United States Environmental Protection Agency
Office of Water, Office of Wastewater Management
Water Permits Division

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National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting

The U.S. Environmental Protection Agency (EPA) has finalized minor amendments to its Clean Water Act (CWA) regulations to codify that under the National Pollutant Discharge Elimination System (NPDES) program, where EPA has promulgated or otherwise approved analytical methods under 40 CFR Part 136, or 40 CFR Chapter I, subchapters N and O, permit applicants must use "sufficiently sensitive" analytical test methods when completing an NPDES permit application. Also, the Director (head of the permit-issuing authority) must prescribe that only "sufficiently sensitive" methods be used for analyses of pollutants or pollutant parameters under an NPDES permit.

The purpose of this rulemaking is to clarify that NPDES applicants and permittees must use EPA-approved analytical methods that are capable of detecting and measuring the pollutants at, or below, the applicable water quality criteria or permit limits. EPA modified existing NPDES application, compliance monitoring, and analytical methods regulations. The amendments in this final rulemaking affect only chemical-specific methods; they do not apply to the Whole Effluent Toxicity (WET) methods or their use.

This regulatory revision is based on requirements in the CWA and clarifies existing EPA regulations. It also codifies existing EPA guidance from the 2007 memorandum "Analytical Methods for Mercury in NPDES Permits" from James A. Hanlon, Director of EPA's Office of Wastewater Management, to the Regional Water Division Directors on the use of "sufficiently sensitive" analytical methods with respect to measurement of mercury, and clarifies that the approach outlined in that guidance applies to the NPDES program more generally.

EPA has generally approved multiple methods for CWA pollutants under 40 CFR part 136 and 40 CFR chapter I, subchapters N and O. Some of the approved analytical test methods have greater sensitivities and lower minimum levels or method detection limits than other approved methods for the same pollutant. Many metals and toxic compounds (for example, mercury) have an array of EPA-approved methods, including some methods that have greater sensitivities and lower minimum levels than the others.

EPA and State permitting authorities use data from the permit application to determine whether pollutants are present in an applicant's discharge and to quantify the levels of all detected pollutants. These pollutant data are then used to determine whether technology- or water quality-based effluent limits are needed in the facility's NPDES permit. It is critical, therefore, that applicants provide data that have been measured at levels that will be meaningful to the decision-making process. The same holds true for monitoring and reporting relative to permit limits established for regulated parameters.

On August 19, 2014 EPA issued a *Federal Register* notice announcing the final amendments to the CWA regulations. You can view or download the complete text of the *Federal Register* notice at https://federalregister.gov/a/2014-19265. In addition, supporting documents are available in the docket at www.regulations.gov (docket identification No. EPA-HQ-OW-2009-1019).

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