January 29, 2019

Ms. Kimberly Wilson
OPP Docket
Environmental Protection Agency Docket Center (EPA/DC)
(28221T)
1200 Pennsylvania Ave., NW.
Washington, DC 20460–0001

Subject: Zinc and Zinc Salts – Draft Risk Assessment (EPA-HQ-OPP-2009-0011)

Dear Ms. Wilson:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Draft Risk Assessment for zinc and zinc salts, which are used in swimming pools, spas, and hot tubs. BACWA's members include 55 publicly owned wastewater treatment facilities and collection system agencies serving 7.1 million San Francisco Bay Area residents. We take our responsibilities for safeguarding receiving waters seriously.

BACWA is concerned that the Draft Risk Assessment assumed discharges of zinc-containing pool water would create "no major risk issues."[1] In the paragraphs below, we outline why these pool discharges are a concern and request risk management through updated label language for this pesticide. It should be noted that it only takes the discharge of one zinc-containing swimming pool to exceed water quality standards for zinc during low creek flow conditions (which occur during dry weather, the preferred time for pool maintenance).[2]

BACWA is not concerned about zinc and zinc salts discharges to sanitary sewers from treated pools, spas, and hot tubs. Our comments focus on the issue of draining location and flow rates when draining treated pools, spas, and hot tubs. We are writing to request that the zinc and zinc salts Registration Review decision follows the precedent for improved labels for swimming pool, spa, and hot tub products that was established by the decisions for other pool, spa, and fountain chemicals, such as lithium hypochlorite and copper. In those Registration Review decisions, EPA worked carefully through the various issues to develop practical label language that mitigates possible aquatic impacts from discharge of treated pool, spa, and hot tub water, while preventing excess flows into sewer collection systems.

[1] U.S. EPA OPP, Registration Review Draft Risk Assessment for: Zinc and Zinc Salts, September 18, 2018
[2] A single pool treated with a zinc product would need to be diluted with a volume exceeding ten times of that of the pool itself in order to not exceed the zinc acute water quality criteria. This level of dilution would require creek flow rates higher than typical in dry weather conditions, particularly in the western and southwestern US.

BACWA's Interest in Pool, Spa, and Hot Tub Pesticides

Pools may be emptied for cleaning every two to seven years and spas may be drained as often as every three months.[3] The water is discharged to storm drain systems, to sanitary sewer lines flowing to wastewater treatment facilities, or to surrounding landscaped areas. However, neither storm drain systems nor wastewater treatment facilities are necessarily prepared to handle the antimicrobial and conventional pesticides in water.

Due to concerns about these constituents flowing untreated to surface waters and Clean Water Act NPDES permit requirements, many California stormwater agencies are directing pool, spa, hot tub, and fountain owners to discharge to their local sanitary sewer. Many wastewater agencies support this practice because some constituents, such as pH and suspended solids, may be effectively reduced through treatment; however, wastewater treatment plants are not specifically designed to remove pesticides. Some antimicrobials, if discharged in sufficient quantities, have potential to interfere with the biological treatment processes at municipal wastewater treatment plants. Additionally, while some agencies have the resources to work with institutional, public and commercial swimming pool operators regarding swimming pool best management practices and the types of pool chemicals they use, the vast majority of swimming pools are privately owned residential pools, the owners of which are not easily reached. With approximately 1.2 million in-ground pools in California and 5 million pools nationwide[4], and countless more spas, hot tubs, and fountains, wastewater agencies have limited authority and resources to regulate the frequency, volume and constituents of discharges.

While this is not a pesticide regulatory issue, high-flow swimming pool discharges to the sanitary sewer can cause a sewer back-up, potentially spilling untreated sewage onto streets and into storm drains, which could also create an acute hazard. Maintaining low flow rates (e.g., discharge through a garden hose rather than a fire hose) prevents such problems.

BACWA Requests Revised Labeling as a Mitigation Measure

BACWA requests that the current language be changed to match the lithium hypochlorite label, which would also provide consistent label language across pool, spa, and hot tub chemicals.

> *"Before draining a treated pool, spa, or hot tub, contact your local sanitary sewer and storm drain authorities and follow their discharge instructions. Do not discharge treated pool or spa water to any location that flows to a gutter or storm drain or natural water body unless discharge is allowed by state and local authorities."*

We have attached our comment letter on the proposed Registration Review decision for lithium hypochlorite, which details the importance of the discharge control label language – including the discharge prohibition in the second sentence.

For all swimming pool, spa, and hot tub products including those containing zinc and zinc salts, we also recommend that the "Environmental Hazards" label statements be applied on the basis of product end use rather than product size. This would mimic EPA's decision for lithium

---

[3] Pool Corp (2016). Frequently Asked Questions. Available at http://www.swimmingpool.com/faq.
[4] P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15, 2016.

hypochlorite products. As explained in our attached lithium hypochlorite comments, this approach avoids potential conflicting language on product labels.

Thank you for your consideration of our comments. If you have any questions, please contact BACWA's Project Managers:

Karin North
City of Palo Alto
(650) 329-2104
Karin.north@cityofpaloaloalto.org

Autumn Cleave
Wastewater Enterprise, San Francisco
(415) 695-7336
acleave@sfwater.org

Respectfully Submitted,

David R. Williams

David R. Williams, P.E.
Executive Director
Bay Area Clean Water Agencies

Enclosure: BACWA's September 9, 2016 Letter to Lithium Hypochlorite Registration Review, Proposed Interim Decision, Case # 3084 (EPA–HQ–OPP–2013–0606).

cc: Yu-Ting Guilaran, Director, Pesticide Re-Evaluation Division
Rick P. Keigwin, Jr., Director, EPA OPP
Tracy Perry, EPA OPP Pesticide Re-Evaluation Division
Andrew Sawyers, Director, EPA Office of Water, Office of Wastewater Management
Tomas Torres, Director, Water Division, EPA Region 9
Richard Fehir, Risk Management Branch (RMB) II, Antimicrobials Div.
Rose Kyprianou, RMB II, Antimicrobials Div.
David Bays, Risk Assess. and Science Support Branch, Antimicrobials Division
James Breithaupt, Risk Assess. and Science Support Branch, Antimicrobials Division
Kathryn Korthauer, Risk Assess. and Science Support Branch, Antimicrobials Division
Siroos Mostaghimi, Risk Assess. and Science Support Branch, Antimicrobials Division
Laura Parsons, Risk Assess. and Science Support Branch, Antimicrobials Division
Debra Denton, EPA Region 9
Patti TenBrook, EPA Region 9
Karen Mogus, California State Water Resources Control Board
Philip Crader, California State Water Resources Control Board
Paul Hann, California State Water Resources Control Board
Jodi Pontureri, California State Water Resources Control Board
Matthew Freese, California State Water Resources Control Board
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region
Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region
Rene Leclerc, California Regional Water Quality Control Board, San Francisco Bay Region
James Parrish, California Regional Water Quality Control Board, SF Bay Region
Debbie Phan, California Regional Water Quality Control Board, SF Bay Region
Jennifer Teerlink, California Department of Pesticide Regulation
Kelly D. Moran, Urban Pesticides Pollution Prevention Partnership
Chris Hornback, National Association of Clean Water Agencies

Cynthia Finley, National Association of Clean Water Agencies
BACWA Pesticides Workgroup
BACWA Executive Board