Letter to EPA – TSCA –Thoughts (Speak TSCA language and provide Water Quality arguments)

* On November 15, EPA issued a prepublication notice establishing new a new Water Quality Standard of for PCBs in the state of Washington. With this new rule, potentially every waterbody in the State of Washington will not meet water quality standards for PCB.[[1]](#footnote-1)
  + ’s ATTAINS database[[2]](#footnote-2)documents national. The Spokane River is included in the more than 81,000 miles of rivers and streams nationwide that are listed for PCB. Only a limited number of otal Maximum Daily Loads (T) have been prepared. A TMDL is the primary water quality cleanup tool under the Clean Water Act.
  + TO DATE, not one water body in the county has been able to successfully meet the water quality standards for PCBs.
  + Water quality regulations focus on managing PCBs at end-of-pipe. End-of-pipe regulation is not effective when water quality standards are very low. We also need to remove PCBs at the point of generation, prior to introduction to our wastewater systems.
  + EPAs environmental standards in TSCA are not aligned with the Clean Water Act. (both EPA laws) - Consequences to the community when two laws don’t mesh. Specifically, EPA establishes a nominal 50 ppm limit for inadvertent generation of PCBs and general management standards. .
* Provide high level details to explain inconsistency between TSCA and WQS
  + Use previous TF letters
  + Refer to the new state WQS
  + We’ve done the product testing (new Ecology report) – under normal use of every day consumer products , Ecology has shown that those products have concentrations of inadvertently produced PCBs that under normal use can cause significant exceedences of water quality standards. (cite Lisa Rodenburg study on leaching and new Ecology study on product testing)
* Your economic risk analysis was used to establish the nominal 50 ppm limit used in TSCA (date, ref). In addition, we now are regulated under our water quality standards to removed PCBs down to 7 picograms per liter. Normal use of inadvertently produced PCBs results in legal disposal to municipal WWTPs where the burden and the clean up is passed onto the ratepayers in local communities. (use HDR report to provide estimate $$). PCB exclusion assumption regarding waste disposal TSCA is flawed because you didn’t account for the external costs of standard use and disposal of this product through WWTPs
* Impact of PCs on Environmental Justice communities

1. https://www.epa.gov/sites/production/files/2016-11/documents/washington\_rule\_wqs\_part\_131\_2040\_af56\_final\_rule\_frn\_20161024\_webpostingversion.pdf [↑](#footnote-ref-1)
2. https://ofmpub.epa.gov/tmdl/attains\_index.home [↑](#footnote-ref-2)