

September 26, 2012

National Association of Clean Water Agencies  
Attn: Susan E. Goss, President  
1816 Jefferson Place N.W.  
Washington D.C. 20036

SUBJECT: TOXICS SUBSTANCE CONTROL ACT-TSCA

Dear Ms. Goss:

Attached is a draft Resolution which the Spokane River Regional Toxics Task Force (SRRTTF) requests the Board of Directors of the National Association of Clean Water Agencies to consider passing and sending on to the Environmental Protection Agency (EPA). This draft resolution urges the EPA to move forward with their rulemaking to revise TSCA, and encourages the agency to further limit the concentration of inadvertently generated PCBs in products. Currently, the TSCA allows inadvertently generated PCBs up to 50 parts per million (ppm) maximum, and an annual average of 25 ppm. Even though PCBs were “banned” in 1979, there are significant quantities of PCBs still being introduced into our environment, and therefore our water, from inadvertently generated PCBs in products.

Certain segments of the Spokane River are listed as impaired for PCBs on the State of Washington 2008, Category 5, §303 (d) list. The Washington State PCB human health criterion for surface water is 170 picograms per liter (pg/L) (170 parts per quadrillion). The Spokane Tribe of Indians has adopted a tribal water quality standard for the portion of the Spokane River in their jurisdiction of 3.37 pg/L.

To address the water quality concerns related to toxics in the Spokane River, the regulatory community, the NPDES permittees, the tribes, and local conservation groups have formed the Spokane River Regional Toxics Task Force (SRRTTF) to develop an alternative plan to a formal TMDL to reduce toxics in the Spokane River. This is a “Straight to Implementation” approach that is supported by the Washington State Department of Ecology, and EPA.

As the SRRTTF has gained momentum, we have come to understand the PCBs are a legacy pollutant that is ubiquitous in our environment and will be a very challenging pollutant to reduce. We have also come to understand that even though PCBs were “banned” in 1979, TSCA allows significant quantities to continue being introduced into our environment from products that are commonly used in our daily lives.

In addition, there are nationwide initiatives by EPA and individual states to modify the fish consumption standards used in the human health risk assessments. The fish consumption standards are generally being modified to consider much higher daily consumption of fish than in previous standards. For example, Oregon has recently adopted a new standard of 175 grams per day in lieu of their previous standard of 17.5 grams per day. The outcome of using much higher fish consumption rates will be much more stringent standards for toxics in our water bodies.

The TSCA regulation for inadvertently generated PCB's may have been appropriate in 1979, given the applicable economic considerations at that time. Now that the health risks to humans are much better understood, and now that water quality standards are being developed that are orders of magnitude lower than applicable water quality standards of that time period, the TSCA regulation allowing inadvertently generated PCBs is no longer adequate.

IF TSCA is not revised to lower the allowable threshold for inadvertently generated PCBs, hundreds of millions (perhaps billions) of dollars will be spent on cleanup plans and treatment technologies with the expectation of reducing toxics in our water bodies, yet without any predictable success, given the constant stream of new PCBs being introduced into our environment on a daily basis.

The SRRTTF requests that the National Association of Clean Water Agencies consider adopting this resolution and presenting it to EPA, to support revisions to the 1979 TSCA regulations to make them more relevant to the 21<sup>st</sup> century. A similar resolution has already been passed by the Environmental Council of the States (ECOS), and the SRRTTF is making this same request to the Water Environment Federation (WEF).

Sincerely,

Kelsey Gray  
On behalf of the  
Spokane River Regional Toxics Task Force