



U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Special Report

Congressionally Requested Inquiry into EPA's Response to a Report of a Leaking Well in North Carolina and the National Response Center Hotline

Project No. 10-P-0027

November 10, 2009

Report Contributors:

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Abbreviations

COOP	Continuity of Operations
EPA	U.S. Environmental Protection Agency
NRC	National Response Center
OIG	Office of Inspector General
OSC	On-Scene Coordinator
TCE	Trichloroethylene
TISCOM	Telephone and Information Systems Command



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

Representative Heath Shuler requested that we investigate the events surrounding a response to an April 25, 2009, telephone report of a leaking well in Skyland, North Carolina. We conducted this review to determine whether the U.S. Environmental Protection Agency's (EPA's) receipt and disposition of that telephone call followed applicable policies and procedures.

Background

The National Response Center (NRC), operated by the U.S. Coast Guard, Department of Homeland Security, is the sole national point of contact for reporting all oil, chemical, radiological, and biological discharges into the environment. During non-business hours, the EPA emergency hotline is programmed to forward all incoming calls to the NRC phone system, which is staffed at all times.

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

To view the full report, click on the following link:
www.epa.gov/oig/reports/2010/20091110-10-P-0027.pdf

Congressionally Requested Inquiry into EPA's Response to a Report of a Leaking Well in North Carolina and the National Response Center Hotline

What We Found

We found that EPA staff did not receive any calls or voicemail messages on April 25, 2009, from the Skyland, North Carolina, constituent about a leaking well. However, when the Agency was informed of the leak by a local news reporter, EPA's On-Scene Coordinator contacted the constituent and the constituent's neighbors. The On-Scene Coordinator then arranged for permanent repairs to the well, which were completed April 28, 2009.

We found that NRC did receive voicemails about the leaking well. On April 25, 2009, two other callers reported separate environmental emergencies by voicemail. The NRC Operations Officer informed us NRC did not listen to the voicemails until September 2009. We confirmed that NRC did not provide any response to these voicemails. Once the voicemails were discovered, NRC staff took no actions to inform EPA that callers had been channeled into a voicemail system.

Prior to April 25, 2009, we determined that 12 voicemails were left with NRC. The earliest of these voicemails was dated October 12, 2006. We have found inconsistencies in the statements of NRC and NRC telephone contractors regarding who within NRC may have been aware of the voicemail problem and when.

We will present our findings to the Department of Homeland Security Office of Inspector General so it may determine the degree to which the telephone contractors have repaired the NRC phone system and to fully investigate the inconsistencies in information provided by NRC staff and telephone contractors.



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

OFFICE OF
INSPECTOR GENERAL

November 10, 2009

MEMORANDUM

SUBJECT: Congressionally Requested Inquiry into EPA's Response to a Report of a Leaking Well in North Carolina and the National Response Center Hotline Report No. 10-P-0027

A handwritten signature in black ink, appearing to read "Wade T. Najjum".

FROM: Wade T. Najjum
Assistant Inspector General for Program Evaluation

TO: Mathy Stanislaus
Assistant Administrator for Solid Waste and Emergency Response

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established resolution procedures.

The estimated cost of this report – calculated by multiplying the project's staff days by the applicable daily full cost billing rates in effect at the time – is \$120,684.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a report of your follow-up actions with the U.S. Coast Guard/National Response Center as per the Office of Emergency Management, Program Operations & Coordination Division Director's e-mail of October 20, 2009. We have no objections to the further release of this report to the public. This report will be available at <http://www.epa.gov/oig>.

If you or your staff have any questions, please contact Eric Lewis at (202) 566-2664 or lewis.eric@epa.gov.

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Purpose of Review

Representative Heath Shuler of North Carolina requested that we investigate the events surrounding the response to an April 25, 2009, telephone report of a leaking well in Skyland, North Carolina. We conducted this review to determine whether the U.S. Environmental Protection Agency's (EPA's) receipt and disposition of that telephone call followed applicable policies and procedures.

Background

On Saturday, April 25, 2009, a constituent (Constituent 1) of Representative Shuler living in Skyland became aware that a well in her yard was leaking. The day prior to the leak, an EPA contractor had collected samples from this well. While the well is not used as a drinking water source, the leaking water is contaminated with trichloroethylene (TCE), which is a degreaser that is reasonably anticipated to be a human carcinogen. According to Representative Shuler's letter to the EPA Office of Inspector General (OIG) dated April 28, 2009, as well as subsequent information provided by Representative Shuler's office, a constituent reported making several attempts on that Saturday to call the EPA emergency hotline but received no response.

There are two 24-hour emergency numbers listed on the EPA's Region 4 Website:

- An EPA regional spill reporting number.
- The telephone number for the National Response Center (NRC), operated by the U.S. Coast Guard, Department of Homeland Security.

