

Frequently Asked Questions regarding “Lowest PQL” in OAC 3745-27-10(C)(7)(e)

This document supersedes the document by the same titled issued on January 8, 2008.

OAC 3745-27-10(C)(7)(e) requires that:

“The statistical method shall account for data below the limit of detection with one or more statistical procedures that ensure protection of human health and the environment. Any practical quantitation limit (PQL) used in the statistical method shall be the lowest concentration level that can be reliably achieved within the specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.”

Questions: How is a new, lower PQL to be used in the statistical method in accordance with the rule? Is the owner/operator (O/O) required to re-establish a new background data set each time a new, lower PQL is achieved? Does this mean that every time a new, lower PQL is achieved for a given parameter that any non-detects at the older, higher PQLs in background must be removed from the background data set? Or are the non-detects at the older, higher PQLs simply now assumed to be non-detect at the new, lower PQL?

Response: The answer to the specific questions above is ‘yes’ in certain circumstances, but ‘no’ in other circumstances. These questions will be addressed in more detail below.

General Requirements

The OAC 3745-27-10(C)(7)(e) rule language is copied directly from RCRA Subtitle D, and it should be pointed out that the rule is regarding how “...data below the limit of detection...” are to be “...used in the statistical method...”, and specifically how PQLs are used in the statistical method. Therefore, the rule is regarding only those cases where a statistical limit is based on a background data set that could include non-detects at multiple PQLs. In some cases the background data set would be composed of a mixture of detects and non-detects, whereas in other cases the background data set may be composed entirely of non-detects. OAC rule 3745-27-10(C)(7)(e) does not involve cases where the background values are all or nearly all detections (i.e. naturally-occurring parameters that are ubiquitous in ground water like sodium, chloride, iron, alkalinity, etc.).

In cases as described above where non-detects make up a substantial portion of the background data set and the statistical limit is based on this background, Ohio EPA interprets the requirements of OAC rule 3745-27-10(C)(7)(e) to be generally: 1) that the O/O utilize current laboratory technology to obtain the lowest available PQL for the parameter; and, 2) that the O/O incorporate this current laboratory technology into the statistical method as soon as possible through updating the background data set with the new, lower PQLs.

Updating Background

All Inorganic Parameters and any Organic Parameters Detected in Background

Ohio EPA does not interpret OAC rule 3745-27-10(C)(7)(e) to require the O/O to conduct special sampling or to establish an entirely new background data set with eight new samples each time a new, lower PQL is achievable for an inorganic parameter or an organic parameter detected in background. Ohio EPA interprets the rule as pertaining to scheduled ground water monitoring samples, re-samples and any additional samples the O/O elects to collect. Therefore, apart from a Director’s

Findings and Orders, Ohio EPA would not require the O/O to establish a new background by collecting eight new samples under the new, lower PQL. However, Ohio EPA does think that the rule requires the O/O to update the background data set with the new, lower PQL when a sufficient number of samples are obtained to update background.

OAC 3745-27-10(C)(7)(g) requires at least four statistically independent samples to update a background data set. Therefore, apart from re-sampling or from voluntary sampling conducted at the O/O's discretion, it would take approximately two years of semi-annual sampling to accumulate the four statistically independent samples using the new, lower PQL necessary for a background update. Ohio EPA considers this as a standard for all inorganic parameters and any organic parameters detected in background.

However, it is possible that a facility-wide background update after exactly four samples would put some monitoring wells "off schedule" from that of most other wells for the same parameter (e.g. resamples, replacement wells) and inadvertently require frequent statistical analysis plan revisions. Therefore, Ohio EPA thinks it is more practical to require background updates of this nature based on a time limit rather than merely the number of available samples. Based on this, if an O/O fails to update the background data set for an inorganic parameter or for an organic parameter detected in background with the new, lower PQL within two years of the date of the sampling event at the new, lower PQL, a violation may be issued.

Ohio EPA also interprets OAC rule 3745-27-10(C)(7)(e) to require that non-detects at the older, higher PQLs be removed from the background data set whenever the newer, lower PQLs are updated into the background data set. Any previous detections in the existing background data set should be retained. If the previous detections plus the new, lower PQL non-detect data points result in a background data set of less than eight data points, the O/O may retain non-detect data with the older, higher PQLs in the background data set as follows:

1. The O/O may retain values that have been estimated by the laboratory between the MDL and the PQL and use the estimated value in place of its corresponding PQL.
2. The updated background data set that includes any older, higher PQLs shall be comprised of exactly eight data points. If older, higher PQLs are retained in the background data set, then priority shall be given first to the lowest PQLs and second to the most recent data points.

Organic Parameters Not Detected in Background

Compared to inorganic parameters or organic parameters detected in background, organic parameters that are not detected in background require a different approach as their presence indicates an impact to ground water. Therefore, Ohio EPA interprets OAC 3745-27-10(C)(7)(e) to require that when a new, lower PQL is available as described in the rule and is utilized for an organic parameter previously not detected in background, the O/O must immediately assume that all previous non-detects in background at a higher PQL are below the new, lower PQL and re-set the statistical limit to less than the new, lower PQL.

If such an organic parameter is detected after re-setting the statistical limit less than the new, lower PQL the O/O may make a false positive demonstration in accordance with OAC 3745-27-10(D)(7)(c) either by re-sampling in accordance with the sampling and analysis plan following OAC 3745-27-10(D)(7)(c)(i) or by a demonstration in accordance with OAC 3745-27-10(D)(7)(c)(ii) to show that the organic parameter can be expected to occur in background or that an alternate source or error caused the initial detection. If the resample result disproves the initial detection or the Director approves the 3745-27-10(D)(7)(c)(ii) demonstration the O/O may return to detection monitoring.

Questions: How do the Target PQLs found in Ohio EPA Guidance Document #406 relate to the “lowest PQL” requirements in OAC 3745-27-10(C)(7)(e)? What if a PQL used in the statistical method is already at or below the Target PQL but an even lower PQL becomes available to the O/O? Is the O/O required to utilize the new, lower PQL? If analysis is conducted using the new, lower PQL, must background be updated and/or the statistical limit changed to reflect the new, lower PQL even though the PQLs in the existing background are already at or below the Target PQL?

Response: As described in the Ohio EPA Guidance Document #406 released by DSIWM on April 24, 2007, Ohio EPA will generally interpret a PQL that is equal to or less than the “Target PQL” for that parameter as being in compliance with OAC rule 3745-27-10(C)(7)(e) and thus the “lowest concentration level that can be reliably achieved” provided proper laboratory protocols were followed. Therefore, if the existing PQL used by the O/O is at or below the Target PQL for that parameter the O/O is not required to change laboratories or laboratory analytical methods or procedures to achieve an even lower PQL.

However, if the existing background data set for a parameter contains PQLs that are less than or equal to the Target PQL and the O/O elects to routinely utilize a new, even lower PQL in laboratory analysis, the O/O would be required to update the background data set with the new, even lower PQL and re-set the statistical limit within two years as described above (i.e. for an inorganic or organic parameter detected in background the O/O must update background and change the statistical limit within two years from the date of the sampling event at the new, lower PQL; for an organic parameter not detected in background – assume previous non-detects were also non-detect at the new, even lower PQL and immediately reduce the statistical limit to less than the new, even lower PQL).