U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Evaluation Report

EPA Assisting Tribal Water Systems but Needs to Improve Oversight

Report No. 08-P-0266

September 16, 2008

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Abbreviations

CCR	Consumer Confidence Report
CFR	Code of Federal Regulations
CWS	Community Water System
EPA	U.S. Environmental Protection Agency
HAA5	Haloacetic Acids
IOCs	Inorganic Chemicals
MBCI	Mississippi Band of Choctaw Indians
MCL	Maximum Contaminant Level
MSDH	Mississippi State Department of Health
OGWDW	Office of Ground Water and Drinking Water
OIG	Office of Inspector General
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SOCs	Synthetic Organic Chemicals
TTHM	Total Trihalomethanes
VOCs	Volatile Organic Chemicals

Cover photo: Nano-filtration system and water system pipes at tribal drinking water facility (EPA OIG photos).

U.S. Environmental Protection Agency
Office of Inspector General

08-P-0266
September 16, 2008

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We conducted this evaluation to assess the U.S. Environmental Protection Agency's (EPA's) oversight and assistance of tribal community water systems (CWSs), and to independently evaluate water quality at selected drinking water systems.

Background

EPA, rather than the States, has the responsibility for protecting human health and the environment on tribal lands. Approximately 600 tribal CWSs serve an estimated 622,000 people. EPA staff members provide these systems with technical and other assistance so that tribal CWSs maintain compliance with Safe Drinking Water Act requirements.

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

To view the full report, click on the following link:
www.epa.gov/oig/reports/2008/20080916-08-P-0266.pdf

EPA Assisting Tribal Water Systems but Needs to Improve Oversight

What We Found

Tribal drinking water sample results in EPA files indicate that drinking water supplies consistently met regulatory requirements. Regional EPA staff also made correct compliance decisions with sample results that tribal CWSs provided. However, internal control deficiencies existed in administering EPA's oversight of tribal CWSs in two of the five regions we reviewed. To varying degrees, tribal drinking water records in four of the five regions were incomplete due to a failure to maintain oversight of system operations and/or poor records management.

We sought to verify, through independently collected samples, that these tribal CWSs did not exceed drinking water regulatory limits. Of the approximately 2,300 independent samples analyzed, only 7 were above the limits. In those cases, we informed regional staff and water system operators, who then took follow-up actions.

What We Recommend

We recommend that the Assistant Administrator for Water (1) establish national and regional tribal drinking water program Standard Operating Procedures in coordination with regional offices; (2) require Region 2 to submit a plan that corrects deficiencies in how it currently implements its tribal drinking water program, including those identified in this report; and (3) direct regions to issue monitoring and reporting violations, take appropriate enforcement actions against tribal CWSs with health-based violations or who fail to monitor or submit monitoring reports, and enter violations into the Safe Drinking Water Information System.

The Agency agreed with our recommendations.

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

OFFICE OF
INSPECTOR GENERAL

September 16, 2008

MEMORANDUM

SUBJECT: EPA Assisting Tribal Water Systems but Needs to Improve Oversight
Report No. 08-P-0266

FROM: Wade T. Najjum
Assistant Inspector General
Office of Program Evaluation

TO: Benjamin Grumbles
Assistant Administrator
Office of Water

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 $830,903.

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 corrective actions plan for agreed upon actions, including milestone dates. 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 regarding this report, please contact Dan Engelberg at 202-566-0830 or engelberg.dan@epa.gov, or Ira Brass at 212-637-3057 or brass.ira@epa.gov.

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Chapter 1
Introduction

Purpose

We conducted this evaluation to assess the U.S. Environmental Protection Agency's (EPA's) oversight and assistance of tribal community water systems (CWSs), and to independently evaluate water quality at selected systems. We focused on tribal CWSs because they are among the few systems that EPA regions, rather than States, oversee. We sought answers to two questions:

1. What methods does EPA use to oversee compliance at community water systems on tribal lands and how are data from these systems verified?

2. How well do community water systems on tribal lands monitor and report compliance with national primary drinking water standards?

Background

EPA, rather than State government, has the responsibility for protecting human health and the environment on tribal lands. The 1984 EPA Indian Policy establishes nine principles to guide the Agency as it implements congressionally-mandated responsibilities on tribal lands. The principles emphasize working directly with tribal governments on a government-to-government basis, recognizing tribal governments as primary parties for environmental policy decisions, and encouraging/assisting tribes to assume regulatory and program management responsibilities for their lands.

The Safe Drinking Water Act (SDWA) creates an umbrella of responsibilities aimed at safeguarding the drinking water of the population. EPA's regional offices implement the SDWA[1] for approximately 600 tribal CWSs, serving an estimated 622,000 people.[2] Tribal CWS operators collect water samples for analysis by certified laboratories and then report those results to EPA. The Office of Ground Water and Drinking Water (OGWDW) relies on drinking water staff located in the regions to:

- Determine whether tribal CWS sampling results are within regulatory limits,
- Review and approve tribal CWS monitoring waiver applications,

[1] 40 CFR (Code of Federal Regulations) 141.2 defines "State" as the agency of the State or tribal government that has jurisdiction over public water systems. During any period when a State or tribal government does not have primary enforcement responsibility pursuant to Section 1413 of SDWA, the term "State" means the Regional Administrator, U.S. EPA.

