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January 14, 2011

Water Docket

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Via email: OW-Docket@epa.gov

Re: Docket ID EPA-HQ-OW-2010-0818

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the effort by the Office of Water (OW) and Office of Pesticide Programs (OPP) to develop a common methodology for characterizing the effects of pesticides on aquatic life. NACWA's public wastewater treatment agency members treat and reclaim a majority of the wastewater generated each day nationwide, and are increasingly concerned about compliance with Clean Water Act (CWA) toxicity requirements due to the presence of pesticides.

Toxicity tests are often conducted by publicly owned treatment works (POTWs) to comply with their National Pollutant Discharge Elimination System (NPDES) permits. While POTWs are responsible for meeting toxicity test requirements and tracking down the source of toxic pollutants, they have little or no control over the pesticides that may contribute to toxicity test failures. It is, therefore, essential that EPA use the full extent of its authority under the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Act to prevent adverse aquatic life impacts from pesticides. The CWA's regulatory programs are not the appropriate mechanisms for addressing problems from pesticides in effluent or surface waters. These problems can only be addressed effectively by OPP, not by POTWs.

The preferable method for protecting aquatic life would be to require pesticide registrants to test for impacts on the same sensitive species that OW uses in its toxicity test procedures. In the absence of regulatory changes to make OW and OPP testing procedures identical, EPA's effort to develop a common effects characterization should ensure that the aquatic life screening values that are developed will not exceed concentrations that cause acute or chronic toxicity to species in OW's standard aquatic toxicity testing species.

NACWA understands that EPA plans to develop a technical support document to provide guidance on the use of the methodologies to assess aquatic life effects.

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NACWA asks that EPA use this guidance document to address policy questions as well as technical questions. NACWA especially urges EPA to state in this guidance that the assessment methodologies should not be used to develop water quality standards. A draft of the guidance document should be available for public review and EPA should consider comments before finalizing the guidance.

NACWA appreciates that EPA continues to move forward with this project as quickly as possible, with plans to complete the project in 2012. Incorporating the methods developed by OW and OPP into EPA Pesticide Registration Review as soon as possible will be important in the review of pesticides associated with current water pollution, such as pyrethroids.

NACWA's California members are particularly interested in this project, and NACWA appreciates the efforts made by EPA to keep these members informed, through both the public meeting in California last year and a conference call last week. If future stakeholder meetings are planned for only the Washington D.C. area, EPA should consider broadcasting them as a webcast or teleconference to enable all stakeholders to be informed.

Thank you for your consideration of NACWA's comments on the common aquatic life effects characterization methodologies. Please contact me at 202/296-9836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Cynthia A. Finley". The signature is written in a cursive, flowing style.

Cynthia A. Finley
Director, Regulatory Affairs