



August 30, 2018

Mr. Kenneth Moss  
Office of Pollution Prevention and Toxics  
Document Control Office (7407M)  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Re: Significant New Use Rules on Certain Chemical Substances: Chlorofluorocarbon  
Docket ID: EPA-HQ-OPPT-2017-0414

Dear Mr. Moss:

The Association of Metropolitan Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. Pollution prevention is paramount in protecting the water sources for public water supply. For this reason, AMWA feels it is imperative to emphasize the importance of protecting drinking water sources through programs like the Toxic Substances Control Act (TSCA). Preventing pollutants from entering drinking water supply sources is a complex task. It is easier, more effective and more equitable to control pollutants at the source, where they are highly concentrated, than it is to remove them at the consumer's expense after they have entered a water body or supply source. Controlling pollutants at the source – in this case at the point of manufacture, import or process – also helps ensure that those who pollute our natural resources are not allowed to pass the cost of correcting the problem onto others.

AMWA is very concerned about certain substances listed in the latest Significant New Use Rule (SNUR) (83 *FR* 40986), particularly those which EPA has identified to be a concern for acute human toxicity and/or the possibility of entering the environment and therefore potential drinking water sources. EPA notes that chlorofluorocarbon (CFC) is a substance of concern for acute human toxicity and that no release of the substance should occur into surface waters of the United States above a certain threshold.

CFC was identified as a contaminant of concern in drinking water supplies under EPA's third Unregulated Contaminant Monitoring Rule (UCMR-3). CFC is of particular concern as a ground water contaminant, as CFCs degrade slowly in ground water. The availability of ground water for a variety of purposes, but most importantly as a source of safe, high quality drinking water, is essential. Ground water contamination is expensive to detect and monitor. Further, once present, many of the contaminants, including CFCs, are very difficult or impossible to remove from aquifers and are unlikely to be changed or diluted as part of any natural progression.

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**CHIEF EXECUTIVE  
OFFICER**  
Diane VanDe Hei

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AMWA recommends EPA reconsider approval for SNURs for chemicals known to have an acute toxicity to human health and is identified as a potential contaminant of concern in drinking water supplies. The Office of Pollution Prevention and Toxics (OPPT) should coordinate with the EPA Office of Ground Water and Drinking Water (OGWDW), which not only oversees SDWA implementation but also may have on its radar many of the chemicals being considered in this SNUR as potential drinking water contaminants. Such chemicals should be strongly considered in the context of this potential threat to drinking water before being recommended for approval under the SNUR.

Chemicals on the UCMR – in this case, CFCs – are anticipated to occur in public water systems and may warrant regulation under the SDWA because of potential risks of these chemicals to public health. Therefore CFCs **should not be** approved under this SNUR. By nature of its inclusion on UCMR3 there is evidence that the environmental burden is already great enough to warrant concern for our nation's drinking water systems.

AMWA urges EPA to reconsider the parameters for the SNUR for CFC in the context of protection of ground water and source water in general. Furthermore, AMWA strongly encourages OPPT to utilize the knowledge base of the drinking water program at EPA's OGWDW to better inform decision making for future SNURs.

While the SNUR may be appropriate for protecting workers from exposure, AMWA is concerned about the end use of these chemicals after the manufacturing process or other use, which could result in air emissions releases, effluent releases and improper disposal under the Resource Conservation and Recovery Act. The agency should always consider the interaction of various existing laws, including the Safe Drinking Water Act (SDWA) as the end result of all of these loadings into the environment could result in a future problem for source water protection and ultimately necessitate additional drinking water treatment at a high cost to the public.

It is crucial to strive towards the prevention of pollutants entering drinking water sources and TSCA provides us with a unique opportunity to protect the environment and public health. AMWA thanks EPA for the opportunity to comment and looks forward to working with the agency to protect drinking water sources in the future.

If you would like to further discuss our concerns, please call Stephanie Hayes Schlea, Regulatory and Scientific Affairs Manager, at 202-331-2820.

Sincerely,



Diane VanDe Hei  
Chief Executive Officer