[2] The Navajo Nation has authority to implement SDWA for 140 tribal systems and these were not evaluated in this study.

- Provide assistance to tribal CWSs to prevent violations from occurring, and
- Take enforcement actions when drinking water regulations are violated.

EPA drinking water staff may issue violations when (1) a tribal CWS does not conduct required monitoring or report sampling results or (2) a water sample result exceeds the established maximum contaminant level (MCL). According to the 1984 Indian Policy, EPA will work cooperatively with tribes to achieve compliance. EPA considers direct enforcement action if there is a significant threat to human health and the environment, if compliance is not achievable in a timely manner, and if EPA cannot utilize other alternatives to correct the problem.

EPA has the authority to grant monitoring waivers or reduce monitoring requirements if there is a limited likelihood of a contaminant being in a tribal CWS's source water.[3] Once a waiver is granted, the system is excused from monitoring for a specified period of time. This reduces expenses for tribal CWSs while maintaining human health protections. To retain consistency in the decision-making process, one region we reviewed relies upon written guidelines to evaluate monitoring waiver applications from tribal CWSs. Region 9 has a detailed wavier application procedure for tribal CWSs requesting reductions in monitoring requirements.

EPA also implements technical and compliance assistance programs to help tribal CWSs protect human health and reduce incidents of drinking water violations. These programs include operator training, sanitary surveys, source water protection, technical assistance, and infrastructure grants. In the past 11 years, the Drinking Water State Revolving Fund Set Aside grant program has allotted approximately $135 million to improve tribal CWS infrastructure.

The Agency works to measure the effects of its enforcement and compliance assistance programs by tracking how many tribal CWS customers consume water that meets all drinking water standards. In the *2006 – 2011 Strategic Plan*, EPA established a national goal that 86 percent of tribal CWS customers will drink water that meets all health-based standards by 2011. Compliance assistance efforts of EPA and other organizations help achieve this national performance goal. The Indian Health Service, through collaboration with tribes, identifies CWS infrastructure needs and enters these data in the Sanitation Deficiency System. The Bureau of Reclamation provides technical and financial assistance to tribal systems in the Western United States. EPA uses the information about health-based violations reported in the Safe Drinking Water Information System (SDWIS) to track and report progress to Congress on the performance of all water systems at a national and regional level.

[3] 40 CFR 141 outlines the monitoring requirements for the drinking water contaminants regulated by EPA. It also describes the conditions under which a monitoring waiver can be issued by the "State" and under which "States" can reduce monitoring requirements.

Noteworthy Accomplishments

EPA has completed a number of noteworthy activities in its efforts to assist tribal CWSs. The following is a summary of some of their most recent accomplishments.

- The OGWDW issued the *Tribal Drinking Water Operator Certification Guidelines* in May 2005 to help assess, track, and address certification needs on tribal lands.

- The OGWDW developed a new Website that provides a consolidated list of drinking water classroom and on-line training opportunities that may be of interest to tribes and tribal operators.

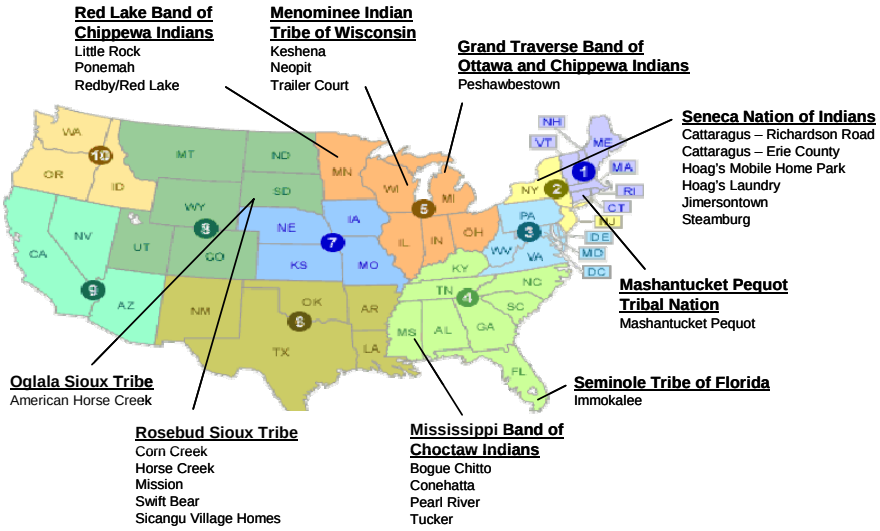
- In June 2007, EPA launched the new Tribal Portal, a Website that provides users with consolidated information about EPA tribal policies, contacts, programs, and funding sources.

