Clean Water Summit Partners

1215 K Street, Suite 2290 · Sacramento, CA 95814
PH: (916) 446-0388 · FX: (916) 231-2141

February 6, 2008

Maureen Gorsen, Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Green Chemistry Initiative

Dear Director Gorsen:

The Clean Water Summit Partners look forward to reviewing the upcoming draft policy options from the Green Chemistry Initiative (GCI). The structure and format of the GCI are innovative and will hopefully result in a comprehensive framework that will launch green chemistry in California.

The Clean Water Summit Partners are the state and regional wastewater associations committed to working together on issues of critical importance to our collective memberships. They represent the publicly owned treatment works (POTWs) of the Bay Area Clean Water Agencies, the California Association of Sanitation Agencies (CASA), the California Water Environment Association (CWEA), the Central Valley Clean Water Association (CVCWA) the Southern California Alliance of Publicly Owned Treatment Works (SCAP), located throughout California. Together, our member agencies provide wastewater collection, treatment and water recycling services to millions of Californians.

The Clean Water Summit Partners generally supports green chemistry as it would assist Publicly Owned Treatment Works (POTWs) in their charge to safeguard receiving waters. While very effective at removing biodegradable wastes, POTWs were not meant to remove the growing tide of unregulated, persistent chemicals available in the marketplace and increasingly used in consumer products. Our members have noted with some alarm the increased marketing of household products that contain pesticides, antimicrobial compounds, toxic metals and nanotechnology.

Even as more unregulated chemicals enter the waste stream, wastewater agencies must meet increasingly strict regulatory standards to protect our water resources for a broad array of beneficial uses. The growing tide of unregulated chemicals may contribute to failed Whole Effluent Toxicity (WET) tests, may reduce POTWs' ability to beneficially reuse biosolids, and may upset biological wastewater treatment processes.

Advanced wastewater treatment technologies, such as membrane bioreactors, ozonation and advanced oxidation processes, are extremely costly end-of-pipe solutions that do not guarantee full removal or degradation. Even with reverse osmosis, one must weigh whether the enormous energy requirements (and resulting greenhouse gases), associated increase in utility rates and hazardous brine disposal are really sustainable or result in a net environmental benefit.

A strong green chemistry framework would prevent pollution at the source, stem the skyrocketing costs of remediation and mitigation of environmental impacts, and enable public agencies to meet their responsibilities to the public. California needs a comprehensive chemical policy that not only provides environmental health and use information, but also evaluates and ultimately removes the most pervasive and hazardous chemicals from commerce and our environment. Such a policy should promote the creation and use of non-hazardous alternatives by incentivizing research and the implementation of green chemistry in California.

The Clean Water Summit Partners envisions a number of elements that would be necessary in a strong green chemistry framework.

- Data on chemical use, including information on where chemicals are being used, so that agencies can identify potential and real impacts on water resources and make appropriate decisions on how to address them.

- A gap assessment for the existing chemical and consumer product regulatory structure. Some chemicals, such as antimicrobial compounds and pesticides, fall under multiple regulatory authorities depending on application and use, making it difficult to curb their use when water quality impacts arise.

- Life Cycle Analysis (LCA), for screening, testing, and hazard assessment, is needed for thousands of chemicals for which there is little or no data on their degradation products nor their fate and transport. Data needed includes all hazard traits, including their persistence, daughter products, propensity to bioaccumulate, cumulative and synergistic impacts, impacts to beneficial uses of water resources such as water quality and habitat, impacts of low-level continuous exposure, fate and transport in wastewater treatment processes, including solids treatment, and impacts to and from the beneficial use of biosolids.

- Regulatory structure that drives innovation. As regulators, our members appreciate the need for balance between regulation and voluntary programs. While incentives can encourage the development of environmentally-friendly technologies, we also know that regulation is a necessary impetus. The green chemistry framework should:
  - Restrict or ban those chemicals that are known to have especially egregious impacts on the environment.
  - Phase out hazardous chemicals and chemicals for which there is inadequate data after a certain period of time.
  - Require the use of safer, more sustainable alternatives when they exist.

- Producer responsibility for both providing screening and data for their products as well as end-of-life disposal should be built into the green chemistry framework. Local governments are picking up the tab for proper disposal of hazardous wastes from households, and are only able to serve 2-5% of the population given budget and staffing constraints. In addition, improper disposal of such materials continues to leach into our water resources and further contaminate the wastewater stream. Requiring producers to handle end-of-life disposal will encourage them to make products that are easily recyclable, without hazardous chemicals.

If you would like to discuss our suggestions, please contact Melody LaBella, Chair of the Bay Area Pollution Prevention Group at mlabella@centralsan.dst.ca.us or (925) 229-7370.

Sincerely,

Michele Pla, Executive Director
Bay Area Clean Water Agencies

Debbie Webster, Executive Officer
Central Valley Clean Water Association

Catherine Smith, Executive Director
California Association of Sanitation Agencies

John Pastore, Executive Director
Southern California Alliance of POTWs

Elizabeth Allan. Executive Director
California Water Environment Association

cc: Bruce Wolfe, Regional Water Quality Control Board
Andria Ventura, Clean Water Action

Who Are the Clean Water Summit Partners?

Bay Area Clean Water Agencies (BACWA) – Comprised of local governmental agencies that are leaders in urban water resource management and public stewardship of the San Francisco Bay water quality. BACWA members own and operate publicly owned wastewater collection systems and treatment works that discharge to the San Francisco Bay Estuary. Together, BACWA's members serve over 6 million people in the nine county Bay Area, treating all domestic, commercial and a significant amount of industrial wastewater. BACWA was formed to develop a region-wide understanding of the watershed protection and enhancement needs through reliance on sound technical, scientific, environmental and economic information and ensure that this understanding leads to long-term stewardship of the San Francisco Bay Estuary. *Website: http://bacwa.org/*

California Association of Sanitation Agencies (CASA) – A non-profit, statewide trade association representing 116 public agencies that provide wastewater collection, treatment, disposal, and water reclamation services to 90 percent of the sewered population in California. CASA's mission is to provide proactive leadership, innovative solutions, timely education and information to members, legislators, and the public, and to promote partnerships on wastewater issues with other organizations, so that sound public health and environmental goals may be achieved. *Website: http://casaweb.org/*

Central Valley Clean Water Association (CVCWA) – A regional association comprised of over 50 wastewater treatment and collection system agencies. CVCWA's mission is to effectively represent the interests of public wastewater agencies in the Central Valley in regulatory matters and to support the exchange of information so members can best meet their business challenges. *Website: http://cvcwa.org/*

California Water Environment Association (CWEA) – CWEA is a statewide non-profit public benefit association of about 8,000 individual members in the wastewater industry who are committed to keeping California's water clean. CWEA protects our water environment and the public's health by training and certifying wastewater professionals, disseminating technical information, and promoting sound policies to benefit society. CWEA is dedicated to the educational development of our members, who range from field level to management level. Most of CWEA's members (approximately 80 percent) work for municipal wastewater agencies and collection systems, both large and small, throughout the state of California. CWEA offers services at the state level, regionally, and locally through its 17 geographical local sections. *Website: http://cwea.org/*

Southern California Alliance of Publicly Owned Treatment Works (SCAP) – A non-profit organization comprised of Publicly Owned Treatment Works (POTWs) including wastewater treatment plants (WWTP) and public collection system owner/operators dedicated to assisting its member cities and agencies in achieving regulatory compliance. *Website: http://scap1.org/*