

6.1.5.2 Monitoring Conditions / Other Considerations / Analytical Detection Levels-Compliance Levels

Applicability:

The determination of compliance levels for NPDES permits where the permit limit is not quantifiable using standard EPA approved methods.

Content:

Most conventional permit parameters have effluent limits that can be accurately measured by one of the acceptable analytical methods outlined in 6.1.4. However, there are situations where a proposed effluent limit is below the detection level of the approved methods. In these situations the department will follow EPA guidance and specify a minimum level (ML) (see 6.1.5.1 Definitions) in the permit for compliance purposes. Although facilities are still required to treat the waste to the specified effluent limit, values less than the ML will be considered acceptable for compliance purposes.

Permit writers must first determine if their proposed effluent limit is quantifiable by comparing it to the ML of the approved procedure(s). EPA has promulgated MLs for many methods and these can be found in the various procedure manuals, however, in situations where there is no promulgated ML, the permit writer may calculate an interim ML by multiplying the method detection level (MDL) by 3.18. If the proposed effluent limit is greater than the ML, then the effluent limit should be included in the permit as the effluent limit for the facility. If the effluent limit is less than or equal to the ML, then the effluent limit, the ML and the specified analytical method should be placed in the permit with a notation similar to:

Parameter	Units	Effluent Limit
Parameter Name	units	Proposed effluent limit* (Determined ML)

* This effluent limit is below the minimum quantification level (ML) of {determined ML} for this parameter using any suitable approved test method. The department has determined the current acceptable ML for {parameter name} to be {determined ML} when using {specified analytical method}. The permittee will conduct analyses in accordance with this method and report actual analytical values. Measured values greater than or equal to {determined ML} will be considered violations of the permit and values less than {determined ML} will be considered to be in compliance with the permit limitation. The ML does not authorize the discharge of {parameter name} in excess of effluent limits stated in the permit.

Incorporating the ML into the permit in this way will ensure that it is entered into WQIS. WQIS will in turn use the ML for determinations of compliance and WQIS Data Entry Clerks and other data users will not have the burden of making these decisions. Eventually analytical methods should improve to the point where the ML is equal to or lower than the required effluent limit and the permit language above will no longer be necessary.

Legal References:

Code of State Regulations:

[10 CSR 20-7.015\(9\)\(A\)2 and \(A\)3](#)

Effluent Regulations - General Conditions - Monitoring, Analysis and Reporting

Code of Federal Regulations:

[40 CFR part 136](#) Guidelines Establishing Test Procedures for the Analysis of Pollutants

“Technical Support Document for Water-Quality Based Toxics Control” (EPA/505/2-90-001), section 5.7.3;

“[Determining Compliance With Water Quality Based Effluent Limits Below Quantitation in the Absence of Promulgated Minimum Levels\(MLs\)](#)”, Federal Register: May 25, 1995 (Volume 60, Number 101)

Standard Methods for the Examination of Waters and Wastewater, 19th edition, Section 1030 C., published by the Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314.

Key Words:

Analytical detection levels, Minimum Level, quantifiable, detection levels, compliance level, ML

Page ID: 6.1.5.2 Analytical Detection Levels-Compliance Levels

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