- Starting in 2003, an EPA contractor performed data verifications of the tribal drinking water records in the regions we visited.

Scope and Methodology

We employed a variety of methods to evaluate the performance of tribal CWSs and the processes used by EPA to oversee compliance of these systems. We selected 25 tribal CWSs with no reported violations between 1997 and May 2007 from the SDWIS database (see Figure 1-1 and Appendix A, Table A-1).

Figure 1-1: Distribution of Selected 25 Tribal CWSs among EPA Regions



Source: EPA's map of its regions with the locations of tribal CWSs added by OIG staff

We requested and reviewed the monitoring results for national primary drinking water contaminants submitted by the 25 tribal CWSs to regional staff (see Appendix A, Table A-2, for the data we requested). We conducted interviews with personnel from Headquarters, Regions 1, 2, 4, 5, and 8, and tribal CWSs about compliance assistance, operation and maintenance challenges, alternate sources of assistance outside EPA, and individual monitoring requirements. We also interviewed drinking water staff from Region 9 because this Region oversees the largest number of tribal systems.

In addition, we contracted with an environmental services company to collect and analyze drinking water samples from these systems. Personnel from the Office of Inspector General (OIG) accompanied the contractor on site visits. We collected samples from both the point of entry and the distribution system at 19 of the 25 tribal CWSs.[4] At five systems we only collected samples from the point of entry. This situation was due to time requirements for transporting samples to the laboratory or to a lack of access to sampling points in the distribution system. At one system we did not collect any samples because it permanently closed prior to our site visit. Appendix A, Table A-3, contains a list of the tests we did not perform at the tribal CWSs.

A laboratory analyzed the samples for contaminants regulated under EPA's National Primary Drinking Water Standards with the exception of lead and copper.[5] EPA protocols were followed for sample collection and analysis. These results are for information purposes and cannot substitute for regular drinking water sampling requirements. In cases where these results were above regulatory limits, we contacted regional staff and water system operators to discuss follow-up actions.

Due to the small sample size and methods used to select the tribal CWSs, the results of this evaluation cannot be used to generalize drinking water quality at other tribal systems. The results of our independent samples were for information purposes and did not substitute for regular drinking water sampling requirements. We conducted this review in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. In addition, we discussed internal controls regarding tribal water system compliance data.[6] We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our objectives. We performed our review from June 2007 to May 2008.

[4] The point-of-entry sample is a type of water sample taken after treatment and before reaching the first consumer. The distribution system is a network of pipes leading from a treatment plant to customers' plumbing systems.
[5] The team did not include lead and copper in the scope of this evaluation because sampling requires advanced planning to coordinate site visits with homeowners.
[6] Internal controls are used to prevent fraud, waste, and abuse of program/agency assets. It also includes the processes for planning and directing program operations and systems for measuring, reporting, and monitoring program performance.

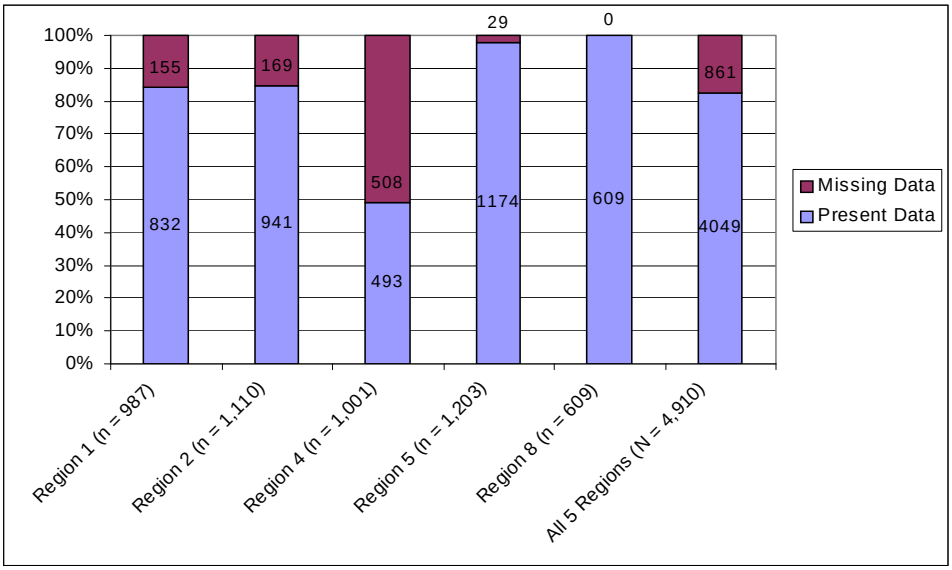
Chapter 2
EPA Needs to Improve Oversight of Tribal Drinking Water Systems

Records of tribal drinking water sample results in EPA files indicate that drinking water supplies consistently met regulatory requirements. Regional drinking water staff also made correct compliance decisions with the sample results provided by tribal CWSs. However, internal control deficiencies occurred in administering EPA's oversight of tribal CWSs in two of the five regions we reviewed. To varying degrees, tribal drinking water records in four of the five regions were incomplete due to a failure to maintain oversight of system operations and/or poor records management.

