

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 136**

[FRL-5267-2]

**Guidelines Establishing Test Procedures for the Analysis of Pollutants; Chlorinated Pesticides and PCBs by Disk Extraction**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This amendment to the Guidelines Establishing Test Procedures approves the use of an additional procedure for the determination of chlorinated pesticides and polychlorinated biphenyls (PCBs) in wastewater by adding appropriate citations to Tables IC and ID and by amending the incorporation by reference section of the regulation accordingly. The method differs from other approved methods in that it incorporates a disk of octadecyl-bonded silica enmeshed in a matrix of inert polytetrafluoroethylene (PTFE) fibrils for extraction of the analytes. The precision and recovery for the chlorinated pesticides and PCBs using this technique are not substantially different from those obtained using the liquid-liquid extraction technique already approved. Use of approved analytical techniques is required whenever the waste constituent specified is required to be measured for: an NPDES permit application; discharge monitoring reports; state certification; and other requests from the permitting authority for quantitative or qualitative effluent data. Use of approved test procedures is also required for the expression of pollutant amounts, characteristics, or properties in effluent limitations guidelines and standards of performance and pretreatment standards, unless otherwise specifically noted or defined.

**DATES:** This rule shall be effective on September 1, 1995. In accordance with 40 CFR 23.2 (45 FR 26048), these amendments to the regulation shall be considered issued for purposes of judicial review at 1 p.m. eastern time, August 16, 1995.

The incorporation by reference of certain publications listed in the regulation is approved by the Office of the Federal Register as of September 1, 1995.

Under section 509(b)(1) of the Clean Water Act, judicial review of these amendments can be obtained only by filing a petition for review in the United

States Court of Appeals within 120 days after they are considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, these amendments may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**FOR FURTHER INFORMATION CONTACT:** Mr. James E. Longbottom, Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. Telephone number: (513) 569-7308.

**SUPPLEMENTARY INFORMATION:****I. Authority**

This regulation is promulgated under authority of sections 301, 304(h) and 501(a) of the Clean Water Act, 33 U.S.C. 1251 *et seq.* (the Federal Water Pollution Control Act Amendments of 1972 as amended) (the "Act"). Section 301 of the Act prohibits the discharge of any pollutant into navigable waters unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit, issued under section 402. Section 304(h) of the Act requires the Administrator of the EPA to "promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act". Section 501(a) of the Act authorizes the Administrator to "prescribe such regulations as are necessary to carry out his functions under this Act".

**II. Regulatory Background**

The CWA establishes two principal bases for effluent limitations. First, existing discharges are required to meet technology-based effluent limitations. New source discharges must meet new source performance standards based on the best available demonstrated control technology. Second, where necessary, additional requirements are imposed to assure attainment and maintenance of water quality standards established by the States under Section 303 of the CWA. In establishing or reviewing NPDES permit limits, EPA must ensure that permitted discharges will not cause or contribute to a violation of water quality standards, including designated water uses.

For use in permit applications, discharge monitoring reports, and state certification and to ensure compliance with effluent limitations, standards of performance, and pretreatment standards, EPA has promulgated

regulations providing nationally-approved testing procedures at 40 CFR Part 136. Test procedures have previously been approved for 262 different parameters. Those procedures apply to the analysis of inorganic (metal, non-metal, mineral) and organic chemical, radiological, bacteriological, nutrient, demand, residue, and physical parameters.

Additionally, some particular industries may discharge pollutants for which test procedures have not been proposed and approved under 40 CFR Part 136. Under 40 CFR Part 122.41 permit writers may impose monitoring requirements and establish test methods for pollutants for which no approved Part 136 method exists. 40 CFR 122.41(j)(4). EPA may also approve additional test procedures when establishing industry-wide technology-based effluent limitations guidelines and standards as described at 40 CFR 401.13.

The procedures for approval of alternate test procedures (ATPs) are described at 40 CFR 136.4 and 136.5. Under these procedures the Administrator may approve alternate test procedures for nationwide use which are developed and proposed by any person. 40 CFR 136.4 (a). Dischargers seeking to use such alternate test procedures on a limited basis (e.g., for their own discharge), must apply to the State or Regional EPA permitting office in which the discharge occurs approval under 136.4 (d). As specified below, today's rule approves an optional nationwide alternate procedure for determination of chlorinated pesticides and PCBs in wastewater test samples.

**III. The Disk Extraction Test Procedure**

The 3M Corporation, in accordance with the regulations published at 40 CFR section 136.5, applied for nationwide approval of their "Organochlorine Pesticides and PCBs in Wastewater Using Empore Disk". 3M subsequently presented data to meet the method comparability criteria set forth in the EPA "Protocol for Approval of Alternate Test Procedures for Inorganic and Organic Analytes in National Pollutant Discharge Elimination System Monitoring", July 12, 1993.

Extraction and concentration are preparation steps that are required prior to the determination of many organic analytes that are found in wastewater. The disk extraction procedure is proposed as an alternate to the presently approved liquid-liquid extraction procedure.