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Ken Kirk

Dennis J. Kucinich, Chairman
Domestic Policy Subcommittee
House Oversight and Government Reform Committee
Longworth House Office Building
Room 1730
Washington, DC 20515

Dear Chairman Kucinich,

On the behalf of the National Association of Clean Water Agencies (NACWA), I would like to thank you for the opportunity to comment for the record on the topic of the Nov. 15 hearing, "Environmental Risks of Regulatory Response to Dental Mercury Amalgam."

NACWA represents the interests of more than 300 public agencies and organizations dedicated to ensuring strong protections for public health and the environment through scientifically based, technically sound, and cost-effective laws and regulations. NACWA members serve the majority of the sewered population in the United States and collectively treat and reclaim nearly 20 billion gallons of wastewater daily.

Preventing mercury from reaching our nation's precious waterways is a top priority for NACWA member agencies. Recognizing that exposure to certain forms of mercury is a known risk to children exposed *in utero* and has been linked to other neurological disorders, NACWA members have worked aggressively to identify sources, analyze data, and reduce releases of mercury to the environment. NACWA formed a *Mercury Workgroup* more than 10 years ago, comprised of national experts who work on exploring effective and reasonable approaches to controlling mercury discharges to the nation's rivers, lakes, and estuaries. While NACWA members themselves are not the sources of mercury contamination, they take seriously their role as environmental stewards to ensure the removal of as much mercury as is feasible from wastewater discharged to them by residential, commercial, and industrial sources.

In 2002, NACWA (then called the Association of Metropolitan Sewerage Agencies) released a report, *Mercury Source Reduction and Pollution Prevention Program Evaluation*, which was cited in witness testimony at the Nov. 15 hearing. In that report, dental offices were identified as the largest single source of mercury in wastewater, followed by hospitals and domestic sources. While domestic sources are harder to control, dental offices and hospitals provide the greatest opportunity for reducing mercury concentrations in wastewater.

Though the wastewater treatment process itself incidentally removes much of the mercury that enters our facilities, more and more NACWA members are seeing stringent mercury limits incorporated into their National Pollutant Discharge Elimination System (NPDES) permits, particularly in the Great Lakes region. As of 2002, about 6 percent of major POTWs had permit limits for mercury, and 10

percent had monitoring requirements. Regulatory developments in the Great Lakes region and elsewhere have greatly increased these numbers since 2002, and these increases will certainly continue nationwide due to current and anticipated regulations. Permit limits for mercury are difficult and costly to meet. NACWA continues to believe that efforts to further reduce mercury discharges are best focused at the source.

NACWA's members have authority under the Clean Water Act to control industrial and commercial discharges to their plants in order to prevent damage to their treatment processes or the harmful pass-through of pollutants. Using this authority, NACWA members across the country have developed a wide range of programs to address mercury discharges from dental clinics and hospitals. These programs range from voluntary best management practices (BMPs) to mandatory installation of amalgam separators to issuance of discharge permits with numeric limits for mercury dischargers. These efforts have been very effective at reducing mercury concentrations entering wastewater treatment plants. Treating effluent to remove mercury is extremely challenging and can cost on the order of \$21 million per pound of mercury removed, yet result in minimal environmental benefit considering the relative magnitude of the reductions. Thus, NACWA members have aggressively pursued source control efforts instead.

NACWA member efforts to control mercury discharges also focus on the levels of mercury in their biosolids — the solid material resulting from the wastewater treatment process. The mercury that is incidentally removed in the treatment process ends up in the biosolids, which are then treated further for beneficial reuse purposes in accordance with EPA's strict Clean Water Act regulations at 40 CFR Part 503. Alternatively, biosolids may also be incinerated or disposed of in a landfill. Numeric limits for mercury and other pollutants in EPA's biosolids regulations are based on conservative multi-pathway exposure and risk assessments. In addition, the Part 503 regulations require a demonstration that total mercury emissions from all biosolids incinerators at a publicly owned treatment works (POTW) site do not exceed the National Emission Standards for Hazardous Air Pollutants (NESHAP) limit for mercury. NACWA data clearly show that mercury emissions from biosolids incinerators fall well below the NESHAP limit.

Although much can be done through working with dental clinics and other sources to reduce mercury loadings, hurdles to achieving further reductions are numerous and will require additional cooperation and coordination. Some POTWs in the Great Lakes region have already determined that even eliminating mercury contributions from dental clinics will not enable them to meet the increasingly stringent mercury limits that are being imposed.

State governments in many cases have enacted laws designed to phase out products containing mercury, to foster pollution prevention programs intended to keep mercury from entering the environment, and to address other sources of mercury including air deposition. Clearly the biggest challenge to achieving meaningful reductions of mercury in the nation's waters is presented by the air deposition of mercury from coal-fired utilities and other sources in this country and worldwide. This multi-state, even global issue cannot be solved through the current patchwork of controls. Rather, there needs to be a broad, innovative strategy at the national level that focuses on source control and moves beyond traditional pollution controls.

NACWA very much appreciates the opportunity to go on record about NACWA's role in the removal of mercury from our waterways. If you need further information on the subject, please contact Chris Hornback of NACWA's government affairs staff at chornback@nacwa.org or at (202) 833-1901.

Sincerely,



Ken Kirk
Executive Director