EPA Correctly Determined Compliance for Monitoring Reports in Regional Files

Our examination of tribal CWS historical data in regional files (see Appendix A, Table A-2) confirmed that EPA drinking water staff interpreted sample results to draw correct compliance determinations. However, regions were only able to provide us with all of the data we requested for 7 of the 25 tribal CWSs in this evaluation. Because regional files were missing approximately 18 percent of the sample results requested (861 of 4,910 sample results), we were unable to evaluate EPA's performance in these cases. Figure 2-1 summarizes the amount of requested compliance records we collected as well as the missing data by region.

Figure 2-1: Percentage of Requested Tribal Drinking Water Sample Results Missing from Regional Files



Source: OIG analysis of requested data

We identified three reasons why the records were missing from EPA files:

1) Tribal CWSs failed to monitor for contaminants,
2) State involvement in tribal CWS oversight prevented monitoring information from reaching the region, and
3) EPA drinking water staff members were unable to locate records or records were lost over time.

For the approximately 4,000 monitoring results we collected from EPA's files, we found that EPA staff made no errors in determining compliance with drinking water regulations. For the results we reviewed, tribal CWSs submitted sampling results in prescribed timeframes in all but two occasions. In Region 5, two tribal CWSs submitted radionuclide sample results prior to the June 2000 through December 2003 grandfathered period. The samples, taken outside the prescribed sampling period, were within regulatory limits.

Regions Varied in Oversight of Tribal Drinking Water Systems

The five regions varied in the quality of oversight they provided to tribal CWSs. Region 1's records were complete except for missing synthetic organic chemical (SOC) samples caused by an error in instructions from the Region to the tribal system. Regions 5 and 8 provided complete or near-complete records for tribal CWSs located in those regions. Drinking water staff in these Regions attribute their success to operator training programs and to regular communication with them about sampling requirements. We found greater amounts of missing records in Regions 2 and 4. In Region 2, tribal CWSs failed to monitor for certain contaminants. Moreover, Region 2 chose not to enter known monitoring violations into SDWIS and did not conduct enforcement actions against the systems that committed these violations. In Region 4, State participation in tribal CWS oversight prevented monitoring information from reaching the Region. Without these sampling results, EPA was unable to determine compliance with drinking water regulations.

Region 2 Did Not Issue Monitoring Violations to Tribal Systems or Update SDWIS

Region 2 is missing approximately 15 percent of the drinking water sample results we requested for 6 tribal CWSs (169 of 1,110 records). See Appendix B, Table B-2, for a summary of the records missing from Region 2 files. Region 2 staff said the missing data are a result of water systems failing to monitor for regulated contaminants over many compliance periods. For all six tribal CWSs we reviewed, Region 2 did not take enforcement actions when these systems failed to collect samples and submit results for compliance determination. Region 2 also did not report these violations into SDWIS, which stores information about drinking water systems.

While drinking water regulations require water systems to annually monitor for nitrate, Region 2 staff confirmed that regional files are missing nitrate results for four of the six tribal CWSs for the 2004, 2005, and 2006 compliance periods. This required test is important because excessive nitrate levels in children can interfere with the oxygen-carrying capacity of their blood. Based on sampling results from nearby systems using the same aquifer, regional personnel believed that the quality of drinking water in these four tribal CWSs was good. Although none of these systems tested above the established MCL for nitrate in our independently collected samples, regulations require that regions take enforcement actions when water systems do not monitor and report results to EPA.

Moreover, we believe customers are likely unaware that their systems failed to monitor for nitrate and other contaminants because these systems never provided their customers with annual Consumer Confidence Reports (CCRs) in 2004, 2005, or 2006, as required under SDWA.[7] Had the water systems issued these annual reports, they would have also been required to detail steps to correct monitoring problems in the future. Region 2 confirmed that it also did not take enforcement actions against the systems that failed to issue CCRs but plans to work with them to ensure that tribal customers receive CCRs detailing 2007 water system performance.

While we found incidents of monitoring and reporting problems with tribal CWSs in Region 2, EPA staff informed one system of its concerns. In May 2007, Region 2 notified the Shelton Park CWS about the physical condition of its system, positive coliform bacteria samples, and handling and disposing of household chemical waste. In a letter, Region 2 stated, "the well used to supply water to the residents of Shelton Park is highly vulnerable to significant contamination from both human and animal fecal waste and we (Region 2) are concerned that the water is not being adequately disinfected."

Region 2 personnel reported to us that while concerns have been expressed to Shelton Park, monitoring violations for this and other tribal CWSs have not been recorded in SDWIS for the past 10 years. Region 2's Drinking Water Section Chief reported that this stems from an understanding within the tribal drinking water program that staff would focus its resources on compliance assistance rather than enforcement actions.

