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July 23, 2007

Attn: Docket ID EPA-HQ-OPPT-2007-0490  
Office of Pollution Prevention and Toxics  
Document Control Office (7407M)  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001  
Submitted via: [www.regulations.gov](http://www.regulations.gov)

Dear Sir or Madam:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the petition filed under Section 21 of the Toxic Substances Control Act (TSCA) by the Sierra Club and its co-petitioners (72 Fed. Reg. 37530; July 10, 2007). While NACWA is not in agreement with all aspects of the petition, it does raise a fundamental issue on which NACWA's members have been actively engaged – at what point in the product management chain (from manufacture to use/disposal) should any potential or measured effects, including endocrine disruption, from the growing list of substances being detected in wastewater effluent, ultimately be addressed?

NACWA represents the interests of nearly 300 public wastewater treatment agencies. NACWA's members are responsible for ensuring the wastewater from their respective communities is appropriately treated before being discharged to the Nation's waters. As stewards of the water environment, NACWA's members are proactively exploring new and innovative ways to reduce the quantity of pollutants that make their way into the sewer system. However, such efforts and incidental removal of these substances during the treatment process cannot be relied upon to address the potential impacts from the expanding list of substances now being scrutinized.

NACWA's members understand firsthand that it will be impossible for wastewater treatment plants, through treatment technology alone, to sufficiently reduce the concentrations of the growing list of chemicals entering the sewer system in order to protect against any potential impacts. Placing the burden on the Nation's wastewater

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treatment plants to address any potential impacts through reliance on incidental removal or the required installation of advanced treatment is impractical and not a sustainable approach. NACWA believes that the appropriate and responsible way forward for preventing impacts to the environment from this ever-expanding list of substances is to address them at the source. As outlined in the petition, this could entail additional product testing before approval, product substitution efforts and pollution prevention, or other national, front-end initiatives or regulations where such approaches are deemed necessary to prevent adverse environmental impacts. Treatment plants will likely play an important role as well, but they should not be relied upon as the sole solution or, in many cases, even the primary solution.

Federal and state regulators and other stakeholders are already contemplating the need for regulatory controls on wastewater treatment plants as a way to address any concerns regarding environmental impacts. Where the federal government as a whole has concluded that a particular chemical or substance is safe for use and will not negatively impact the environment, the entire federal government, including EPA's Clean Water Act program offices, must respond to these concerns with the understanding that wastewater treatment plants are not the source of these substances and therefore should not be held responsible for controlling the discharges of them. Ultimately, any approach seeking to mitigate the potential adverse impacts from these substances must consider three fundamental questions. NACWA understands that controls for these substances may be deemed necessary to prevent a potential (not demonstrated) impact, but believes that the questions of how to control and who should be responsible still apply:

- 1) Does the substance require better controls (to prevent a demonstrated impact)?
- 2) If so, how should it be controlled (e.g., product substitution, regulation)?
- 3) Who should be responsible for controlling them?

Federal government decisions have allowed such substances to enter the environment and NACWA's public agency members should not bear the burden of addressing the potential impacts resulting from such decisions.

Again, NACWA appreciates the opportunity to comment on the petition. Please contact me at 202/833-9106 or [chornback@nacwa.org](mailto:chornback@nacwa.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback", written in a cursive style.

Chris Hornback  
Senior Director, Regulatory Affairs