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Via [www.regulations.gov](http://www.regulations.gov)

NACWA appreciates the opportunity to comment on the proposed Clean Water Act Methods Update Rule (MUR) (80 *Fed. Reg.* 8956; February 19, 2015). NACWA's publicly owned wastewater treatment agency members, many of whom operate their own laboratories, had generally positive reactions to the changes proposed in the MUR. Many of NACWA's members will be submitting comments directly to the agency based on feedback from their laboratory staff and NACWA requests that EPA consider all of these comments as the Agency works to finalize the MUR.

**Revisions to the MDL Procedure**

Although there are some remaining concerns that need to be addressed as outlined in the comments of NACWA's members and other stakeholders, the changes to the method detection limit (MDL) procedure are a significant improvement and NACWA strongly supports the revisions. By factoring in the variability of blanks the procedure will be a better measure of actual laboratory performance.

Many methods include MDL estimates based on determination by the currently approved procedure. If the procedure for MDL presented in this MUR is approved, EPA will need to develop a policy on how to address methods that specify that laboratory developed MDLs must meet or be lower than those listed in methods. The new MDL procedure, though an improvement, can result in higher MDLs for laboratories. Therefore, laboratories developing MDLs with the new procedure may not meet the MDL requirements listed in methods that were developed using the old procedure.

**Concerns Remain Over Minimum Level Procedure**

Despite addressing many of NACWA's concerns regarding the MDL procedure, EPA has not revised the related process for determining Minimum Levels (MLs).

Revisions to the ML procedure are also badly needed.

In several places in the MUR - most notably in the revisions to Methods 608, 624 and 625 - the ML is defined as 3 x MDL and as being equivalent to and interchangeable with “Reporting Limit” and “Quantitation Limit”. Historically the agency has defined the ML in multiple ways, including 3.14 x MDL and the lowest calibration standard concentration in the calibration curve. We continue to strongly object to these definitions for the ML, and to any reference or implication that an ML is equivalent to a laboratory Reporting Limit (RL) or the Quantitation Limit (QL).

NACWA helped fund a data evaluation and assessment of numerous data sets to evaluate the impact of the proposed MUR revisions and is submitting that report as an attachment to its comments for EPA consideration. EPA needs to consider this analysis, as well as the recommendations of the Federal Advisory Committee on Detection and Quantitation, and define the ML based on data quality indicators such as bias and precision.

### Changes to Alternative Test Procedure (ATP) Process

EPA has proposed changes to the Alternative Test Procedure (ATP) process to ensure that the process cannot be used by states to require use of new methods without going through the full scientific review process. NACWA supports those changes. To ensure that the ATP process is used properly, EPA should further clarify that if a method has not gone through the standard 40 CFR 136 approval process, dischargers cannot be required to use the method. Dischargers should be allowed the option of using a method approved through the ATP process, but it should not be mandatory. This is consistent with the basic purpose of the ATP procedure – to give dischargers the flexibility to use alternate methods in appropriate situations. It should not be used to impose new mandates or testing requirements. NACWA also supports the comments submitted on behalf of the Southern California Alliance of Publicly Owned Treatment Works (SCAP) relating to the use of the ATP process.

### Whole Effluent Toxicity

NACWA is supportive of all the clarifications and corrections made to EPA’s whole effluent toxicity (WET) methods. Specifically NACWA supports the correction of typographical errors that went unnoticed during the last update to 40 CFR part 136 concerning technology updates to toxicity methods. NACWA also approves of the deletion of unavailable products and the consistency corrections that were made within respective test methods and supports the decision to include measuring physical and chemical parameters in all test treatments rather than only 100% effluent and control/receiving waters.

### Other Comments

NACWA is concerned with the MUR’s references to Method 1668C in Method 608.3 (section 1.5) and Method 625.1 (section 1.4). For example:

“Method 1668C may be useful for determination of PCBs as individual chlorinated biphenyl congeners, and Method 1699 may be useful for determination of the pesticides listed in this method. However, at the time of writing of this revision, Methods 1668C and 1699 had not been approved for use at 40 CFR, part 136.”

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This statement needs to be removed. It is inappropriate to imply that methods that have not been promulgated or approved for use under the CWA in 40 CFR Part 136, and which EPA has decided not to include in the approved list of methods, may nevertheless “be useful” for that program.

Again, NACWA appreciates the opportunity to comment on the MUR and urges EPA to consider and incorporate the extensive comments submitted by the laboratory personnel from NACWA’s member agencies including the Hampton Roads Sanitation District, the Milwaukee Metropolitan Sewerage District, American Bottoms, the Metropolitan Water Reclamation District of Greater Chicago, the City of Eugene, Rahway Valley Sewerage District, the City of Los Angeles and the Sanitation Districts of Los Angeles County.

Please let me know if you have any questions.

Sincerely,



Chris Hornback

Senior Director, Regulatory Affairs

ATTACHMENTS