

Test Methods/Clean Water Act: October 22nd U.S. Environmental Protection Agency Federal Register Notice Proposing Revisions



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The United States Environmental Protection Agency (“EPA”) published an October 22nd Federal Register Notice proposing revisions to the approved test methods in 40 C.F.R. Part 136 addressing wastewater sampling. See 84 Fed. Reg. 56590.

EPA is required by the Clean Water Act to promulgate test procedures (also described as analytical methods) for analysis of pollutants.

Section 304(h) of the Clean Water Act requires EPA to:

. . . promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to Section 401 of the Clean Water Act or permit application pursuant to 402 of the Clean Water Act.

The agency codifies its test procedure regulations for Clean Water Act programs in the previously referenced regulations. However, some requirements are codified in other parts such as 40 C.F.R. Chapter I, Subchapters N and O.

The test procedures are utilized to verify compliance with Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit conditions. Permittees will utilize test procedures approved for a specific pollutant. Examples of where approved test procedures or analytical methods are used can include:

1. Applications for NPDES permits
2. Sampling or other reports required under NPDES permits
3. Other requests for quantitative or qualitative effluent data under the NPDES regulations
4. State Clean Water Act 401 certifications
5. Sampling and analysis required under EPA’s General Pretreatment Regulations

EPA’s revisions fall into the following categories:

1. New or revised methods published by the Voluntary Consensus Standards Body or the United States Geologic Survey that are similar methods previously adopted

2. Methods the EPA has reviewed under its National Alternate Test Procedure program

EPA is also proposing certain corrections or amendments to the text and tables of 40 C.F.R. Part 136.

A copy of the Federal Register Notice can be downloaded [here](#).