



# At a Glance

## Why We Did This Project

The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) received a hotline complaint about the status of Ohio's request to EPA Region 5 for approval to transfer the Concentrated Animal Feeding Operation (CAFO) portion of its National Pollutant Discharge Elimination System (NPDES) permit program from the Ohio Environmental Protection Agency (Ohio EPA) to the Ohio Department of Agriculture.

Based on the complainants' concerns, the OIG identified the following questions for review:

1. Has EPA Region 5 given approval for Ohio's NPDES CAFO permit program transfer?
2. What actions has EPA Region 5 taken in response to a November 2011 citizen petition regarding withdrawing Ohio's CAFO permit program?

### This report addresses the following:

- *Ensuring clean and safe water.*

Address inquiries to our public affairs office at (202) 566-2391 or [OIG WEBCOMMENTS@epa.gov](mailto:OIG_WEBCOMMENTS@epa.gov).

List of [OIG reports](#).

## ***EPA Region 5 Needs to Act on Transfer Request and Petition Regarding Ohio's Concentrated Animal Feeding Operation Permit Program***

### What We Found

EPA Region 5 has not made a decision regarding Ohio's NPDES CAFO permit program transfer request. The most recent request was made in 2015. Regulations per 40 CFR § 123.62 specify the process by which states may transfer all or part of their NPDES program from one state agency to another. However, these regulations do not establish timelines for the EPA to review and approve or disapprove such requests.

**EPA Region 5's lack of timely decisions on program transfer requests and petitions leaves state programs without clarity and petitioners unaware of petition status.**

We found that although EPA Region 5 began an informal investigation of the allegations raised in the citizen petition to commence withdrawal proceedings, more than 8 years after the 2011 submission the region still had not made a determination about the petition. When the EPA receives a citizen petition for withdrawal, it may conduct a review of the allegations to determine whether cause exists to prompt withdrawal proceedings per 40 CFR §123.64(b)(1), but the regulations impose no timeline for action.

### Recommendations and Planned Agency Corrective Actions

We recommend that the Region 5 Regional Administrator issue decisions regarding (1) Ohio's request to transfer its NPDES program with respect to CAFOs from the Ohio EPA to the Ohio Department of Agriculture and (2) the citizen petition to withdraw Ohio's NPDES CAFO program and related permitting authority. EPA Region 5 agreed with the OIG recommendations, and the recommendations are resolved with corrective actions pending. Region 5 officials already have begun to take corrective actions to address the recommendations and plan to complete them by March 31, 2020.