UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 15 2001

OFFICE OF WATER

MEMORANDUM

SUBJECT: "Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program"

FROM: Michael B. Cook, Director (4203M)
Office of Wastewater Management

Eric V. Schaeffer, Director (2243)
Office of Regulatory Enforcement

TO: EPA National Water Program Managers, Regions I - X
NPDES State Program Managers

The purpose of this memorandum is to transmit the attached document, "Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program." The document provides additional clarification on existing Toxicity Reduction Evaluations (TREs)/Toxicity Identification Evaluations (TIEs) guidance and satisfies EPA's obligation under the July 1997 settlement agreement with the City of San Bernardino (CA), United Water Florida, and the City of Washington (GA). This guidance clarifies for NPDES permittees and permitting authorities a number of issues including: when and under what circumstances a permittee should conduct a TRE and/or a TIE; technical limitations on the TIE process; consideration of persistence and magnitude of toxicity events; ionic imbalances of effluents; the applicability of compliance schedules; and inconclusive TREs/TIEs. Where appropriate, the guidance distinguishes between acute and chronic toxicity limitations and evaluation procedures. The document supplements EPA's guidance entitled, *Technical Support Document for Water Quality-Based Toxics Control* (3/91, EPA/505/2-90-001), and does not change current policy or legal authority.

The document responds to the requirements of the settlement agreement by re-emphasizing existing relevant EPA guidance on TREs/TIEs and providing additional clarification of that guidance to address the specific issues listed in the settlement agreement. The document was developed by an EPA workgroup consisting of staff from the EPA's Office of Water's (OW) Headquarters, Office of Enforcement and Compliance Assurance (OECA), Office of Research and Development (ORD), EPA Region VI and a State (NC). The document contains an Executive Summary which provides an overview and the recommendations. The document

does not include new permitting or compliance guidance.

The document will be posted on the Office of Wastewater and Management's web site (http://www.epa.gov/owm) and copies will also be available from the Office of Water's Water Resource Center (202-260-7786, E-mail: "center.water-resource@epa.gov"). If you have questions please contact Laura Phillips at (202)-564-0741.

Attachment

cc: EPA Regional NPDES Program Managers, R I - X
EPA Regional OE Branch Chiefs, R I - X
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