In addition to missing enforcement actions in SDWIS, we found water system inventory errors with tribal CWSs. Inventory data, such as water source and population size, are information that regions use to determine sampling requirements. If this information is incorrect, it can affect EPA's oversight. For example, SDWIS identifies the Cattaraugus-Richardson Road tribal system and

[7] 40 CFR 141.51 outlines the information CWSs must include in their annual CCRs. In addition to distributing copies to customers, tribal CWSs must mail a copy of the report to the appropriate EPA region and certify that the report was delivered to customers by the July 1st deadline.

Cattaraugus-Erie County system as two distinct CWSs. Region 2 staff reported that the Cattaraugus-Richardson Road system is actually part of the larger Cattaraugus-Erie County system.

Region 4 Not Informed of Oversight Activities Taken by Mississippi

Region 4 is missing approximately 51 percent of the drinking water sample results we requested for 5 tribal CWSs (508 of 1,001 records). The tribal CWSs in Mississippi have an atypical relationship with the State's drinking water program. While Region 4 has informally accepted regulatory decisions made by the State for these water systems, it is unaware of the extent of Mississippi's regulatory role.

Both Region 4 and the Mississippi State Department of Health (MSDH) regulate the four water systems operated by the Mississippi Band of Choctaw Indians (MBCI). As the primary regulatory authority, Region 4 can issue waivers to these tribal CWSs and/or reduce monitoring requirements based on the results of monitoring samples. Because these four tribal CWSs participate in Mississippi's sampling program, MSDH also serves a regulatory role by creating monitoring schedules, issuing monitoring waivers, and reducing monitoring requirements for regulated drinking water contaminants based on SDWA requirements.

Region 4 accepts monitoring waivers issued by MSDH for these tribal CWSs because Mississippi has an EPA-approved drinking water and waiver program. Drinking water regulations do not preclude Region 4, as the primacy agency for tribal CWSs, from honoring waivers issued by another primacy agency, such as MSDH. Under drinking water recordkeeping requirements, Region 4, as the primacy agency for tribal CWSs, is required to keep documentation of waivers and decisions to reduce monitoring requirements in its files for 12 years. Region 4 could not provide documentation for these regulatory decisions made by MSDH, which accounts for 79 percent of data we categorize as missing (401 of 508 pieces of monitoring data) (see Appendix B, Table B-3). If Region 4 had documentation of MSDH's regulatory decisions, we would only categorize approximately 11 percent of the data we requested as missing.

Region 4 and MSDH both include the four tribal CWSs in their versions of the SDWIS database, but do not reconcile the violation and enforcement-related information reported in the individual databases. As a result, discrepancies occurred between the two data systems. For example, according to the MSDH information uploaded to SDWIS, the Pearl River CWS had a health-based total coliform violation in August 2005. However, Region 4's database did not contain this violation until after we reviewed SDWIS data in May 2007. Region 4's database shows that Pearl River achieved Federal compliance for this violation in September 2005.

Regions 1, 5, and 8 Consistently Tracked Monitoring Requirements

With minor exceptions, we found that Regions 1, 5, and 8 had generally good oversight and records management practices. Because of this we were able to confirm that the regions made correct compliance determinations for the tribal CWSs in our sample. Region 1's files were complete except for second consecutive quarterly samples for Synthetic Organic Chemicals for the compliance periods 1999-2001, 2002-2004, and 2005-2007. In Region 5, 29 of 1,203 sampling results were missing for the 7 tribal CWSs in our sample. Region 8 provided complete compliance histories for the six tribal CWSs in our sample. See Appendix B for additional details about missing data.

OIG Water Sample Results within Regulatory Limits

We sought to verify, through independently collected samples, that these tribal CWSs did not exceed MCLs for national primary drinking water regulations. Nearly all the water samples we collected were below the MCLs established in the drinking water standards and were consistent with the data we reviewed from regional files. Of the approximately 2,300 independent samples analyzed, only 7 were above regulatory limits. In the cases where results were above these limits, we informed regional staff (in Regions 5 and 8) and water system operators, who then took follow-up actions. See Table 2-1 for a summary of sample results and follow-up actions.

Table 2-1: Number of OIG Samples above Regulatory Limit

Tribal CWS Name	Location and EPA Region	Contaminant Above Regulatory Limit	# of OIG Samples Collected	# of OIG Samples Above Regulatory Limit	Region and Tribal CWS Follow-up Actions
Ponemah	Red Lake, MN EPA Region 5	Total coliform	4	4	• Water system collected 4 additional samples • All were negative for total coliform
Swift Bear	Rosebud, SD EPA Region 8	Total coliform	4	1	• Water system collected 1 additional sample • This sample was negative for total coliform
Corn Creek	Rosebud, SD EPA Region 8	Total coliform	3	1	• Water system collected 4 additional samples • All were negative for total coliform
American Horse Creek	Kyle, SD EPA Region 8	Arsenic	1	1	• Region 8 is aware of elevated arsenic levels • The water system is under an increased monitoring schedule

Source: OIG analysis of independent samples and EPA region/tribal CWS operator follow-up actions

Once we alerted EPA regional staff and water system operators of the six positive coliform samples, the systems collected and analyzed additional samples. A single coliform exceedance does not constitute a violation of the drinking water standard. The results from these re-tests showed an absence of total coliform in the water.

