

2018 Final Resolved Office of Inspector General Recommendations, EPA Corrective Actions and Target Completion Dates

The Office of Inspector General (OIG) report No. OPE-FY17-0019 titled, *Weaknesses in the EPA's Biosolids Program Threaten the Agency's Mission to Protect Health and the Environment* (November 15, 2018) listed OIG recommendations and EPA corrective actions. However, the EPA did not concur on five of the OIG recommendations listed in the final report. As a result, the OIG and the EPA Office of Water engaged in a resolution process. Resolution was reached July 25, 2019. All OIG recommendations and EPA corrective actions are listed in the following table.

| No. | Recommendation | High-Level Intended Corrective Action(s) | Estimated Completion Date |
|------------|---|---|----------------------------------|
| 1 | Utilizing existing tools and capabilities, implement a method or approach to better capture and analyze biosolids inspections data in the EPA's data system of record for any biosolids inspection activities that are conducted during the National Pollutant Discharge Elimination System permit inspections. | OECA already has a method to capture and analyze biosolids inspections in its system of record. OECA will include, as a part of its next annual reporting plan memo to the EPA Regional offices, a reminder to Regions to record any biosolids inspection that occurs as part of a larger facility inspection. The EPA will also remind the eight states authorized for the Federal biosolids program to share biosolids inspection data with the EPA NPDES data system (ICIS-NPDES). [1] Authorized NPDES programs are required to share these data with the EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). | 6/30/2019 (Completed) |
| 2 | Establish a nationally consistent and measurable goal for biosolids inspections and nationally consistent desk audit requirements that apply equally to the EPA and authorized states. | OECA agrees with the OIG and will issue a policy memo updating the 2014 CMS to incorporate protocols similar to the current practices of the Biosolids Center for Excellence. The revised policy will recognize the availability of new e-reporting technology and will affirmatively allow states that have the capacity to follow those same practices. We will also offer assistance to states that may want to adopt EPA's e-reporting tool prior to the 2020 deadline. For those states that do not have ICIS e-reporting or other data systems capable of reviewing 100% of the biosolids universe for noncompliance, we will outline the flexibilities offered in alternative plans. | 3/31/2019 (Completed) |

| | | | |
|---|---|--|---------------------------|
| 3 | Complete development of the probabilistic risk assessment tool and screening tool for biosolids land application scenarios. | OW is working to complete the screening tool and probabilistic risk assessment framework for biosolids land application scenarios. OW anticipates releasing the screening tool first, followed by the probabilistic modeling framework, after peer and public review. | 3/31/2023 (Completed) |
| 4 | Develop and implement a plan to obtain the additional data needed to complete risk assessments and finalize safety determinations on the 352 identified pollutants in biosolids and promulgate regulations as needed. | OW will develop and implement a plan to obtain data needed to complete risk assessments on the 352 identified pollutants found in biosolids. OW will prioritize pollutants using the screening tool to determine which pollutants warrant a more refined (i.e., probabilistic) risk assessment and take into consideration the 61 chemicals identified as hazardous under other statutes as identified by the OIG. | 4/30/2023 (Completed) |
| 5 | Complete and publish all future biosolids biennial reviews, including the 2017 biennial review, prior to the next review required by the Clean Water Act. | OW is on target to publish the 2017 Biennial Review (i.e., literature search from January 2016 through December 2017) on time. | 12/31/2018 (Completed) |
| 6 | Publish guidance on the methods for the biosolids pathogen alternatives 3 and 4. | OW is working with the EPA Office of Research and Development to update the 2003 Environmental Regulations and Technology Control of Pathogens and Vector Attraction in Sewage Sludge document to include EPA Methods 1680, 1681 and 1682. | 3/31/2023 (Completed) |
| 7 | Issue guidance on what new technologies are allowable options or alternatives for biosolids pathogen reduction. | The OW is updating the biosolids website to clarify existing information on the Pathogen Equivalency Committee's determinations on alternative technologies for pathogen reduction. EPA does not agree with the characterization of this recommendation as necessary to correct a program deficiency but does agree with the intent of the recommendation to improve the Biosolids Program.* <i>(Resolved July 25, 2019)</i> | 7/9/2020 (Completed) |
| 8 | Issue updated and consistent guidance on biosolids fecal coliform sampling practices. | OW is working with the EPA Office of Research and Development to update the 2003 Environmental Regulations and Technology Control of Pathogens and Vector Attraction in Sewage Sludge document. | 3/31/2023 (Completed) |

* EPA Corrective Action revised during resolution process

| | | | |
|----|---|--|---------------------------|
| 9 | Change the website response to the question “Are biosolids safe?” to include that the EPA cannot make a determination on the safety of biosolids because there are unregulated pollutants found in the biosolids that still need to have risk assessments completed. This change should stay in place until the EPA can assess the risk of all unregulated pollutants found in biosolids. | The EPA is in the process of revising the entire EPA biosolids website in order to update and clarify information and ensure transparency. This will include deleting the question "Are biosolids safe?" Instead, the EPA will use appropriate risk communication language that will ensure that potential risk from unregulated pollutants found in biosolids is adequately communicated.* (Resolved July 25, 2019) | 7/9/2020 (Completed) |
| 10 | Modify the EPA's website on biosolids to: (a) identify unregulated pollutants found in biosolids, (b) disclose biosolids data gaps, and (c) include descriptions of areas where more research is needed. These changes should stay in place until the EPA can assess the risk of all unregulated pollutants found in biosolids.# | The EPA is in the process of revising the entire EPA biosolids website in order to update and clarify information and ensure transparency. This includes identifying pollutants found in biosolids, disclosing biosolids data gaps and addressing research areas. The EPA is consolidating the information so that it is more easily obtained.* (Resolved July 25, 2019) | 7/9/2020 (Completed) |
| 11 | Determine whether the impact on the safety and protection of human health justifies a requirement to include a general disclaimer message on the biosolids labels and information sheets regarding unregulated pollutants and a referral to the website for additional information.# | The EPA will determine whether a general disclaimer and a referral to the Agency's biosolids website on potential risk to human health from unregulated pollutants found in biosolids is needed on biosolids labels and information sheets.* (Resolved July 25, 2019) | 9/30/2019 (Completed) |
| 12 | Conduct regular biosolids training and conference calls or meetings for regional and state staff and wastewater treatment operators to improve consistency in rule interpretation and aid in knowledge transfer. | OW will continue convening monthly biosolids calls with the EPA offices and regions, participating in expert meetings/workshops on biosolids, and attending meetings with biosolids stakeholders. These current, ongoing activities often include training specific to biosolids science and management. | 12/31/2019 (Completed) |

* EPA Corrective Action revised during resolution process

OIG Recommendation revised during resolution process

| | | | |
|----|--|--|-------------------------|
| 13 | In addition to EPA technical biosolids trainings or conferences, include on the biosolids website general questions and answers the regions and states have dealt with regarding biosolids to improve EPA knowledge transfer to regional and state biosolids program managers as well as wastewater treatment plant operators. # | In addition to conducting technical biosolids training or conferences, the EPA is in the process of revising the entire EPA biosolids website in order to update and clarify information and ensure transparency. This includes updating frequently asked questions and answers regions and states have communicated to EPA on biosolids management. The technical, programmatic and policy-related information can be used to assist EPA regions, states and biosolids stakeholders. • (Resolved July 25, 2019) | 7/9/2020 (Completed) |
|----|--|--|-------------------------|

OIG Recommendation revised during resolution process

• EPA Corrective Action revised during resolution process