

# Clean Water Act Test Methods: U.S. Environmental Protection Agency Update Final Rule for the Analysis of Effluent



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The United States Environmental Protection Agency (“EPA”) published a final rule in the April 16th Federal Register finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other samples for reporting as required by the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit program. See 89 Fed. Reg. 27288.

The Clean Water Act requires that EPA promulgate test procedures (i.e., analytical methods for analysis of pollutants).

EPA states that the changes will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality.

The final rule is also stated to:

- Update to the Clean Water Act methods incorporating technological advances in analytical technology
- Make a series of minor changes and corrections to existing approved methods

NPDES permits are required to include conditions that are intended to ensure compliance with both:

- Technology-based requirements
- Water-quality based requirements

This will often include restrictions on the quantity of specific pollutants that can be discharged in addition to pollutant measurement and reporting requirements.

EPA will in some cases approve the use of more than one method or test procedure.

Examples of where EPA-approved analytical methods must be utilized include:

- Applications for NPDES permits
- Sampling or other reports required under NPDES permits
- Other requests for quantitative or qualitative effluent data under the NPDES regulations
- State Clean Water Act 401 certifications
- Sampling analysis required under general pretreatment regulations for existing and new sources of pollution

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