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**League of California Cities**  
**California Association of**  
**Sanitation Agencies**  
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**CASA**  
**California Association of**  
**Sanitation Agencies**

**Reply to:** Phil Bobel, Tri-TAC Chair  
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October 20, 1999

Mr. Jorge Ocaña  
Commission for Environmental Cooperation  
393 St-Jacques Ouest, Bureau 200  
Montréal, Québec, H2Y 1N9 Canada

Dear Mr. Ocaña

**Subject:           Comments on Draft Phase II North American Regional Action Plan on Mercury**

I am writing on behalf of Tri-TAC and the California Association of Sanitation Agencies (CASA), which are California-based organizations comprised of members from public agencies and other professionals responsible for wastewater treatment. Tri-TAC is an advisory group which includes representatives from CASA, the California Water Environment Association, and the League of California Cities. CASA has over 85 agencies responsible for the operation of publicly owned treatment works (POTWs). The constituency base for Tri-TAC and CASA collectively treats and reclaims more than 2 billion gallons of wastewater each day, and serves most of the sewered population of California.

We have reviewed the Draft Phase II Mercury Action Plan and appreciate the opportunity to provide comments. The primary goal of the Draft Action Plan is to undertake actions aimed at reducing mercury releases from human activities to approach naturally occurring levels in North America. While this certainly is a laudable goal, it does not consider the technical and economic feasibility of attaining naturally occurring background levels. Unfortunately, we are finding that wastewater management agencies are now facing or will soon be faced with meeting very low mercury effluent limits, due to application of very stringent water quality criteria. We are concerned that compliance will require the application of advanced treatment, and that these kinds of costly controls may not have much impact on resolving water quality issues. While we are strong supporters of pollution prevention and pollution minimization, and are committed to doing the best job we can, we also realize that given the ubiquitous nature of mercury, you will ultimately reach a point of diminishing returns whereby reaching natural background levels will not be achievable. We recommend that efforts to control mercury be prioritized to target those sources and management strategies that will attain the most

significant reductions. These sources include fossil fuel combustion, consumer products, and vehicle emissions.

With regard to consumer products, we do not believe your recommended actions go far enough. The Draft Action Plan calls for the promotion of policies and programs to reduce and, where warranted, eliminate mercury in processes, operations and products where there is a likelihood of releases throughout their life cycle. We recommend that legislation be adopted to limit the unnecessary use of mercury in products, such as thermometers, switches, pharmaceutical products, sneakers, toys and other consumer goods. This must be done to remove mercury products from the waste stream.

We also support the concept of retirement of mercury versus recycling, which just re-releases mercury to the environment. One significant source that must be addressed is the retirement of the 11 million tons of surplus mercury that is under the control of the U.S. Department of Defense. While the Draft Action Plan notes that there is a need to consider options for removal and permanent disposal of mercury from contributing sources and stockpiles so that it is no longer available to the global pool, other action items (Action Item 3d Mercury Waste Collection and Handling and Action Item 5c Recycling Directory) weaken this approach by recommending that recycling be considered as a control option. We are concerned that by including recycling as an option, it will be pursued in favor of retirement, which is the preferred action, and recommend that the Action Items be revised

Again, on behalf of Tri-TAC and CASA, thank you for the opportunity to provide comments on the Draft Action Plan. If you have any questions or need additional information, please contact me at the address and telephone number indicated on the first page of this letter.

Phil Bobel  
Chair, Tri-TAC

cc: Tom Grovhoug, Co-Chair Tri-TAC Water Committee  
Jim Colston, Co-Chair Tri-TAC Water Committee  
Roberta Larson, Director of Legal and Regulatory Affairs,  
CASA