

NPDES Equivalent Methods Do NOT Require Letter From USEPA

Lachat Instruments has received many questions regarding USEPA Equivalent methods for NPDES reporting. Many customers have requested letters from the EPA stating these methods' acceptance. Lachat would like to stress that the USEPA will not be issuing letters for methods that fall within the flexibility allowed at 40 CFR Part 136.6 of the EPA's Method Update Rule (MUR), March 2007, and that these methods **are acceptable** for NPDES compliance monitoring.

A good example of this is Lachat method 10-107-04-1-C. Lachat Applications submitted the method for review to the USEPA, requesting a letter stating that the method was acceptable for use in both NPDWR and NPDES compliance monitoring. The modifications in this method allow samples to be analyzed without pH adjustment due to the high flow rate of the buffer reagent, which allows the method to compensate for high or low pH samples. This method adjustment falls within the flexibility allowed at 40 CFR Part 136.6 of the MUR. Therefore, this method is acceptable for use in NPDES compliance monitoring and no letter is required (or will be issued) by the EPA.

The EPA states that, ***“The absence of a letter does not preclude use of Equivalent Lachat methods for NPDES compliance monitoring purposes.”*** The modifications that fall within the allowed flexibility of the MUR do not require review as a Clean Water Act ATP.

The USEPA sent Lachat and all Regional ATP Coordinators this statement regarding this issue:

“Due to increased inquiries on method flexibility we would like to stress:

Regions, States and permitting authorities should not expect a letter from the EPA's Office of Science and Technology (OST) stating that a modification that falls within the flexibility allowed under 40 CFR Part 136.6, which was added as part of the Methods Update Final Rule published in the Federal Register on March 12, 2007. Such modifications are acceptable for use in CWA monitoring. Letters for modified methods that fall within the scope of Part 136.6 will no longer be issued and the use of these methods are acceptable provided that they meet the performance requirements specified in the method.

Secondly, the flexibility allowed at Part 136.6 may be used to modify any method approved at Part 136 for compliance monitoring under the CWA including methods developed by VCSBs such as Standard Methods and ASTM International. If you choose to modify an approved method, in addition to documenting that the modification works, to be fully transparent, the user also discloses that a Modified Method X, not just Method X, is being used. This annotation is especially important when modifying a method published by a standards organization, such as Standard Methods, ASTM International or AOAC, International. This is further clarified in the attached memo from Richard Reding, Ph.D., Chief, EASB to Regional ATP

Coordinators and Alternates titled: Citing Clean Water Act Limited-Use ATP Methods as Modifications dated April 14, 2008.”

Please contact the EPA or Lachat Instruments for copies of the above-mentioned EPA correspondence.

EPA Contacts for MUR questions are:

CWA ATP Coordinator Lemuel Walker (walker.lemuel@epa.gov)

The CWA methods Team (OSTCWAMethods@epa.gov)

Lachat would love to hear about your lab's experiences with the MUR. Is the intent to allow for more flexibility helping your lab? Please send Lachat any comments, good or bad, on the MUR to Lachat Technical Support (support@lachatinstruments.com).