The other exceedance of a drinking water standard occurred at the American Horse Creek CWS in South Dakota. The sample result tested above the established 0.010 mg/L MCL for arsenic at 0.014 mg/L. Prior to the implementation of the new standard in 2006, the MCL for arsenic was 0.050 mg/L. Unrelated to these results, Region 8 compliance staff had already placed the water system on an increased monitoring schedule, as is required by the new arsenic drinking water regulation. According to the water system manager, American Horse Creek will be connected to a new source by the end of 2009.

EPA and Other Organizations Assist in Tribal Water System Compliance

In addition to its regulatory oversight responsibilities, EPA implements technical and compliance assistance programs and collaborates with other organizations so that tribal CWSs can maintain or improve their performance. In EPA's most recent strategic planning document, the *2006 – 2011 Strategic Plan*, the Agency committed to working with other Federal agencies to support developing drinking water and wastewater infrastructure in Indian country.[8] All six regions we interviewed reported utilizing services of other Federal agencies and/or non-profit groups to improve tribal CWSs' infrastructure and performance.

Regions helped tribal CWSs maintain compliance with monitoring requirements by providing schedules for sample collections; assessing the technical, managerial, and financial capacities of water systems; conducting operator training courses; and answering technical questions about regulations. While water system operators told us they were generally satisfied with the assistance EPA provides, tribal water staff expressed a desire for more training assistance.

EPA's collaboration with its contractors and Federal partners also help to improve tribal CWS performance. EPA funds State Rural Water Association affiliates to provide training and technical assistance to small systems, including tribal CWSs. Three of the six regions we interviewed told us they consider information in the Indian Health Service's Sanitation Deficiency System when prioritizing tribal

[8] EPA has committed to reducing the number of tribal households that do not have access to safe drinking water and basic sanitation by 50 percent by 2015. This commitment is in response to the developmental goals agreed to at the 2002 United Nations World Summit on Sustainable Development held in Johannesburg, South Africa. EPA works with the following Federal agencies to improve tribal access to safe drinking water and basic sanitation: Department of Agriculture, Department of Health and Human Services, Department of Housing and Urban Development, and Department of the Interior.

drinking water system infrastructure needs and Drinking Water State Revolving Fund infrastructure grants.

Even with EPA's and other organizations' assistance provided to tribal CWSs, many of the water system managers we interviewed told us that their systems face similar challenges as operators at other small water systems have described to us in the past.[9] Some of these include the operators' desire for more training and technical assistance, water rates that do not cover the costs of operation, customers not paying their bills, governing bodies' reluctance to pay for infrastructure improvements, and low pay for water operators. However, based on our review of regional files and independent samples, the tribal CWSs we reviewed are able to provide their customers with drinking water that meets Federal standards.

Conclusions and Recommendations

The six regions whose tribal drinking water programs we reviewed provide tribal CWSs with a variety of technical and other assistance activities that help these systems provide safe drinking water to the public. Our independent samples show that, at the time of our site visits, tribal customers received drinking water that met health-based standards. Good source water, attentive water system staff, and assistance from EPA and others were noted as helping tribal CWSs with their performance. But incomplete compliance records and failures to issue violations point to regional internal control deficiencies. Internal controls are an important safeguard for ensuring that systems operate as intended. Deficiencies in these controls may indicate that the systems are vulnerable to failure, resulting in increased risk to public health. To improve its internal controls, EPA Headquarters needs to clearly communicate to regions what is required and what is allowed in terms of their oversight of tribal CWSs.

Region 4 needs to increase communication and coordination with MSDH for tribal CWSs operated by the MBCI. While drinking water regulations do not prevent Region 4 from honoring decisions made by MSDH to reduce monitoring or issue waivers, without documentation we cannot determine if Region 4 staff made timely and accurate compliance determinations. Greater coordination and communication would reduce the amount of missing compliance data in Region 4's files, as well as improve the accuracy and completeness of SDWIS entries. Implementing a formal waiver policy, similar to Region 9's Tribal Drinking Water Monitoring Waiver Program, would help to ensure that MSDH issues waivers and reduces monitoring requirements based on statutory regulations.

