



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER DIVISION

April 22, 2022

Ms. Diana Washington
Washington Department of Ecology
Water Quality Program
4601 N. Monroe Street
Spokane, Washington 99205

(sent via email to: dwas461@ecy.wa.gov)

Re: U.S. Environmental Protection Agency Comments
Draft National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheet
Liberty Lake Sewer and Water District (Permit #WA0045144)

Dear Ms. Washington:

Thank you for the opportunity to comment on the Washington Department of Ecology (Ecology) draft permit for the Liberty Lake Sewer and Water District. EPA conducted this review in accordance with the procedures outlined in the National Pollutant Discharge Elimination System (NPDES) Memorandum of Agreement Between Ecology and EPA Region 10. EPA is providing the following comments on the draft permit and fact sheet.

Fact Sheet

PCB Analytical Methods

The discussion of total PCB analytical methods beginning on Pages 45 and 46 of the fact sheet should include EPA Method 1628. This is a PCB congener method which was published in July 2021, and which has undergone multi-laboratory validation, although it has not yet been approved under 40 CFR Part 136 for use in NPDES permit compliance monitoring.¹

Reasonable Potential Analysis

The reasonable potential analysis in Table D-5 on Page 71 does not include calculations for some of the parameters measured in the effluent and listed in Table 6 on Pages 14-15, which have applicable numeric water quality criteria, specifically lead, tetrachloroethylene, and zinc. Reasonable potential calculations should be performed for these parameters and the results should be included in Table D-5.

Draft Permit

Compliance Schedule for Cadmium and Lead Effluent Limits

The fact sheet explains on Page 36 that the draft permit includes a 10-year compliance schedule for water quality-based effluent limits for cadmium, lead, and zinc. The final water quality-based effluent limits are consistent with the assumptions and requirements of the wasteload allocations for this facility in the Spokane River Dissolved Metals Total Maximum Daily Load².

¹ <https://www.epa.gov/cwa-methods/pcb-congeners-low-resolution-gc-ms-method-1628-not-yet-approved>

² <https://apps.ecology.wa.gov/publications/SummaryPages/9949.html>

The *U.S. Environmental Protection Agency NPDES Permit Writers' Manual* States, in Section 9.1.3, that permit writers should demonstrate that the permittee cannot immediately comply with the new water quality-based effluent limitations on the effective date of the final permit before establishing a compliance schedule.³ The 95th percentile effluent concentrations of cadmium and lead listed in Table 6 (0.5 µg/L and 1.49 µg/L, respectively) are lower than the final average monthly water quality-based effluent limits for cadmium and lead (0.89 µg/L and 2.1 µg/L, respectively). The reasonable potential analysis in Table D-5 on Page 71 of the fact sheet shows that there were 45 samples for cadmium, which is adequate to calculate a 95th percentile value. As such, it appears that the facility can meet the water quality-based effluent limits for cadmium and lead immediately on the effective date of the final permit and therefore compliance schedules should not be authorized for the cadmium and lead water quality-based effluent limits.

EPA notes that Tables D-6 and D-7 show that the performance-based effluent limits (plus 10%) for cadmium and lead are higher than the final effluent limits, which suggests that the facility cannot comply with the water quality-based effluent limits immediately. However, since the performance-based effluent limits are much higher than the 95th percentile effluent concentrations in Table 6, the performance-based effluent limits do not appear to accurately reflect the facility's performance.

For any questions or concerns with EPA's comments on Ecology's draft permit for the Liberty Lake Sewer and Water District, feel free to contact Brian Nickel of my staff at (206) 553-6251 or by email at Nickel.Brian@epa.gov.

Sincerely,

Susan Poulson, Manager
NPDES Permitting Section

cc: Adriane Borgias, Ecology ERO (via e-mail)
Karl Rains, Ecology ERO (via e-mail)

³ https://www.epa.gov/sites/default/files/2015-09/documents/pwm_chapt_09.pdf