



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

OFFICE OF
INSPECTOR GENERAL

April 3, 2019

MEMORANDUM

SUBJECT: Acceptance of Response to Office of Inspector General Report No. 19-N-0044,
Crow Tribe Public Water Systems Concerns, Issued December 13, 2018

FROM: Khadija Walker, Acting Director
Water Directorate
Office of Audit and Evaluation

A handwritten signature in blue ink, appearing to read "Khadija Walker", is placed to the right of the "FROM:" field.

TO: Doug Benevento, Regional Administrator
Region 8

The U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) received your February 22, 2019, memorandum responding to our request for information on EPA Region 8's actions to address ongoing concerns with Crow Tribe public water systems.

As noted in our December 13, 2018, memorandum, we understand that the three water systems face different issues, including challenges under the Long Term 2 Enhanced Surface Water Treatment Rule, the Revised Total Coliform Rule (RTCR), and challenges not related to specific drinking water rules. We issued our memorandum not only based on documented compliance violations, but also based on overall concerns stemming from a combination of challenges facing the three systems and the tribe. The OIG understands that drinking water compliance is frequently a complicated matter for the EPA to address. We also believe that oversight of drinking water safety is among the EPA's most critical responsibilities. We appreciate Region 8's diligence in staying abreast of challenges that these systems face, and the region's thoughtfulness in working with and developing solutions with the tribe.

Status

The information that you provided in your February 22, 2019, memorandum describes several steps that Region 8 initiated and completed to help the tribe move toward sustainable Safe Drinking Water Act (SDWA) compliance. Specifically, you described the following actions:

- Working with an EPA contractor to collect and analyze special samples to determine whether drinking water met basic SDWA standards for the RTCR (December 2018 and January 2019), and the nitrate rule (January 2019), as well as addressing ongoing concerns regarding noncompliance for sampling under the same rules.¹

¹ The SDWA requires drinking water systems to collect samples, and the EPA refers to these as "compliance samples." Although contractor-collected samples provided information about drinking water conditions, samples that were not collected by the drinking water system are referred to as "special samples" and are not used to determine compliance.

- Continuing to fund contractor sampling events until the operators at the Pryor and Wyola drinking water systems can collect compliance samples to verify that drinking water remains within SDWA standards.
- Informing the tribal government about specific actions that it must take to return to compliance and avoid formal enforcement.
- Engaging other federal agencies and the tribe to improve operational sustainability by providing funds for monitoring and treatment.
- Working with the Environmental Finance Center and the tribe to establish a billing and collection system to improve financial stability at the water systems.

Your memorandum also describes results from the compliance and special samples collected at all three systems. Based on your response, and data available in the EPA's Safe Drinking Water Information System (SDWIS), we understand that drinking water in these systems did not show bacteriological or nitrate/nitrite levels above SDWA standards during recent sampling events. We also note that the Pryor and Wyola systems remain out of compliance with the RTCR and nitrate rule monitoring requirements. Our review of SDWIS data shows that this noncompliance does not appear in the EPA's database. The SDWIS needs to be updated to reflect this noncompliance.

Crow Agency water system (PWS ID 083090011): This system selected an option for monitoring *cryptosporidium* in source water and has complied with Long Term 2 Enhanced Surface Water Treatment Rule deadlines. Compliance samples indicate compliance with the RTCR.

Pryor water system (PWS ID 083090012): Special samples collected by a Region 8 contractor indicate the drinking water in this system showed detectable chlorine residual and was negative for total coliform and *E. coli* in December 2018 and January 2019, and was below the maximum contaminant level for nitrate/nitrite in January 2019. This system remains out of compliance for failure to monitor under the RTCR and nitrate rule because compliance samples are still not being collected. Despite this note in your memorandum, the SDWIS shows no current violations for this water system. The SDWIS needs to be updated to reflect the system remains out of compliance.

Wyola water system (PWS ID 083090014): Special samples collected by a Region 8 contractor indicate the system showed a detectable chlorine residual in December 2018, but not in January 2019. However, the drinking water in this system was negative for total coliform and *E. coli* in December 2018 and January 2019, and below the maximum contaminant level for nitrate/nitrite in January 2019. This system remains out of compliance for failure to monitor under the RTCR and nitrate rule, because compliance samples are still not being collected. Despite this note in your memorandum, the SDWIS shows no current violations for this water system. The SDWIS needs to be updated to reflect the system remains out of compliance.

Additional OIG Observations

Your memorandum raises important issues regarding Region 8's responsibilities as the direct implementer of the SDWA at the three water systems to oversee public notice requirements. Reliable EPA adherence to the SDWA requirement that the agency take action in response to all known SDWA

violations is an essential component of ensuring that drinking water is safe for human consumption. The region is responsible for reporting public notice violations and known monitoring violations at the Wyola and Pryor drinking water systems to the EPA's SDWIS database.

Conclusion

While the region must still report noncompliance to SDWIS, based on drinking water sampling results that demonstrate drinking water at the three systems falls within SDWA standards, and the ongoing regional actions described, we consider this matter resolved.

cc: Henry Darwin, Associate Deputy Administrator and Chief of Operations
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Michael Molina, Deputy Chief of Staff
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