



# R8 WET Implementation

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# R8 NPDES Oversight of Authorized States

Called for by:

- Government Performance and Results Act (GPRA)
- OW Annual Strategic Plan
- Permitting for Environmental Results (PER)
- Program Assessment Rating Tool (PART)
- NPDES Program Audits
- Permit Quality Review (PQR) checklist



# EPA Permit Quality Regional Reviews

- Region 8 states are scheduled for review by the Office of Wastewater Management within the next 12 months
- Ensure NPDES permit quality and compliance with the Federal NPDES regulations and State water quality standards



# R8 WET Implementation Plan

- Phased approach

- Providing training to states and EPA Region (2008)
- Provide feedback during state program audits, (CO in 2008)
- Support Colorado, stakeholders, permittees, etc. with full implementation (2009)
- Real-time review of state NPDES permits (ongoing)
- Review state WET implementation policies (ongoing)
- Ensure full implementation of WET in all R8 state NPDES permits (2010)



# Whole Effluent Toxicity

In the case of chronic testing specifically...

***Where a reasonable potential exists for an excursion above Colorado's WQS***

***WET limits—including chronic (growth, reproduction and survival)—are required in permits where necessary to meet such WQS.***

40 CFR §122.44(d)(1)(v)

*[When there is] a discharge that causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion within an applicable State water quality standard, the permit must contain effluent limits for whole effluent toxicity.*



# WET Permit Implementation

## EPA R8 position is:

- Where a reasonable potential exists for an excursion above Colorado's WQS, WET limits—including chronic (growth, reproduction and survival)—are required in permits.

## EPA R8 recognizes that:

- Colorado includes stakeholder input for policy development
- Some Colorado permittees will need appropriate chronic WET limits (growth, reproduction and survival) based on prior WET monitoring data

## EPA R8 recommends:

- Colorado consider identifying all chronic (growth, reproduction and survival) WET failures, and encourage facilities to implement TIE/TREs prior to next permit renewal
- Establish timeline for expiring Colorado permits and proactively prepare for inclusion of chronic WET full implementation by 2010



# EPA R8 Closing Remarks

## Next Steps –

- Continue to work closely with Colorado towards full implementation of state's NPDES WET Program by September 2010
  - Continue reviewing Colorado permits and providing feedback, support Colorado staff in updating implementation guidance
  - Continue training to support R8 consistency, as well as national consistency
  - Continue bi-monthly calls with R8 WET coordinators to support program implementation