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FAX COMMUNICATION

Date: 4/15
To: Fax Number: (⁵⁴¹~~503~~) 752-8806
Name: Larry LaFleur
Company: NCASI
Address: _____
Subject: FYI
From: Mary Margaret Koppers

Number of Pages, Including This Page: 5

Comments or Special Instructions: Lynn suggested that you
might be interested in seeing this letter.

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INTER-INDUSTRY ANALYTICAL GROUP

March 30, 1998

By UPS Overnight

Mr. Robert W. Perciasepe
Assistant Administrator
U.S. Environmental Protection Agency
401 M Street, S.W. (Mail Code 4101)
Washington, DC 20460

To	MARY MARGARET
Co.	
# of pages	4
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85 P 4
 W. Kirk
 EE ADMINISTRATION

Quantification Levels

Dear Mr. Perciasepe:

On February 26, 1998, Jim Hanlon and others within the Engineering and Analysis Division ("EAD") met with representatives of the Inter-Industry Analytical Group ("IIAG") to discuss the quantification issue. We had been expecting the Agency to propose a new quantification approach in the *Federal Register* by year's end, as discussed in your letter of June 9, 1997. Late last year, however, we learned that the EAD had decided to undertake a study that would dramatically extend your schedule, possibly by as much as three (3) years. In addition to the delay, the IIAG was concerned about certain issues the EAD study plan did not appear to address. During the meeting, the EAD staff offered assurances that its study eventually would address all of the issues identified in your letter as issues appropriate for peer review. However, the extended schedule discussed during the meeting underscores the need for the Agency to endorse an "interim" approach during the lengthy period necessary to complete the EAD's study.

what issues?

The IIAG had suggested an "interim" quantification approach in our November 5, 1996 letter. We did not continue to pursue that suggestion once we learned of the expedited plans presented in your June 9 letter. Now that those plans have changed, we urge you to take a fresh look at the IIAG's request for interim relief.

If the EAD proceeds with an appropriate study to fortify the scientific basis with which to evaluate quantification levels, we have a strong interest in participating in its design and

* The Group is comprised of Aluminum Company of America, American Automobile Manufacturers Association, American Forest & Paper Association, American Petroleum Institute, Chemical Manufacturers Association, National Association of Metal Finishers, American Electroplaters and Surface Finishers Society, Metal Finishing Suppliers' Association, and Utility Water Act Group.

AP

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implementation. We do not believe, however, that the study is a prerequisite to the Agency endorsing a scientifically sound "interim" approach. If anything, the study should be used to evaluate whether the interim approach—after it is being applied—can be improved.

The quantification issue has been studied extensively over the past several years. The Office of Water itself has been working on it since before 1985, when it introduced "practical quantitation levels" ("PQLs") for use in the drinking water program. At some point, the EAD began work on the issue, with a draft proposal emerging more than four (4) years ago. Since then, you and your staff have met with ILAG representatives on numerous occasions, have exchanged data, and have extensively evaluated the options. Those efforts ultimately led to your June 9 letter announcing the decision to withdraw the EAD's "interim ML" and to propose a new approach by late 1997. Over nine (9) months have passed since your letter, with the only progress being a plan to study the issue still further—possibly for the next three (3) years.

what will be done in the interim

An interim approach is needed well before then. The Agency has rulemaking proceedings underway, and permit writers are facing NPDES permits involving the quantification issue. Absent a scientifically sound quantification approach, those proceedings are bound to present regulatory obstacles that we share an interest in avoiding.

