



At a Glance

Why We Did This Review

This review responds to a hotline complaint on alleged misuse of Clean Water Act (CWA) Section 106 funds in U.S. Environmental Protection Agency (EPA) Region 8. The complaint alleged that Region 8: (1) withheld funds meant for tribal programs; (2) provided funds to the U.S. Geological Survey and used funds for a water quality database that neither benefitted tribes nor had their approval; and (3) provided ineffective tribal support by separating decision making between two offices.

Background

CWA Section 106 authorizes EPA to provide federal assistance (in the form of water pollution control program grants) to Indian tribes to establish and implement ongoing water pollution control programs. There are 23 tribal governments in Region 8 eligible to receive CWA Section 106 water pollution control program grants.

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2012/20120504-12-P-0453.pdf

Alleged Misuse of Tribal Clean Water Act Section 106 Funds in EPA Region 8

What We Found

On the first allegation, we found that Region 8 funded tribal Section 106 programs based on the region's review of tribal work plans and did not inappropriately withhold funds. Region 8 frequently determined that tribal work plans did not warrant the level of funds requested and, therefore, did not award all program funds to the tribes.

On the second allegation, Region 8 provided evidence that both the interagency agreement and water quality database benefit the tribes. However, Region 8 does not have an effective method for gaining tribal approval to use Section 106 funds for special projects/associated program support costs.

On the third allegation, we found that Region 8 properly followed Agency guidance by housing regional program managers separately from the regional grants management office, but there were opportunities for improvement. The region had taken steps to improve cross-office coordination and communication before we started our review.

What We Recommend

We recommend that the Office of Water develop guidance on the use of Section 106 tribal grants funds for associated program support costs, similar to that developed by EPA's Office of Air and Radiation for Clean Air Act Section 105. We also recommend that Region 8 develop guidance to formalize the process by which the region gains approval from tribes for associated program support costs funded with Section 106 program funds. Further, we recommend that Region 8 evaluate the effectiveness of the region's team approach to tribal technical assistance—as part of regional guidance—by querying tribal Regional Operations Committee members and making adjustments as needed based on tribal feedback.

Planned Agency Corrective Actions

The Office of Water and Region 8 concurred with our recommendations and described planned actions to address our recommendations. Our recommendations remain unresolved pending planned completion dates on actions to address our recommendations.