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January 29, 2019

Kimberly Wilson
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Submitted via www.regulations.gov

Re: Docket EPA-HQ-OPP-2009-0011, Draft Risk Assessment, Zinc and Zinc Salts

Dear Ms. Wilson:

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the Draft Risk Assessment for zinc and zinc salts (83 *Fed. Reg.* 61632), which are used as antimicrobials in swimming pools, spas, and hot tubs. NACWA represents the interests of over 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. Many NACWA members also provide stormwater services for their communities.

NACWA is concerned that the Draft Risk Assessment for zinc and zinc salts found “no major risk issues” associated with discharges of pool water containing these chemicals. However, the analysis did not consider that discharge of only one zinc-containing swimming pool into a low-flow, dry weather creek can result in exceedance of water quality standards for zinc. To help prevent this situation, NACWA recommends that the Registration Review decision follow the precedent for swimming pool, spa, and hot tub products that was established for chemicals such as lithium hypochlorite and copper. The label language for these products helps prevent adverse aquatic impacts and excess flows into sewer collection systems from the drainage of pools, spas, and hot tubs. In addition to the comments below, NACWA supports the more detailed comments and information submitted by the Bay Area Clean Water Agencies (BACWA).

Swimming pools may be periodically drained to municipal separate storm sewer systems (MS4s), to sanitary sewers leading to publicly owned treatment works (POTWs), or to surrounding landscaped areas. Discharges to MS4s typically flow without treatment directly to creeks, and very little dilution may be available in dry weather for some creeks. POTWs are not specifically designed to treat pesticides, and some antimicrobials could potentially interfere with the biological processes used to treat wastewater. While MS4s

and POTWs may have the ability to work with public and commercial swimming pool operators to control pool drainage practices, it is difficult for MS4s and POTWs to regulate the frequency, volume, and constituents of discharges from the millions of residential pools in the U.S.

Since different wastewater and stormwater agencies have different regulations regarding drainage of pools, spas, and hot tubs, NACWA requests that the current label language for zinc and zinc salts be changed to match the lithium hypochlorite label:

“Before draining a treated pool, spa, or hot tub, contact your local sanitary sewer and storm drain authorities and follow their discharge instructions. Do not discharge treated pool or spa water to any location that flows to a gutter or storm drain or natural water body unless discharge is approved by state and local authorities.”

Since the label may be the only instructions seen by users of the products regarding drainage, this language will inform the user of the need to find out and follow the appropriate procedures for their locality. Using the same language developed for lithium hypochlorite will also build consistency across pool chemical labels.

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