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

OCT 25 1982

OFFICE OF
WATERMEMORANDUM

SUBJECT: Review of Draft 301(g) Regulation, Preamble, Application Form and Technical Guidance Manual

TO: Regional Water Management Division Directors

FROM: Martha G. Prothro, Director *Martha Prothro*
Permits Division (EN-336)

Attached for your review and comment are drafts of the Section 301(g) regulation and preamble, application form and technical guidance manual. These materials are early drafts developed by staff that we hope to have prepared by December 31, 1982, for internal Office of Water review. We are soliciting Regional Office input at this time to assure that Regional concerns regarding the 301(g) regulation are considered early in the development process and to provide a document for interim use on 301(g) considerations. Section 301(g) of the Clean Water Act provides a variance from Best Available Technology Economically Achievable (BAT) requirements for nonconventional pollutants if an applicant can prove that treatment less stringent than BAT will not result in water quality that interferes with the maintenance of a balanced population of fish, shellfish, and wildlife or impacts recreation, public drinking water supplies, other point and nonpoint source treatment controls or human health.

Section 301(g) requires consideration of a number of complex factors in order to qualify for variance consideration. To address these factors the draft regulation emphasizes the use of EPA water quality criteria numbers and the EPA methodology for deriving criteria numbers. The draft regulation provides, in large part, that a 301(g) variance request is evaluated by making a comparison between the most stringent water quality criterion number for the nonconventional pollutant(s) and the concentration of the nonconventional pollutant(s) attained at the edge of a State or EPA-approved mixing zone. If the concentration of the

nonconventional pollutant exceeds the EPA water quality criterion number at the edge of the mixing zone, the variance will be denied. The regulation also requires consideration of the potential for bioaccumulation of the nonconventional pollutant and whether the pollutant is a carcinogen. Other factors such as recreation, public drinking sources and point and nonpoint source treatment impacts must also be weighed before a variance is granted.

Please comment not only on the specifics of this draft but also on whether additional or different factors should be considered for 301(g) regulation. Provide comments to Permits Division by no later than November 19, 1982. If you have any questions concerning the draft regulation, application form or technical guidance manual, please call Bill Jordan, Chief, NPDES Technical Support Branch, (8/426-7010) or Bob Cantilli of his staff at (8/426-7035).

cc: Regional Permit Branch Chief
301(g) Work Group Members

Primary Industries Eligible for 301(g) Variances

| <u>Industry</u> | <u>Pollutant/s</u> | <u>Final Reg</u> | <u>Initial Req. Date*</u> | <u># of Majors**</u> |
|-----------------------|---------------------------------|------------------|-------------------------------|----------------------|
| Aluminum Forming | Aluminum | 7/83 | 4/84 | 102 |
| Coil Coating | Iron/Aluminum | 11/82 | 8/83 | 19 |
| Electrical Components | Fluoride | 3/83 | 12/83 | 17 |
| Foundries | 4AAP(total phenols) | 8/83 | 5/84 | 25 |
| Inorganic Chemicals | Chlorine Fluoride COD | 6/82 | 3/83 | 45 |
| Iron and Steel | Ammonia 4AAP(total phenols) | 5/82 | 2/83 | 149 |
| Nonferrous metals | Fluoride Aluminum Ammonia | 1/84 | 10/84 | 130 |
| Pesticides | COD/many pesticides | 12/83 | 9/84 | 125 |
| Steam Electric | Chlorine | 11/82 | 8/83 | 662 |
| | | | | Total: 1274 |

*Initial request must be submitted 270 days after promulgation of guideline.
40 CFR 122.21(n)(2) authorizes a 6 month extension to submit a completed
301(g) request.

**The Agency received 2400 initial requests for variances in 1978 which
includes both major and minor permits.