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May 12, 2010

Office of Environmental Information Docket  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Via Email: [oei.docket@epa.gov](mailto:oei.docket@epa.gov)

**Re: Docket ID No. EPA-HQ-TRI-2009-0844**

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on EPA's notice of Intent to Consider Lifting the Administrative Stay of the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 toxic chemical release reporting requirements for hydrogen sulfide. NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. Hydrogen sulfide is a concern for publicly owned treatment works (POTWs) since it can be emitted during the wastewater treatment processes and from the collection systems that convey wastewater to the treatment plant.

NACWA is not commenting on the science behind EPA's conclusions that support lifting the Administrative Stay of the Toxics Release Inventory (TRI) reporting requirements for hydrogen sulfide. NACWA is concerned, however, that EPA may decide to add hydrogen sulfide to the Clean Air Act section 112(b) Hazardous Air Pollutants (HAPs) list after it is added to the TRI list. This action could have a significant effect on POTWs. Depending on the size of the POTW, the extent of its tributary collection system, and the other characteristics of the wastewater flow, a POTW could be classified as a major source of hydrogen sulfide. This could lead to maximum achievable control technology (MACT) requirements, which could require POTWs to cover portions of their treatment plants, address emissions from hundreds of miles of conveyance system piping, and potentially capture and treat emissions.

NACWA was heavily involved in the seven years of negotiations that resulted in the Subpart VVV POTW MACT standards. During that time, NACWA raised concerns about the feasibility of controlling hydrogen sulfide in widespread collection systems over which POTWs have little or no control. NACWA remains very concerned about the feasibility of these potential requirements for hydrogen sulfide controls.

If EPA lifts the Administrative Stay on reporting requirements for hydrogen sulfide, NACWA recommends that the Agency carefully consider the consequences of any future regulations for hydrogen sulfide. In particular, EPA should consider the potential burden on POTWs of complying with the MACT standard if hydrogen sulfide is listed as a HAP under section 112(b) of the CAA.

Thank you for consideration of our comments. Please contact me at 202/296-9836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Cynthia A. Finley".

Cynthia A. Finley  
Director, Regulatory Affairs