



Ben Horenstein
Tri-TAC Chair
East Bay Municipal Utility District
375 – 11th Street, MS702
Oakland, CA 94607
(510) 287-1846
bhorenst@ebmud.com

July 14, 2010

Ms. Heather Jones
Office of Legislative and Regulatory Policy
California Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95814

(Submitted electronically to gcregs@Dtsc.ca.gov)

RE: Comments to the Draft Safer Consumer Product Alternatives Regulations

The purpose of this letter is to comment on the DTSC's (Department's) draft Safer Consumer Product Alternatives regulations that were made available for public comment on June 23, 2010. Tri-TAC is concerned that the alternatives assessment for a Priority Product does not specifically include discharge of a Chemical of Concern into the sewer system. Tri-TAC recommends down-the-drain assessments be conducted to evaluate the potential impacts of a Chemical of Concern to surface water, groundwater, air and land from wastewater treatment operations, water reclamation, and biosolids reuse.

Tri-TAC is a technical advisory group for publicly-owned treatment plants (POTWs) in California. It is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association, and the League of California Cities. The constituent base for Tri-TAC collects, treats, and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California.

Pathways of Chemicals of Concern and Priority Products entering the Sewer System and Publicly-Owned Treatment Works (POTWs)

Household chemicals, personal care products, and industrial chemicals may contain Chemicals of Concern in Priority Products and their alternatives. Use and disposal of the Priority Products and their alternatives may cause pass-through or interference with POTW operations and environmental impacts from discharges to surface water, groundwater, air, and soil. Tri-TAC recommends the Department consider the discharge into the sewer system as a pathway of exposure of Chemicals of Concern into the environment, and evaluate the potential impacts on water, air, and biosolids, and POTW operations in down-the-drain assessments.

The US EPA Office of Pesticide Programs conducts down-the-drain assessments utilizing the Exposure and Fate Assessment Screening Tool (E-FAST) Version 2.0 to evaluate the environmental impacts of pesticides with uses that discharge to the

Vice Chair

Natalie Sierra
San Francisco Public
Utilities Commission
1145 Market Street, 5th Floor
San Francisco, CA 94103
(415) 934-5772
nsierra@sfgwater.org

Water Committee

Co-Chairs
Gail Chesler
Central Contra Costa
Sanitation District
5019 Imhoff Place
Martinez, CA 94553
(925) 229-7294
gchesler@ccentralsan.org

Lorien Fono

Carollo Engineers
2700 Ygnacio Valley Road,
Suite 300
Walnut Creek, CA 94598
(925) 932-1710
lfono@carollo.com

Air Committee

Chair
Jay Witherspoon
CH2M Hill
155 Grand Avenue,
Suite 1000
Oakland, CA 94612
(510) 251-2888
jay.witherspoon@ch2m.com

Land Committee

Co-Chairs
Greg Baatrup
Fairfield-Suisun Sewer
District
1010 Chadbourne Road
Fairfield, CA 94534
(707) 428-9162
gbaatrup@fssd.com

Matt Bao

Los Angeles County
Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90601
(562) 699-7411 ext. 2809
mbao@lacsdsd.org

sewer system, as part of the environmental risk assessments for pesticide registration and registration review. It is recommended that the Department work with the US EPA and the California Water Resources Control Board to develop a similar mechanism to evaluate the environmental impacts of sewer discharges of Chemicals of Concern in Priority Products and their alternatives. Tri-TAC has recommended modifications to the E-FAST procedures for down-the-drain assessments that would result in better evaluation of the potential impacts to aquatic organisms.

Petition for Inclusion of a Chemical or Product in the Prioritization Process

A provision is given in the draft regulations under Article 4, section 69304, to allow a person to petition the Department to evaluate a chemical or a product that is, or that contains, a chemical using the prioritization processes for a Chemical of Concern or Priority Product as specified in sections 69302.4 and 69303.4. Tri-TAC supports this provision to allow POTWs to petition the Department to list a chemical or a product that is of concern to the sewerage system for prioritization in the evaluation of alternatives.

Alternative Assessment (AA) Work Plan and Report Content for Water Quality Impacts to Include Drinking Water and Groundwater Impacts

Section 69305.3 (c) (12) (D) Water quality impacts requires the Alternative Assessment Work Plan scope of work to include the collection and assessment of data to document the following water quality impacts of a product and its alternatives:

1. Biological oxygen demand,
2. Chemical oxygen demand,
3. Total dissolved solids,
4. Chemicals identified as priority toxic pollutants for California pursuant to section 303 (c) of the federal Clean Water Act,
5. Pollutants requiring monitoring and reporting for one or more water bodies in California pursuant to section 303 (d) of the federal Clean Water Act in California, and
6. Thermal pollution or stress, and
7. Other impacts affecting the quality of surface waters and ground waters.

Tri-TAC recommends the inclusion of the following additional chemicals or pollutants for evaluation of water quality impacts:

- ❑ Chemicals identified as contaminants that have primary Maximum Contaminant Levels (MCLs) under the federal Safe Drinking Water Act
- ❑ Pollutants requiring monitoring and reporting in waste discharge to land that have Notification Levels (NLs) under Waste Discharge and Water Reuse Requirements (WDRs/WRRs) of the California Porter-Cologne Water Quality Control Act.

Preparation of Sample Alternative Assessments as Open Source Documents

The list of impacts to be evaluated in an Alternative Assessment is long and the full extent of the effort needed is unknown until the first few Alternative Assessments are performed. Tri-TAC recommends that voluntary efforts be made by In-House and Third-Party Assessment Entities and the Department to conduct sample Alternative Assessments for two compounds each under the three lists of chemicals to be considered as the initial Chemicals of Concern under Section 69302.4, to be used as open source sample documents.

Wastewater Treatment Removal Versus Cross-Media Transfer

To assist in preparing the Alternative Assessments, Tri-TAC would like to clarify the difference between removal during wastewater treatment and cross-media transfer. Adsorption to biosolids and volatilization/stripping are cross-media transfers of Chemicals of Concern from wastewater to solids or air, respectively, and are not wastewater treatment removal mechanisms. The potential environmental impacts of the cross-media transfers of Chemicals of Concern and their alternatives should be addressed in Alternative Assessments.

Tri-TAC appreciates the opportunity to comment on the draft Safer Consumer Product Alternatives regulations. If you have any questions or would like further information, please contact Philip Lo at 562-908-4288 x2912, and plo@lacsdsd.org.

Sincerely,



Ben Horenstein
Tri-TAC Chair

cc: Maziar Movassaghi, Acting Director, DTSC (c/o Carol Reilly, Executive Assistant)
Odette Madriago, Acting Chief Deputy Director, DTSC
Jeff Wong, Ph. D., Chief Scientist, DTSC
Dorothy Rice, Executive Director, State Water Resources Control Board
Alexis Strauss, Director, Water Division, USEPA Region IX
Dave Tamayo, CASQA
Philip Lo, Tri-TAC