



Association of
Metropolitan
Sewerage Agencies

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Executive Director
Ken Kirk

March 3, 2000

Mr. Geoff Grubbs
Director
Office of Science and Technology
U.S. Environmental Protection Agency
401 M Street, SW (4503F)
Washington, DC 20460

Dear Mr. Grubbs,

Pursuant to §553(e) of the Administrative Procedures Act, 5 U.S.C. §553(e), the Association of Metropolitan Sewerage Agencies (AMSA) hereby petitions the U.S. Environmental Protection Agency (EPA) to conduct a formal rulemaking process to validate and approve EPA's draft Method 245.7, *Mercury in Water by Cold Vapor Atomic Fluorescence Spectrometry* as an alternative to EPA Method 1631 for the analysis of low-level mercury. AMSA had originally requested that this method be validated and approved in July 1998. In September 1998, your office informed AMSA's leadership that the Agency would move forward with the validation and adoption of Method 245.7. Subsequently, during the July 19, 1999 meeting with members of the AMSA Mercury Workgroup, EPA presented a tentative schedule for completion of the validation process by December 1999. Solicitation of a referee laboratory was distributed in October 1999, however no further action was taken.

Recently AMSA has received information that due to budget cuts within EPA, there will be no further efforts associated with validation studies for the draft Method 245.7. While AMSA appreciates the effect of budget pressures, EPA must proceed with the validation of Method 245.7, a method which uses the same protocols described in 1631, but without the use of ultra-clean sampling techniques and a gold trap. These techniques have been cited by AMSA member agencies as the major costs associated with Method 1631.

EPA has put a high priority on the control of mercury in the water program and has placed particular emphasis on pollution prevention initiatives as a means to achieve


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reductions. These initiatives will require extensive monitoring of POTW influents as well as industrial wastewater in the service areas. The currently available Method 1631 was developed to support ambient water quality monitoring for low level mercury; it is an extremely sensitive, costly and cumbersome method, not well suited for POTW influent or industrial effluent monitoring. The approval of Method 245.7 is critical to POTWs in developing cost-effective, proactive source control and pollution prevention strategies. Failure to promulgate the Method 245.7 may prohibit many municipalities from evaluation of mass loadings from the service area, source monitoring and implementation of the meaningful pollution prevention plans.

AMSA believes EPA should provide permittees the ability to use a less expensive and less resource intensive analytical method than Method 1631 when appropriate, while still providing quantifiable levels of mercury in permitted effluents. Most POTWs could use Method 245.7 and still obtain a low detection limit of mercury (MDL of 2 to 4 ng/l). Because of the critical impact that the approval of Method 245.7 has on cost-effective pollution prevention monitoring, we are formally requesting a schedule, in writing for the validation and approval of EPA Method 245.7. If you have any questions regarding our request, please contact me at 202/833-4653.

Sincerely,

A handwritten signature in black ink, appearing to read "K.K.O.", written in a cursive style.

Ken Kirk
Executive Director

Cc: James Hanlon, U.S. EPA
Guy Aydlett, Hampton Roads Sanitation District
Margie Nellor, County Sanitation Districts of Los Angeles County
Randy Benn, LeBoeuf, Lamb, Greene & MacRae, L.L.P.