Note →

Interim approaches are available, at least one immediately, and another in due course. An approach called the "Interlaboratory Quantification Estimate" ("IQE") is rapidly evolving within ASTM, a voluntary consensus organization whose analytical standards the Agency routinely endorses. EAD staff already are participating actively on the ASTM subcommittee developing the IQE. They have submitted extensive comments in response to the first draft describing the IQE. Those comments (and others) were fully addressed by ASTM in the course of preparing a second draft, which was just distributed for subcommittee balloting (i.e., review and comment). Following an ASTM meeting in June at which comments responding to the second draft will be discussed, it is expected that the IQE will be modified further as appropriate and sent out to the full consensus organization for approval. That action could be taken this fall, with final ASTM approval possibly by year's end. During our February 26 meeting, your staff asked if we had performed any calculations with the IQE procedure. In response, we have identified a suitable (Part 136) interlaboratory database with which to calculate IQEs. We are expecting to receive the computer files containing those data and will send Jim Harlan our IQE calculations shortly.

EPA's active participation in the ASTM process, with the goal of contributing to the development of an acceptable interim approach, is entirely consistent with the National Technology Transfer and Advancement Act of 1995 ("NTTAA"). As the Office of Management and Budget ("OMB") recently stated in its final Circular A-119, which implements the NTTAA:

If a voluntary consensus standards body is in the process of developing or adopting a voluntary consensus standard that would likely be lawful and practical for an agency to use, and would likely be developed or adopted on a timely basis,

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an agency should not be developing its own government unique standard and instead should be participating in the activities of the voluntary consensus standards body. 63 Fed. Reg. 8556 (Feb. 19, 1998) (emphasis added).

In addition, the IAG has developed and refined the "alternative minimum level" ("AML") over the past few years. The AML has been widely discussed in scientific circles, and an article describing it recently was published in a prominent peer-reviewed journal. A copy is enclosed. A software package is available to provide a convenient means for the EAD to calculate quantification levels for national application.

Contrary to concerns we have heard expressed by the EAD, either the IQE or the AML would likely be received very favorably by the states. Both methods admittedly are sophisticated, but EPA would have little difficulty performing the work to generate a list of nationally applicable quantification levels. The states would not bear the burden of calculating quantification levels, and thus would not need additional resources to deal with an AML or IQE approach. AMLs or IQEs would be available initially for those pollutants for which adequate interlaboratory data are available, and the list could expand as additional data (e.g., from the Agency's forthcoming 1600 Series methods) are generated. From what we have been hearing, the states are anxiously awaiting such a national list of quantification levels to support their NPDES efforts.

Given the national significance of this issue, we request that you initiate a peer review process on an interim approach immediately. At a minimum, we would urge that the peer review panel be provided:

- (1) a statement regarding how quantification levels are used in the NPDES process, particularly in the permit enforcement context; and
- (2) a detailed description of the alternative quantification approaches, including at least the IQE, the AML, and any other approaches EPA wishes to consider.

We recommend that EPA (in its "charge") ask the peer review panel to identify both the merits and limitations of the alternatives in light of the context in which quantification levels will be applied in the NPDES program. As a basis for that evaluation, the peer reviewers should be asked to consider at least the issues you already agreed to submit to peer review in your June 9 letter (e.g., the importance of interlaboratory data). We would be very interested in coordinating with you in developing the "charge" and identifying the materials the peer review panel should be provided. As with the EAD study, we believe such IAG involvement is consistent with EPA's public participation policies and regulations.

The IAG appreciates your continued attention on this important issue. We believe a meeting with you would be useful to get a better understanding of the Agency's plans, especially

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with regard to our peer review proposal and the forthcoming rules in which the quantification issue is likely to arise. One of us will contact Tim Kasten shortly to determine your availability.

Sincerely,

William E. Jones, Jr.
Aluminum Company of America

Donald J. Edwards
American Automobile
Manufacturers Association

John Schmitt
American Forest & Paper
Association

Jacqueline A. Perciasepe
American Petroleum Institute

Anthony D. Warner
Chemical Manufacturers Association

William Albert Collins, Jr.
National Association of Metal Finishers
American Electroplaters & Surface
Finishers Society
Metal Finishing Suppliers' Association

Angie M. Adams
Utility Water Act Group

Enclosure

- cc: Dr. Tudor T. Davies
- Mr. James Harlon
- Mr. William A. Telliard
- Ms. Sheila Frace
- Mr. Timothy Kasten