EPA staff members monitor the regional number during normal business hours and phones are programmed to forward calls to NRC after hours and on weekends. Therefore, any call made to Region 4 on Saturday, April 25, should have been transferred to NRC. The Coast Guard staffs NRC at all times. NRC is the sole national point of contact for reporting all oil, chemical, radiological, and biological discharges into the environment anywhere in the United States and its territories. NRC disseminates telephone and electronic (fax, e-mail) reports of oil discharges and chemical releases to appropriate federal On-Scene Coordinators (OSCs).

Scope and Methodology

We conducted field work from June 2009 to November 2009 in accordance with generally accepted government auditing standards. Those standards require that based on our objectives, we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions. We reviewed documentation surrounding the reviewed event, including telephone records and transcripts of telephone calls. We interviewed Skyland-area residents, as well as staff and managers from EPA and NRC. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Results of Review

EPA Responds Promptly

Region 4's OSC reported becoming aware of the leaking well that Saturday, April 25, 2009, in either the afternoon or early evening, when a local newspaper reporter left him a voicemail message seeking comment on the leaking well. After the OSC learned of the leaking well, he attempted to contact Constituent 1 as well as her neighbors, but was unable to do so. He stated he left a voice message for Constituent 1, which she confirmed receiving. The OSC reported he then contacted the EPA regional phone duty officer to determine whether there was an NRC report of the leaking well. The phone duty officer informed the OSC there was no such report. We reviewed NRC phone records and emergency reports. These records did not show any phone calls from Skyland.

The OSC reported to us that he immediately contacted the EPA contractor who would be responsible for repairing the leaking well. The leaking well was temporarily repaired by the local fire department on April 25. EPA's contractor arrived at the residence of Constituent 1 on the evening of April 26. The OSC made the necessary arrangements and the contractor finished the repair, which an EPA hydrogeologist inspected and approved on April 28. We believe EPA's actions were appropriate and responsive.

Another Skyland Area Resident Made Calls to the Region and NRC

Representative Shuler's staff informed us that both Constituent 1 and a second constituent (Constituent 2) had made calls to the hotlines. Stories in the local press made the same reports. Initially, Constituent 1 told us she had made the calls. During our interview, we requested that Constituent 1 provide us with the numbers she called so that we could confirm that the calls had been made. Constituent 1 then said she did not report the leak to either the Region 4 or NRC hotlines. She believed that Constituent 2 and perhaps another person placed the calls, and she provided us with the names.

When we contacted Constituent 2, he stated that he did not make any calls, but identified another Skyland resident who he claimed had made the calls (Constituent 3). We contacted Constituent 3, who said he called both the Region 4 and the NRC hotline from a friend's phone. His friend agreed to provide her phone records but could not do so because her phone company would not provide them without a subpoena. We confirmed this requirement with the phone company and issued a subpoena for the phone records. On August 20, 2009, the phone company provided us the records. Those records confirmed that calls to Region 4 and the NRC hotline were made on April 25, 2009, between 2:00 and 2:30 p.m. Constituent 3 said he reached a voicemail system at each number. He also said that he had left voicemail messages as requested but had not been contacted.

Status of the Region 4 Emergency Line on April 25, 2009

EPA Region 4 personnel said the region's emergency line was programmed on April 25, 2009, to forward all incoming calls to the NRC hotline. This is standard procedure for the Region 4

hotline during evenings and weekends. NRC handles EPA regional hotline after-hours calls according to an interagency agreement.

We obtained records from the EPA phone system, which confirmed at least one call had been placed to the Region 4 hotline on April 25. Records show this call was forwarded to the NRC hotline.

Status of NRC on April 25, 2009

On July 24, 2009, we interviewed the NRC Chief and the Senior Watchstander. Watchstander is a term used by the Coast Guard to refer to personnel on duty in NRC responding to incoming phone calls. The NRC Senior Watchstander was on duty on April 25, 2009, and he said the hotline was staffed and operating. The Senior Watchstander also said that NRC was conducting a continuity of operations (COOP) exercise on April 25, 2009, which involved using an alternate telephone operations center and phone system for a portion of the day. The Senior Watchstander said that the exercise ran from 6:00 a.m. until 7:00 p.m. The NRC Chief and Senior Watchstander stated it was not possible for callers to leave a voicemail on the NRC emergency line during the April 25 COOP exercise because the system had no voicemail option.

The NRC Chief and Senior Watchstander provided the OIG with phone records that listed all incoming and outgoing calls to and from NRC on April 25, 2009. These records do not show any incoming call from Skyland, North Carolina. The NRC Chief and Senior Watchstander said these records would not include the numbers of callers who hung up before speaking to hotline personnel.

On September 17, 2009, we met with NRC staff and the telephone contractors who perform technical work on the phone system. We sought to determine how the NRC telephone system did not record the call forwarded from the EPA hotline and Constituent 3's call directly to the NRC hotline. The telephone contractors told us the NRC telephone system sent some callers directly into voicemail for a portion of April 25, 2009. They stated that before April 25 they did not know of this voicemail system on the NRC emergency hotline.

Contrary to what we were told by the Coast Guard personnel we interviewed, the contractor personnel said the Senior Watchstander informed them that calls were being forwarded to voicemail at approximately 2:00 p.m. on April 25. We checked NRC phone records and observed numerous phone calls showing NRC staff calling the hotline that day, apparently testing the system. The telephone contractors said they worked to fix the problem while NRC personnel continued to respond to phone calls from their COOP site.

Voicemails Left with NRC on April 25, 2009

In September 2009, NRC telephone contractors provided us with information (including transcripts) from the voicemails left with NRC on April 25, 2009. The telephone contractors reported that the NRC Chief would not permit them to release audio copies of the voicemails directly to the OIG. Later, the NRC Chief provided a CD containing the voicemail messages from April 25, including calls from Constituent 3. These voicemails state Constituent 3's name,

contact information, nature of the issue, and a request for a return phone call. The telephone records associated with these calls indicate Constituent 3 first called the NRC hotline directly. The second call was made to EPA Region 4 (after duty hours) and it was forwarded to the NRC hotline. A transcription of the calls is in Appendix A.

Two other incidents, reported in three voicemails, may have also warranted NRC action to contact EPA or other federal, State, or local agencies. The first call reported an oil sheen in a Houston, Texas, ship channel. Another call reported “several thousand tons” of chromium VI at a dumpsite in Missouri. Chromium VI (hexavalent chromium) is ranked eighteenth on the priority list of substances on the 2007 Comprehensive Environmental Response, Compensation, and Liability Act List of Hazardous Substances. NRC staff stated they had not contacted any of the callers.

The Coast Guard Telephone and Information Systems Command (TISCOM) also left four voicemails on the system that day. TISCOM provides telecommunications, electronics, and information systems support to the Coast Guard. None of these voicemails included substantive information. We believe these calls represent TISCOM staff checking on system functions during the COOP exercise.

Vocemails Left with NRC prior to April 25, 2009

During our field work, NRC telephone contractors provided us with additional voicemail records. These records show that 12 voicemails were left with NRC between October 2006 and April 24, 2009. Information on the date, time, and duration of these voicemails is in Appendix B. NRC staff reported they had not listened to these voicemails. The NRC Operations Officer informed us the NRC did not listen to the voicemails until September 2009. We have made this information available to an EPA official and that official said there would be follow-up with NRC.

Conclusions

Our review indicated that EPA staff provided a timely and effective response to the leaking well in Skyland, North Carolina. However, we believe there are weaknesses with the NRC emergency hotline system used as an EPA Region 4 hotline backup. During non-business hours, EPA depends on the U.S. Coast Guard to properly operate the NRC hotline. The NRC telephone problems that occurred on April 25, 2009, resulted in missed calls for EPA’s help or assistance with possible environmental dangers. When NRC staff discovered that emergency calls were going into a voicemail system, they took no action to retrieve any of those calls. Although NRC staff reportedly informed contractors that calls were going to voicemail on April 25, 2009, NRC staff informed the EPA OIG that it was not possible to leave a message on the emergency hotline when the system is operational. Once the voicemails were discovered, NRC staff took no actions to contact the callers or inform EPA that calls had been missed.

Addressing the issues in Representative Shuler’s letter took more time than necessary because some of his constituents and the NRC Chief and Senior Watchstander did not initially provide complete or accurate accounts of the incidents. Constituent 1 did not call either the EPA

Region 4 or the NRC hotlines after initially reporting she had done so. As previously noted, NRC personnel initially said there is no ability to leave a voicemail when the system is operational. We had to subpoena records, verify calls, and interview NRC contract support personnel to determine what had actually happened.

We believe that NRC did not effectively fulfill its mission when emergency calls were mishandled and unanswered. We also believe the unanswered calls were knowingly left uncorrected. In our opinion, these conditions represent a material internal control weakness in the process and an unsatisfactory control environment. We will present our findings to the Department of Homeland Security OIG so it may determine the degree to which the contractors have repaired the NRC phone system and to fully investigate the inconsistencies in information provided by NRC staff.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed To Amount
No recommendations to EPA							

¹ O = recommendation is open with agreed-to corrective actions pending
 C = recommendation is closed with all agreed-to actions completed
 U = recommendation is undecided with resolution efforts in progress

Appendix A

Voicemails Left with NRC on April 25, 2009

Time	From	Duration	Transcription
2:04 pm	U.S.G/9703313 xxx ¹	1 second	None
2:11 pm	U.S. G/9703313xxx	148 seconds	[This voicemail sounds as if the caller does not know he is being recorded. The main caller speaks to a voice in the background which he identifies as one of the NRC employees. They discuss other telephone numbers associated with NRC, such as the Federal Railroad Administration Hotline. The main speaker notes twice that, "Somebody did something wrong up there."]
2:17 pm	U.S. G/9703313xxxx	6 seconds	None
2:18 pm	[Constituent 3's friend's phone owner]/[number]	35 seconds	Yeah this is [Constituent 3 gives his name] calling at Saturday afternoon at about 2:18. Wanted to report a spill that's happening. TCE running out all over the ground in Asheville, North Carolina. Please feel free to give me a ring. I thought, it says, 24-hour spill reporting hotline, but nobody answers on your end. Pretty amazing. Anyway, my number is: [Constituent 3 gives his phone number] and the name is [Constituent 3 gives his name]. Thank you. Bye bye.
2:19 pm	Line 49/914045682 868412 Note: 9 1 (404) 568-2868 is the EPA Region 4 Spill Reporting Number	48 seconds	Yeah, this is [Constituent 3 gives his name] calling, [Constituent 3 spells his last name], it's twenty minutes after two Saturday afternoon. I wanted to tell you about a spill. Three months ago this well had 1,100 parts per billion of TCE. It's an artesian well, it's improperly sealed, it's coming up all over the ground and every three months this well has been doubling in the amount of TCE so there we go and there are small kids playing next door. Please feel free to give me a ring. My number: [Constituent 3 gives his number]. Have a nice afternoon. Bye bye.
2:23 pm	Cell Phone TX/ [number]	55 seconds	This is [Texas Caller gives his name] with [Texas Caller gives his company's name]. I was calling the National Response Center at 1-800-424-8802. I need to report a sheen in the water of the Houston ship channel and we are not the response - [Texas Caller gives his company name] is not the responsible party and we don't know who is. But we wanted to make a notification so that there would be an awareness. My cell phone number is [Texas Caller gives part of his phone number] excuse me. [Texas Caller gives part of his phone number] oh I forgot it. I will call back this number and leave a message with the correct number.
2:23 pm	U.S. G/9703313xxx	2 seconds	None

¹ Note: (703) 313-xxxx is the number for U.S. Coast Guard's TISCOM

Time	From	Duration	Transcription
2:24 pm	Cell Phone TX/ [number]	33 seconds	This is [Texas Caller gives his name] with [Texas Caller gives his company's name], [Texas Caller gives his number], calling to report a sheen of water, oil, in the Houston ship channel to the national response center. I called 1-800-424-8802 and I've gotten this recording. Normally I would expect to reach the National Response Center. Thank you.
2:41 pm	[name 2]/ [number]	[information not provided]	This is [Missouri Caller gives his name, spells last name], and I'm the EMD for Harrison County. I need to speak to someone about getting some soil testing done as soon as possible. I found a dumpsite here in Harrison County that has several <i>thousand tons</i> [emphasis heard in original] of Chromium VI in a concentrated area and I'd like to start some kind of process of getting this tested. My cell number is [Missouri Caller gives his phone number] and I'd like some help as soon as possible. Thank you.
2:42 pm	Anonymous/ 17230	4 seconds	None

Source: NRC phone records.

Appendix B***Voicemails Left with NRC Prior to April 25, 2009***

Date	Time	Duration
10/12/2006	3:48am	11 seconds
10/12/2006	3:58am	11 seconds
1/19/2007	9:06am	56 seconds
1/20/2007	1:28pm	47 seconds
1/20/2007	10:23pm	77 seconds
1/22/2007	7:15pm	3 seconds
1/23/2007	12:37pm	14 seconds
1/24/2007	5:37am	18 seconds
1/24/2007	11:57pm	175 seconds
1/25/2007	12:14pm	2 seconds
1/25/2007	4:27pm	4 seconds
6/27/2008	6:57pm	295 seconds

Source: NRC phone records.

Appendix C

Distribution

Office of the Administrator
Assistant Administrator, Office of Solid Waste and Emergency Response
Acting Regional Administrator, Region 4
Agency Follow-up Official (the CFO)
Agency Follow-up Coordinator
General Counsel
Associate Administrator for Congressional and Intergovernmental Relations
Associate Administrator for Public Affairs
Audit Follow-up Coordinator, Office of Solid Waste and Emergency Response
Acting Inspector General