U.S. Environmental Protection Agency
Office of Inspector General

13-P-0317
July 11, 2013

At a Glance

Why We Did This Review

We received a hotline complaint regarding the U.S. Environmental Protection Agency's (EPA's) handling of a proposed alternative method for measuring oil and grease in wastewater, known as ASTM D7575. Our objective was to evaluate whether EPA, in reviewing ASTM D7575, adhered to applicable laws, regulations, policies, procedures, and guidance.

The Clean Water Act requires EPA to establish and approve methods to measure pollutants in water and wastewater. Oil and grease is a regulated pollutant cited in hundreds of thousands of permits. Regulators determine compliance by using test methods approved by EPA. Oil and grease differs from many other pollutants in that it is a "method-defined analyte" – a pollutant defined solely by the method used to measure it.

This report addresses the following EPA Goals or Cross-Cutting Strategies:

- *Advancing science, research, and technological innovation.*
- *Protecting America's waters.*

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2013/20130711-13-P-0317.pdf

EPA's Handling of a Proposed Alternative Method for Measuring Oil and Grease in Wastewater Met Requirements But Controls Need to Be Strengthened

What We Found

EPA's handling of the proposed alternative method for measuring oil and grease in wastewater (ASTM D7575) adhered to applicable laws, regulations, policies, procedures, and guidance.

However, during the course of our review, we identified management control weaknesses that need to be addressed. Because requests to consider alternative methods for method-defined analytes have been rare, EPA did not have established procedures for reviewing such methods. As such, the Agency faced unique challenges in reviewing ASTM D7575. The challenges pertained mainly to assessing comparability between ASTM D7575 and EPA's current method for measuring oil and grease without established Agency procedures. Although we found that EPA took appropriate steps to make an informed decision on ASTM D7575, management control weaknesses contributed to confusion and delays, and fostered concerns among some stakeholders about fairness, transparency, and preferential treatment for the developer of ASTM D7575. Specific EPA management control weaknesses we identified include:

- EPA lacked a formal procedure for reviewing proposed methods like ASTM D7575, which delayed the review process due to differing views regarding data and statistical analyses needs.
- EPA lacked a clearly defined "cut-off" date for method submissions for the methods update rule, which fostered concerns about transparency, fairness, and preferential treatment.
- EPA's communications with the method developer about pathways for method approval and other key matters were unclear, which led to confusion and misunderstandings about whether EPA was going to approve the method.

If not addressed, these management control weaknesses have the potential to affect the timeliness of future EPA method reviews and perceptions of EPA's fairness and transparency.

Recommendations and Planned Corrective Actions

We recommend that the Assistant Administrator for Water (1) establish a formal procedure for reviewing proposed methods for method-defined analytes, (2) establish procedures for designating official cut-off dates for future proposed methods update rules, and (3) clarify on the Agency's website the different routes for method review and approval. The Agency generally agreed with our report and provided corrective actions and estimated completion dates that meet the intent of our recommendations. Also, the Office of Water issued a memorandum on June 6, 2013, establishing the procedures in recommendation 2; thus, we are closing this recommendation upon issuance of the final report.