



## Alcoa Primary Metals

Intalco Works  
4050 Mountain View Road  
Ferndale, WA 98248 USA

March 23, 2015

CERTIFIED MAIL: 7014 0510 0000 1095 1068

Ms. Cheryl Niemi,  
Washington Department of Ecology  
Water Quality Program  
P.O. Box 47600  
Olympia WA 98504-7600

Dear Ms. Niemi:

Intalco Aluminum Corporation, Wenatchee Works and Alcoa Inc (collectively, "Alcoa" or the "Company") submits these comments to Washington State Department of Ecology ("Ecology") on the rule proposal to adopt amendments to the Water Quality Standards for Surface Waters of the State of Washington, pursuant to Chapter 173-201A WAC (the "Proposed Rule"). Alcoa carefully reviewed the Proposed Rule and the associated technical support documents. Alcoa generally supports a proposed rule that implements the water quality standards in technically and scientifically sound manner. Accordingly, Alcoa respectfully submits the following comments on certain aspects of the Proposed Rule that the Company believes Ecology should review and revise to better achieve the goals of the Proposed Rule.

### Proposed Regulation Changes:

#### 1. WAC 173-201A-240(5)(b) – Fish Consumption Rate For Human Health Criteria

Table 240 human health values are proposed to be based on two primary factors (i) consumption of 175 grams of fish/ day and (ii) up to a 70 year chronic exposure. Furthermore, it assumes that 100% of all fish consumed is locally caught. Alcoa believes that the  $10^{-5}$  protection factor is overly conservative, e.g., it does not take into account fish migratory patterns, however, Alcoa believes this number is closer to a supportable factor than those proposed earlier in the rulemaking process.

#### 2. WAC 173-201A-240 – Table 240 Toxics Substances Criteria Footnotes

Alcoa does not understand Footnote "E" associated with the human health criteria at the end of Table 240. The purpose of this footnote as it relates to the cyanide criteria is unclear. Alcoa requests the footnote be re-written to improve clarity.

### 3. WAC 173-201A-420 – Variances

Alcoa believes the variance language is too prescriptive in the regulation and will provide limited ability to take into account site-specific conditions. EPA regulations allow states to have policies for granting variances rather than prescribing variance language in the regulation. See 40 C.F.R. 131.13.

Alcoa requests the final rule allow the use of a variance that is approved through the formal public rulemaking process prior to its publication in a regulation amendment. It is Alcoa's understanding that EPA has authorized the use of variances under such circumstances in other delegated states. Alcoa also requests the final rule allow the continuation of a current permit while a valid variance is being processed.

### 4. WAC 173-201A-460 – Intake Credits

Alcoa recommends that either Ecology (i) eliminate the language limiting intake credits to water quality based effluent limits (WQBELS) from the general provisions language found at 173-201A-460(1) or (i) add language that intake credits are also available for technology-based effluent limits. The definition of intake credits uses the term effluent limits without distinguishing between water quality-based or technology-based.

Alcoa maintains that a discharger should be able to account for the type and amount of constituents in the intake water when developing and complying with effluent limits. Alcoa also recommends the addition of the language from EPA's intake credit regulation found at 40 CFR 122.45(g)(4) that allows intake credits if the effluent water is not discharged back to the same water body:

“Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The Director may waive this requirement if he finds that no environmental degradation will result.”

In addition, Alcoa requests an explanation on how intake credits relate to the requirements at the edge of a mixing zone.

### 5. WAC 173-201A-510(4) – Compliance Schedules

Alcoa believes there must be a differentiation between a new discharge and a new source with regard to the ability to obtain a compliance schedule. The Clean Water Act's definition of a new source can be different than a new discharge. A new source can often be combined with an existing source that could obtain a compliance schedule. The inability to have a compliance schedule for those instances where existing and new sources as defined under the Clean Water Act are combined could be problematic. The regulation should therefore allow flexibility with regard to this type of situation at existing facilities.

## 6. Approved Analytical Methods

Alcoa recommends that all approved analytical methods and test procedures, currently published as regulations in the Code of Federal Regulations (CFR) at Title 40 Part 136, be included in the proposed rule as the exclusive methods and test procedures.

## 7. Implementation Plans

Alcoa recommends that the tools and resources developed to implement these proposed changes be subject to public input and comment. Alcoa recommends an administrative procedure be developed that allows a discharger to address the situation whereby an implementation tool is not allowed to be used.

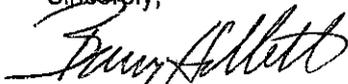
## 8. Economic Analysis

Alcoa requests the final economic analysis for the rule as adopted to clarify if the benefit analysis was based on the rule or the criteria. Alcoa requests that Ecology make the final economic analysis readily available to the public upon its completion.

Alcoa takes pride in being a responsible operator and corporate citizen. We appreciate the opportunity to work cooperatively with Ecology through this process and to provide these comments with the hope that Ecology's contemplation of them will prove useful in the development of the proposed rule. The Company recognizes and appreciates Ecology's extensive effort, research, and public information sharing during the development of this regulation and we look forward to further cooperative efforts with the agency to create solutions that protect human health, the environment and protect Washington state as a wonderful place to work, live and play.

Please feel free to direct questions or comments to myself at 360-384-7584, or my Environmental Manager, Kathryn Mitchell, at 360 384-7206.

Sincerely,



Barry Hullett  
President  
Intalco Aluminum Corporation