**Follow Up Responses from EPA**

1. **Have any variance requests based on the economic justification been approved by EPA for industrial dischargers?**

Yes.  For example, in 2008, EPA approved a variance request for an industrial discharger in FL ("Premier Chemicals") who used the economic justification to support a variance request (please see attachments below).
2. **Are new or recommencing dischargers eligible for coverage under the multiple discharger variance in MI?**

No.  The only exception to this rule is where a new discharge is necessary to prevent imminent danger to human health or welfare.
3. **What did the economic justification for the MDV in MI entail, given that multiple dischargers are covered by the variance? Was it based on EPA's 1995 interim economic guidance?**

MI relied on an analysis completed in OH (see attachment below). It was not based on EPA's 1995 interim economic guidance.  It was a bit of a hybrid since the argument OH and MI are making is that not only is the cost unacceptable, but it is dubious that the treatment would work even if the cost were absorbed. The state did the supporting analysis; dischargers are required to demonstrate that they satisfy the criteria for coverage.  In  Michigan, that involved agreeing to accept a limit based on the level currently achievable of 10 ng/L.  Based on recent litigation, MI now determines the level currently achievable limit on a facility-by-facility basis.
4. **Are you aware of any variances that have been approved on the basis of 131.10(g)(6) since the current economic downturn began?**

I am awaiting a return call from Tim Connor to see if he knows of any recent ones.  The most recent EPA approval of a variance that I was able to identify (other than EPA's July 2009 approval of the variance renewals for the cities of Page, Mullan, and Smelterville in Idaho) was the variance for Premier Chemicals in FL (described above and attached in e-mail).  The variance for Premier Chemicals was approved in 2008, but the economic analysis is based on financial data gathered from 2001 to 2005.

**How does EPA's interim economic guidance consider fluctuations in the market/economic downturns, as such occurrences can affect a private sector entity's profitability and ability to treat water quality down to the WQBEL?**

As with the question above, I am awaiting a return call from Tim Connor to see if he has any input on this one.  In looking through the interim economic guidance, it appeared to me that perhaps some of the secondary measures for evaluating "substantial" impacts to a private sector entity (e.g., "liquidity" and the "current ratio"; see pages 3-7 to 3-9 of EPA's 1995 interim economic guidance) might relate to this question raised by Kathyrn.  Also, I could see some potential for economic downturns to affect the "widespread" impacts analysis.  I will let you know whatever I hear from Tim on this one.