



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10**

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OFFICE OF
WATER AND
WATERSHEDS

October 14, 2016

Mr. Troy Smith, IPDES Rules and Guidance Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

(sent to: IPDESGuidance@deq.idaho.gov)

Re: U.S Environmental Protection Agency Comments on Guidance Documents for the Idaho
Pollutant Discharge Elimination System (IPDES) Program

Dear Mr. Smith:

The U.S Environmental Protection Agency, Region 10 (EPA) has reviewed the following IPDES documents that the Idaho Department of Environmental Quality (DEQ) presented at the October 7, 2016 meeting.

- Idaho Pollutant Discharge Elimination System: Effluent Limit Development Guidance
- Idaho Pollutant Discharge Elimination System: Effluent Limit Development Draft Outline

The EPA has the following comments and suggestions to improve the documents.

Guidance

1. Page 1, Introduction – This paragraph should also indicate that the document provide, in addition to TBELs and WQBELs, an understanding about how DEQ will evaluate reasonable potential to exceed (RPTE).
2. Page 3, Section 2.1 second paragraph – DEQ should further elaborate on the following paragraph especially the portion underlined by EPA for emphasis. *“To ensure that data collected for regulatory decision-making are valid ...quality control must be incorporated in all sampling event planning, collection, preparation, and analysis activities.”* DEQ should clarify how and what quality control procedures and processes will be expected or required here or elsewhere in the document.
3. Page 3, Section 2.1, last paragraph – DEQ should clarify that all relevant data must be submitted to DEQ, but with explanation and/or qualifying reasons for data that may no longer be relevant. Permittees should not exclude from submission data that would otherwise be required by a permit. The document states, *“...any test result used should be representative ... only data collected subsequent to those changes should be used for RPTE and WQBEL calculations.”* It should be made clear that permit writers must present and/or

discuss data used in the evaluation of RPTE, and disclose rejected data and the reasoning for the exclusions.

4. Page 4, Section 2.3 – It would be appropriate to present information in this section of the document about EPA’s Sufficiently Sensitive Test Method Rule to clarify ML requirements for both effluent monitoring and permit compliance purposes.
5. Section 2.3.1 - The definition of “minimum level” should be revised to be consistent with that published in the Sufficiently Sensitive Methods Final Rule (79 FR 49001). The revised definition reads:

The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.

When the methods update rule (which is currently draft) is finalized, it will most likely include a revised definition of “minimum level.”

The EPA also explained in the sufficiently sensitive methods rule that the terms “quantitation limit,” “reporting limit,” and “level of quantitation” are synonymous with “minimum level” (79 FR 49001). It would be helpful to state this in the guidance, because laboratories use a variety of terms to state their quantification limits (and “minimum level” is by no means the most common of these terms).

6. Section 2.3.2 - If the language in this section is to be used for compliance purposes as opposed to characterizing an effluent for a reasonable potential analysis, it is recommended that values less than the MDL be counted as zero (not the value of the MDL), consistent with our policy on this matter. It makes sense to give permittees the benefit of the doubt when averaging in values that are truly “non-detect” (as opposed to not quantifiable). [https://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage/\\$FILE/ML-MDL-Policy-4-25-05.pdf](https://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage/$FILE/ML-MDL-Policy-4-25-05.pdf).
7. Page 8, Section 2.5 – All applications for Alternative Test Procedures must be submitted to EPA’s Regional Office for approval. Refer to <https://www.epa.gov/cwa-methods/alternate-test-procedures>. EPA recently published Protocols for EPA Review of Alternate Test Procedures (February 2016).
8. Section 2.6.1 – This section appears to be of limited value since standard mathematical application of significant figures and rounding apply. Removal or paring down is recommended. The issue of significant figures and rounding is also important in relation to permittee reporting of discharge monitoring report (DMR) data. It may be appropriate to include information in context of requirements for reporting permit required data, as well.

9. Section 2.6.2 – Clarify the basis for a different rounding convention for “measured values” as opposed to “calculated values” in the document or by response.
10. Page 12, Section 2.7 – The document should clarify that permit required data that has been determined to be outliers must be explained in the fact sheet so as not to be excluded from the permit administrative record.
11. Section 2.7.1 - This section should note the *Technical Support Document for Water Quality-based Toxics Control* (TSD) recommends at least 10 samples in order to use the actual coefficient of variation in permit calculations. The TSD states, in Box 3-2, that “For less than 10 items of data, the uncertainty in the CV is too large to calculate a standard deviation or mean with sufficient confidence.”

For a sample size determined based on an acceptable relative error and confidence level, this section could reference Appendix N to the EPA’s Local Limits Development Guidance. https://www3.epa.gov/npdes/pubs/final_local_limits_appendices.pdf

Outline

1. Consider separating the RPTE discussion (under Section 4. Determining QBELs) into another section since RPTE will be a long and detailed section. DEQ should include in the RPTE section a discussion about the rationale for their RPTE methodology (e.g. confidence interval and probability used in RPTE calculations). EPA’s Permit Writers’ Manual does not provide this level of detail, but is appropriate for DEQ to identify how they will implement EPA’s TSD in permitting.
2. Consider including a discussion about calculating performance based effluent limits which may be used for deriving effluent limits for industrial dischargers or as interim limits (e.g. along with compliance schedules in permits).

Please contact me at (206) 553-1755 or by email at lidgard.michael@epa.gov if you have any questions about this letter or related matters, or you may contact Karen Burgess, of my staff, at (206) 553-1644 or burgess.karen@epa.gov.

Sincerely,



Michael J. Lidgard, Manager
NPDES Permits Unit

cc: Mary Anne Nelson, IPDES Program Manager (sent to: mary.anne.nelson@deq.idaho.gov)