both protect the environment and meet the DEA requirements for controlled substance disposal.
- NACWA recommends that EPA clarify that the ban on sewer disposal of hazardous waste pharmaceuticals should also apply to septic systems and decentralized wastewater treatment systems, which may not have a sewer leading to the treatment facility. Like POTWs, these wastewater treatment systems are not designed to remove pharmaceuticals, and may result in discharge of pharmaceutical ingredients into the environment.
- EPA’s recommendation that non-hazardous waste pharmaceuticals be disposed of with incineration is important, since autoclaving and landfilling may still result in pharmaceutical ingredients being transported to POTWs. NACWA requests that EPA work with the DEA, the Food & Drug Administration (FDA), and other federal agencies to establish consistent and clear guidance for safe and environmentally sound disposal methods of all pharmaceuticals at healthcare facilities. NACWA also requests that EPA work with the FDA and the U.S. Office of National Drug Control Policy (ONDCP) to remove the current FDA/ONDCP recommendation that pharmaceuticals be flushed if the drug label specifically instructs this.

NACWA appreciates EPA’s efforts to improve hazardous waste pharmaceutical disposal practices at healthcare facilities by proposing this management plan that bans sewer disposal. While the ban only applies to a small portion of pharmaceuticals that may be flushed, it is an important step in keeping unused pharmaceuticals out of the wastewater system. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,



Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs