

PASS/FAIL LIMITS IN NYS DISCHARGE PERMITS

Hello. I'm Frank Doherty, Founder and President of Aquatox Research.

The New York State Department of Environmental Conservation has the authority to issue effluent discharge permits to facilities in New York discharging to a surface water. For those permittees required to conduct WETT testing to satisfy a requirement in their permit, there are toxicity limits that must not be exceeded in order to successfully satisfy their permit requirements. The limits appear in a table in the permit under the heading [Monitoring Action Level](#) or Enforceable Limits.

In order to compare experimental test endpoints with the limits appearing in a permit, the NOEC and IC25 have to be converted to what are called Toxic Units (TUs). The [conversion formula](#) is simply 100 divided by the NOEC or IC25. The resultant TU value is then directly comparable to the Monitoring Action Level (MAL) or Enforceable Limit.

If the experimental TU value is less than the MAL, it is generally considered a [PASS](#). If the experimental TU value is greater than the MAL, it is generally considered to be a [FAIL](#). I personally do not have the authority to tell a client whether they Pass or Fail a test.

The illustration I just described is intended to provide some insight or guidance as to how the results might be interpreted. The DEC may have additional info that could be considered in reaching decisions regarding testing requirements.

[WETT reports](#) issued by Aquatox Research will list the calculated experimental TU values and a statement on the comparison of the TU with the MAL on the cover page without a conclusion regarding Pass or Fail.

The DEC uses two separate levels of analysis with respect to tox test results. The exercise I've just described represents the first phase of their analysis. Please join me in the follow on video where I discuss the second level of assessment conducted by the NYS DEC which is referred to as the Reasonable Potential Determination.

Thank you for your time. I look forward to answering any questions you may have about our services.