Region 2's decision to not issue monitoring violations is counter to Agency oversight responsibilities under SDWA. This undermines the transparency that

[9] EPA OIG Report No. 2006-P-00026, *Much Effort and Resources Needed to Help Small Drinking Water Systems Overcome Challenges,* May 30, 2006.

should exist between water systems and their customers, especially since water systems are required to report all violations in their annual CCRs. The absence of monitoring violations in SDWIS also affects EPA's overall efforts to improve the completeness of this database. This database, which is also available to the public, does not currently reflect the compliance history for all six tribal CWSs we reviewed in Region 2. EPA needs this database to contain accurate and complete drinking water violation data so that it can monitor its progress at meeting performance goals and report complete and unbiased information to Congress and the public. The fact that no one in Region 2 addressed longstanding issues is a serious oversight.

The Office of Water needs to address the issues identified in Regions 2 and 4 at a national level, as these or related problems may exist in other regional programs.

We recommend that the Assistant Administrator, Office of Water:

2-1 Establish national and regional tribal drinking water program Standard Operating Procedures in coordination with regional offices. The Standard Operating Procedures should include:

a) Documenting waiver determinations made by regions, and where appropriate, similar determinations made by States;
b) Documenting the roles, contractual relationships, and agreements between EPA, States, and tribes where the three parties share responsibilities of the tribal drinking water program;
c) Following records retention guidelines as required by 40 CFR 141 and 40 CFR 142 and guidance from the Office of Water; and
d) Entering violations into SDWIS.

2-2 Require Region 2 to submit a plan that corrects deficiencies in how it currently implements its tribal drinking water program, including those identified in this report. Once submitted, ensure that all the elements of the plan are completed.

2-3 Direct regions to issue monitoring and reporting violations, take appropriate enforcement actions against tribal CWSs with health-based violations or who fail to monitor or submit monitoring reports, and enter violations into SDWIS.

Agency Response and OIG Evaluation

The Assistant Administrator, Office of Water, responded to our draft report on September 4, 2008 (see Appendix C). He agreed with our recommendations and provided information about actions that have and will be taken to address them. Based on the Office of Water's comments, we made changes to the report as appropriate.

In response to our first recommendation, the Office of Water states that it always expected that EPA regions implementing the tribal drinking water program should follow the same requirements and guidelines that EPA develops for States. Because this expectation has never been formally documented, the Office of Water agreed that it is appropriate to do so in formal guidance. The Office of Water plans to issue guidance regarding these procedures in Fiscal Year 2009. Additionally, the Office of Water states that Region 4 has already taken steps to address issues raised in the report; it is writing a formal waiver policy, creating records for tribal systems to document specifics of issued waivers, developing an electronic filing system, and coordinating with MSDH.

In response to our second recommendation, the Office of Water states that it expects to develop a plan to help Region 2 make significant improvements to its tribal drinking water program in Fiscal Year 2009. It plans to implement the improvement plan shortly after it is completed. The recent installation of SDWIS/STATE software on Region 2's server will help formalize the data management and reporting process. Additionally, Region 2 plans to make SDWIS/STATE data available to the public through Drinking Water Watch.

In response to our third recommendation, the Office of Water agrees that it is appropriate to document its expectations that EPA regions implementing the tribal drinking water program should follow the same requirements and guidelines that EPA develops for States. The Office of Water plans to issue guidance regarding these procedures in Fiscal Year 2009.

We view these as positive actions in response to our recommendations. We expect the Office of Water will assure its planned guidelines (Standard Operating Procedures) address the needed corrective actions identified in our report and that regional offices implement the guidelines.

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
2-1	12	Establish national and regional tribal drinking water program Standard Operating Procedures in coordination with regional offices. The Standard Operating Procedures should include: a) Documenting waiver determinations made by regions, and where appropriate, similar determinations made by States; b) Documenting the roles, contractual relationships, and agreements between EPA, States, and tribes where the three parties share responsibilities of the tribal drinking water program; c) Following records retention guidelines as required by 40 CFR 141 and 40 CFR 142 and guidance from the Office of Water; and d) Entering violations into SDWIS.	O	Assistant Administrator, Office of Water			
2-2	12	Require Region 2 to submit a plan that corrects deficiencies in how it currently implements its tribal drinking water program, including those identified in this report. Once submitted, ensure that all the elements of the plan are completed.	O	Assistant Administrator, Office of Water			
2-3	12	Direct regions to issue monitoring and reporting violations, take appropriate enforcement actions against tribal CWSs with health-based violations or who fail to monitor or submit monitoring reports, and enter violations into SDWIS.	O	Assistant Administrator, Office of Water			

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

Details on Scope and Methodology

We conducted this review in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. Due to the small sample size and methods used to select the tribal CWSs, the results of this evaluation cannot be used to generalize drinking water quality at other tribal systems.

Criteria Used to Select Tribal Community Water Systems

We reviewed the tribal portion of EPA's SDWIS for community water systems with perfect compliance histories for the last 10 years (1997 to May 2007). Systems with perfect compliance histories do not have monitoring and reporting or health-based violations during this timeframe. We sorted the identified water systems by location and population, and selected final systems for review based on these criteria. We expanded our sample of tribal CWSs by selecting other water systems with perfect compliance histories operated and managed by tribes with the largest populations served. The results of our independent samples were for information purposes and did not substitute for regular drinking water sampling requirements. Our final sample of tribal CWSs included 25 systems operated by 9 tribal nations (see Table A-1).

