




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

September 9, 2021

MEMORANDUM

SUBJECT: Reclassifying Completion of a Corrective Action Associated with Report No. [19-N-0154](#), *EPA Region 5 Needs to Act on Transfer Request and Petition Regarding Ohio's Concentrated Animal Feeding Operation Permit Program*, issued May 15, 2019

FROM: Sean W. O'Donnell 

TO: Cheryl L. Newton, Acting Regional Administrator
Region 5

On May 15, 2019, the U.S. Environmental Protection Agency's Office of Inspector General issued the subject report and made two recommendations to the Region 5 regional administrator:

1. Issue a decision regarding Ohio's request to transfer from the Ohio Environmental Protection Agency to the Ohio Department of Agriculture its National Pollutant Discharge Elimination System program with respect to Concentrated Animal Feeding Operations and other elements of the program.
2. Issue a decision regarding the citizen petition to withdraw Ohio's National Pollutant Discharge Elimination System program with respect to Concentrated Animal Feeding Operations and related permitting authority.

On March 8, 2021, you certified that Region 5 completed the correction actions for the recommendations. However, in response to a hotline complaint received in July 2021, the OIG contacted Region 5 staff to more closely assess the region's corrective actions. Based on the information Region 5 provided, the OIG has concluded that the region has in fact not completed its agreed-upon corrective action for Recommendation 1. Specifically, the region still has yet to determine whether to allow Ohio to transfer its Concentrated Animal Feeding Operation program from Ohio Environmental Protection Agency to the Ohio Department of Agriculture. Regional staff stated that they were unable to take any action until the state made legislative changes.

In accordance with EPA Manual 2750, *Audit Management Procedures*, the OIG is reclassifying this recommendation as open and unimplemented. Until Region 5 completes this corrective action, the OIG will list this as an open recommendation in the *Semiannual Report to Congress* as required by 5 U.S.C. App. 3 Sec. 3.

We determined that the region has completed the agreed-to corrective action for Recommendation 2. We will post this memorandum on our public website at www.epa.gov/oig.

cc: Farah Martinez, Audit Follow-Up Coordinator, Region 5
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