

# EPA Office of Inspector General Project Notification: National Pollutant Discharge Elimination System Permit Reviews



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a September 5th Project Notification stating it plans to conduct an audit of the agency’s National Pollutant Discharge Elimination System (“NPDES”) program.

The Project Notification is transmitted from Kathlene Butler, Director, Water Directorate, Office of Audit and Evaluation to Assistant Administrator, Office of Water, David P. Ross.

The Clean Water Act requires that an NPDES permit be acquired if five jurisdictional elements are present:

- a person
- adds a
- pollutant
- to navigable waters (waters of the United States)
- from a point source

A NPDES permit will specify limits for various “parameters” for each outfall at a facility. A parameter is a particular attribute or characteristic of the facility’s wastewater discharge. It will restrict the quantity, rate, and/or concentration of pollutants that the point source can discharge into the waterbody.

The application of a particular parameter limit or condition to a facility is driven by two Clean Water Act programs. They are the National Categorical Standards (technology-based limits) and state water quality standards (water quality-based limits).

Congress gave EPA the authority to issue NPDES permits. Nevertheless, the federal agency has the ability to delegate this program to the various states. Therefore, EPA has delegated NPDES permitting authority to most states.

OIG states in its Project Notification that the objective for the audit is to “determine whether the EPA’s reviews of state-proposed NPDES permits verify that the permits adhere to Clean Water Act requirements.” The audit is stated to be the result of hotline complaints and is “based, in part, on work we initiated on June 12, 2019, in response to a previous hotline complaint project designated as OIG Project No. OA&E-FY19-0217. That project was stated to have been initiated to determine whether the EPA followed Clean Water Act and NPDES regulations in Region 5 to review the PolyMet permit approved by Minnesota.

OIG's stated intent is to incorporate the results from that work into the current nationwide audit of EPA's NPDES permit reviews.

A copy of the Project Notification can be downloaded [here](#).