Comments for Effluent Limit Development Guidance (ELDG)

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4/24/2017	5/3/2017	EPA R10 NPU	1	3.4.3.8 Mixing Zone Assessment Process	81	notification levels in permits
4/24/2017	5/3/2017	EPA R10 NPU	2	3.5 Calculate Pollutant-Specific WQBELs	100	reference to dilution factor and dilution ratio
4/24/2017	5/3/2017	EPA R10 NPU	3	3.5.2 Calculate Chemical-Specific WQBELs Based on Human Health Criteria for Toxics Pollutants	104	
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Comment
EPA is concerned about the following language in the guidance: "The permit writer will document, in the fact sheet, the end of pipe pollutant concentration and low flow criteria used in the mixing zone analysis, affiliated with the mixing zone sizing, so that the concentration, mixing zone size, and receiving water low flow attributes are all documented in the permit. This concentration will be called a notification level and will require the permittee to notify DEQ when concentrations exceeding this level are discharged to the receiving water. A notification level is not an enforceable limit." This appears to be a new concept and it is unclear how it comports with the federal NDPES regulations or what purpose it serves.
EPA suggests consistent use of terms for dilution such as dilution factor and dilution ratio. Generally, dilution factor is more commonly used and refer to in NPDES permitting.
EPA suggest including the same level of detail for calculating limits for human health criteria as was provided for aquatic life under section 3.5.1.
The ELDG says that "If less than 10 acute or chronic data points are available, then an RPA generally should not be performed. In this case monitoring will be required where data is lacking." EPA's position is that RPA must be done for all identified pollutants of concerns and limits set accordingly. Refer to EPA's TSD, Responsiveness Summary, page 13, comment 1 under Chapter 3.