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Adam Krantz

August 15, 2019

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

Re: Docket ID EPA-HQ-OPP-2019-0185, Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides

Dear Ms. Perry:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Draft Revised Method for National Level Endangered Species Risk Assessment Process for Biological Evaluations of Pesticides (84 Fed. Reg. 22120). NACWA represents the interests of over 300 publicly owned wastewater treatment agencies, serving the majority of the sewered population in the US.

NACWA's members continue to face challenges as they strive to meet increasingly stringent Clean Water Act (CWA) requirements, while having limited control over the toxic pollutants and other substances in the wastewater they treat. These requirements include acute and chronic whole effluent toxicity (WET) tests that may be influenced by pesticides in the wastewater. Toxicity test failures can result in significant costs to utilities due to additional testing and evaluation requirements. Pesticides may also have impacts on wastewater treatment processes, receiving waters, recycled water quality, and the quality of biosolids for beneficial reuse.

NACWA appreciates EPA's efforts to develop an effective biological evaluation (BE) process and asks that the process appropriately evaluate risks from urban pesticide use. NACWA's recommendations below reflect the detailed comments submitted by the Bay Area Clean Water Agencies (BACWA), and NACWA fully supports BACWA's comments.

Indoor Pesticide Use

On page 7 of the draft revised method for preparing BEs, Section 1a lists "indoor use" as an example of a pesticide use location with no environmental exposure pathway. However, pesticides used indoors are frequently discharged into the sewer system. Pesticides used

on indoor surfaces or impregnated into clothing and other textiles can end up in the sewer system when these surfaces are cleaned or washed. Pet flea treatment pesticides used indoors are washed directly into the sewer system when pets are bathed, and these pesticides are also transferred to hands, clothing, and other household textiles that are then washed. Outdoor pesticides may also be tracked indoors and then be washed into the sewer system.

Since wastewater treatment plants are not designed to remove pesticides, pesticides may pass through the treatment plant and into the receiving water or be transferred into the biosolids resulting from the treatment process. EPA has evaluated POTW discharges from indoor pesticides used indoors since the late 1990s, using simplified models like its Exposure and Fate Assessment Screening Tool (E-FAST) in combination with monitoring data and benchtop studies to estimate POTW effluent concentrations. Pesticides used indoors must also be addressed in BEs.

Clean Water Act Considerations

The National Pollutant Discharge Elimination System (NPDES) permits that are issued to NACWA members may contain requirements that effluent limits protect the beneficial uses of the receiving water, including protection of rare, threatened, or endangered species. Through these permits, water quality regulators effectively make publicly owned treatment works (POTWs) responsible for meeting Endangered Species Act (ESA) requirements. POTWs can treat millions of gallons of wastewater each day, discharging the resulting cleaned water into freshwater or saltwater bodies, including local creeks, rivers, and bays. In some cases, these receiving waters may be effluent dominated because the receiving water is small or there is lack of mixing at certain times. These waters may provide crucial habitat for aquatic species and waterfowl, including endangered species.

POTWs do not have authority to control indoor or other consumer pesticide uses and mitigating pesticide problems in wastewater can generally only be accomplished with extremely costly treatment plant upgrades. An effective pesticide consultation system is therefore vitally important to NACWA members. BEs, pesticide registration, and pesticide registration review processes must consider impacts to wastewater quality to prevent adverse effects on receiving water quality.

Consideration of All Pesticide Sources

To account for all pesticide sources, BEs must consider all sources of pesticides. The cumulative effect of indoor pesticide use and other sources on POTW receiving waters must be evaluated, along with all pesticide uses that EPA is approving, not just historic usage. The proposed 2,600-ft geographic limitation of pesticide use around a POTW is inadequate, since wastewater collection systems may extend many miles from the POTW. Pesticides discharged into the entire POTW collection system must be included in the evaluation.

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