



July 6, 2020

Daniel Halpert
Office of Pesticide Programs (OPP)
c/o Regulatory Public Docket Center (28221T),
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

**Subject: Chlorine Gas Registration Review – Proposed Interim Decision
(Docket ID No. EPA-HQ-OPP-2010-0242)**

Dear Mr. Halpert:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Chlorine Gas Registration Review – Proposed Interim Decision, which covers products used in pools and fountains. 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 supports the findings in the Proposed Interim Decision regarding the need to consult with local authorities prior to discharging of pool and fountain water in order to avoid exposure to aquatic organisms. BACWA appreciates that the Chlorine Gas Registration Review decision follows the precedent for improved labels that was established by the decisions for other pool, spa, hot tub and fountain chemicals, such as lithium hypochlorite and copper.

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

Pools may be emptied for cleaning every two to seven years, spas may be drained as often as every three months, and fountains may be emptied for cleaning every one to four months.¹ 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 treated pool, spa, hot tub, or fountain 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

¹ Pool Corp (2016). Frequently Asked Questions. Available at <http://www.swimmingpool.com/faq>.

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. Pesticides either pass through into receiving waters or adhere to solids and affect their beneficial reuse.

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 nationwide², and countless more spas, hot tubs, and fountains, wastewater agencies have limited authority and resources to regulate the frequency, volume and constituents of discharges.

Further, while this is not a pesticide regulatory issue, high-flow swimming pool and fountain 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 Supports Consistent Labeling to Ensure Consultation with Local Authorities

Existing chlorine gas-containing swimming pool and fountain product labels do not include “Directions for Use” language regarding the draining of a pool or fountain. EPA has proposed the following language for all products used to treat commercial and residential pools and fountains:

“Before draining a treated [pool] or [fountain], contact your local sanitary sewer and storm drain authorities and follow their discharge instructions. Do not discharge treated [pool] or [fountain] water to any location that flows to a gutter, storm drain or natural water body unless discharge is allowed by state and local authorities.”

We appreciate the acknowledgement that such communication is a significant means for avoiding ecological risks. It is important to inform users of their obligations to ensure that discharge of treated water does not harm aquatic ecosystems or cause sewer line backups. We support EPA’s intent to place this language on all pesticides used in pools, fountains, spas, and hot tubs.

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@cityofpaloalto.org

Autumn Cleave
San Francisco Public Utilities Commission
(415) 695-7336
acleave@sfwater.org

² P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15, 2016.

Respectfully Submitted,



Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

cc: Richard P. Keigwin, Jr., Director, EPA OPP
Elissa Reaves, Acting Director, Pesticide Re-Evaluation Division
Anita Pease, Director, Antimicrobials Division, EPA OPP
Rose Kyprianou, Branch Chief, Antimicrobials Div., Reg. Management II
Melissa Panger, Acting Branch Chief, Antimicrobials Div., Risk Asses. & Science
Steve Weiss, Branch Chief for Risk Assessment and Science Support, Antimicrobials
Richard Fehir, Risk Management Branch (RMB) II, Antimicrobials Div.
Laura Parsons, Antimicrobials Division, Risk Asses. & Science
Andrew Sawyers, Director, EPA Office of Water, Office of Wastewater Management
Tomas Torres, Director, Water Division, EPA Region 9
Tracy Perry, EPA OPP Pesticide Re-Evaluation Division
David Bays, Risk Assess. and Science Support Branch, Antimicrobials Division
Alicia Denning, Risk Assess. and Science Support Branch, Antimicrobials Division
Diana Hsieh, Risk Assess. and Science Support Branch, Antimicrobials Division
Timothy McMahon, Risk Assess. and Science Support Branch, Antimicrobials Division
Danielle McShan, Risk Assess. and Science Support Branch, Antimicrobials Division
Siroos Mostaghimi, Risk Assess. and Science Support Branch, Antimicrobials Division
Timothy Leighton, Risk Assess. and Science Support Branch, Antimicrobials Division
Patti TenBrook, EPA Region 9
Debra Denton, EPA Region 9
Karen Mogus, Deputy Director, California SWRCB
Philip Crader, Assistant Deputy Director, California SWRCB
Rich Breuer, California SWRCB
Tom Mumley, California RWQCB SF Bay Region
Janet O'Hara, California RWQCB, SF Bay Region
James Parrish, California RWQCB, SF Bay Region
Debbie Phan, California RWQCB, SF Bay Region
Jennifer Teerlink, California Department of Pesticide Regulation
Chris Hornback, Chief Technical Officer, National Association of Clean Water Agencies
Cynthia Finley, Director, Reg. Affairs, National Association of Clean Water Agencies
Kelly D. Moran, Urban Pesticides Pollution Prevention Partnership
BACWA Executive Board
BACWA Pesticides Workgroup