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March 20, 2017

Ryan Schmit

Office of Pollution Prevention and Toxics

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW

Washington, DC 20460

Submitted via www.regulations.gov

Re: Docket EPA-HQ-OPPT-2016-0636, Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act

Dear Mr. Schmit:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the proposed *Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act* (TSCA) (82 FR 4825; January 17, 2017). NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S.

Wastewater utilities serve the public by protecting human health and the environment, meeting increasingly stringent Clean Water Act (CWA) requirements for the treatment of wastewater. The CWA gives utilities the authority to regulate industrial and commercial discharges of pollutants that may interfere with the wastewater treatment process or that may pass through the facility untreated into the effluent or biosolids (the liquids and solids, respectively, remaining after wastewater treatment). However, utilities have no authority to regulate domestic discharges of pollutants, such as chemicals found in consumer products which may be rinsed or discharged down the drain and into the sewer system. Since wastewater treatment utilities were not designed to remove all chemicals from wastewater, regulation of chemicals by EPA is the most practical means of controlling their discharge into wastewater and preventing adverse impacts on wastewater utilities, human health, or the environment.

Overall, NACWA supports the proposed rule and its flexible approach to chemical risk evaluation prioritization. This approach is advantageous because it will allow

the use of the most up-to-date scientific information and because it does not attempt to weigh the various human, societal, and environmental impacts of chemicals. Flexibility in the prioritization procedures will also allow timely responses to chemicals in consumer products that cause CWA non-compliance or POTW operational interference.

NACWA recommends that EPA add specific language to Section 702.5(c), *Exposure and Hazard Consideration for Potential Candidates*, to address chemical risks that concern wastewater utilities. This language could be modeled on California's Safer Consumer Product Regulations, which allows prioritization based on a chemical's adverse effects on a utility's effluent quality, wastewater treatment processes, and ability to reuse or recycle materials resulting from wastewater treatment, such as recycled water and biosolids. These factors could also be specifically addressed in the screening review process described in Section 702.7(c).

To assist the Office of Pollution Prevention and Toxics in identifying and evaluating the chemical risks of concern for wastewater utilities, NACWA recommends that a process for communication and collaboration be established with EPA's Office of Water during the prioritization process.

NACWA supports EPA's proposal to designate a chemical substance as a High-Priority Substance unless there is sufficient information to establish that it is a Low-Priority Substance. This will ensure that uncertainty or gaps in available data do not result in a Low-Priority Substance designation. In addition, EPA's ability under TSCA to revise a designation based on new scientific information is important to wastewater utilities since it will allow the Agency to consider ongoing monitoring data from utilities and to address issues related to toxicity of chemicals found in effluent in the future.

Since wastewater utilities have limited control over the discharge of chemicals and contaminants of emerging concern into sewer systems, especially from consumer products, timely finalization of this proposed rule and initiation of the TSCA reform process will help protect wastewater treatment processes, water reuse, the beneficial use of biosolids, and the aquatic environment.

Thank you for your consideration of these comments. 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