Table A-1: Tribal CWSs Included in the OIG Sample

Tribal CWS Name	Location	Population Served	Public Water System Identification Number	EPA Region
Mashantucket Pequot	Mashantucket, CT	41,000	10106001	1
Shelton Park (Hoag's Mobile Home Park)	Salamanca, NY	125	20011102	2
Hoag's Laundry	Salamanca, NY	155	20011103	2
Cattaraugus - Richardson Rd. Water Supply	Salamanca, NY	300	20000002	2
Steamburg Water System	Salamanca, NY	300	20000004	2
Jimersontown Water System	Salamanca, NY	800	20000001	2
Cattaraugus – Erie County CWS	Salamanca, NY	2,800	20000008	2
Seminole Utilities Immokalee	Hollywood, FL	3,101	41200004	4
Choctaw - Conehatta	Conehatta, MS	474	42800001	4
Choctaw – Bogue Chitto	Bogue Chitto, MS	597	42800002	4
Choctaw – Tucker	Tucker, MS	752	42800003	4
Choctaw - Pearl River	Choctaw, MS	1,175	42800004	4
Peshawbestown	Suttons Bay, MI	2,135	55293601	5
Little Rock	Red Lake, MN	236	55294604	5
Redby/Red Lake	Red Lake, MN	1,863	55294602	5
Ponemah	Red Lake, MN	371	55294603	5
Keshena	Keshena, WI	3,500	55295502	5
Neopit	Keshena, WI	675	55295503	5
Trailer Court	Keshena, WI	68	55295504	5

Table A-1: Tribal CWSs Included in the OIG Sample (continued)

Tribal CWS Name	Location	Population Served	Public Water System Identification Number	EPA Region
Mission Water System	Rosebud, SD	1,341	84690532	8
Horse Creek Water System	Rosebud, SD	312	84690516	8
Swift Bear	Rosebud, SD	260	84690491	8
Corn Creek	Rosebud, SD	180	84690492	8
Sicangu Village Homes	Rosebud, SD	100	84690531	8
American Horse Creek	Pine Ridge, SD	1,283	84690023	8

Source: OIG analysis of SDWIS data

Interviews with EPA Region Tribal Drinking Water Staff

We interviewed tribal drinking water staff located in Regions 1, 2, 4, 5, 8, and 9 about their oversight and assistance activities, including:

- The types of oversight and assistance provided to tribal CWSs,
- The availability of policy documents that direct regional interactions with tribes,
- Formal reviews of data submitted by tribal CWSs to determine if data are accurate and complete,
- The constraints to providing oversight and assistance to tribal CWSs, and
- Sources of non-EPA (other Federal agencies and nonprofit organizations) assistance available to tribal CWSs and how a region coordinates assistance efforts.

We also asked staff in Regions 1, 2, 4, 5, and 8 questions specific to the selected tribal CWSs in each region:

- Contact information for the tribal leaders and water system operators,
- What factors contribute to the tribal CWSs' perfect compliance history over the last 10 years, and
- The results of the most recent sanitary survey or visit to the tribal CWS.

Review of Tribal CWS-Related Documents and Analysis of Historic Drinking Water Data

As part of our evaluation, we requested and reviewed a variety of documents related to the selected tribal CWSs, such as compliance reports, sanitary survey results, data verifications, and operator training and certification records. We also requested historic drinking water data for the contaminants regulated by EPA under its National Primary Drinking Water Regulations from each of the 25 tribal CWSs (see Table A-2).

Table A-2: Contaminant Data Requested from EPA Regions by OIG

Contaminant Group	Compliance Periods Requested by OIG
Total Coliform and Disinfectants	January 2007 to June 2007 (monthly reports)
Combined Filter Effluent Turbidity, Individual Filter Effluent Turbidity	January 2007 to June 2007 (monthly reports) – Requested for ground water system under the influence of surface water in Region 1
Disinfection Byproducts (Total Trihalomethanes -- TTHM and Haloacetic Acids -- HAA5)	2004, 2005, 2006, and 2007[1] (annual reports)
Nitrate and Nitrite	2004, 2005, 2006, and 2007[1] (annual reports)
Inorganic Chemical (IOC)	1999-2001, 2002-2004, and 2005-2007[2] (triennial reports)
Synthetic Organic Chemical (SOC)	1999-2001, 2002-2004, and 2005-2007[2] (triennial reports)
Volatile Organic Chemical (VOC)	1999-2001, 2002-2004, and 2005-2007[2] (triennial reports)
Radionuclides	June 2000-December 2003, 2004-2007

[1] The 2007 annual reports for nitrate, nitrite, and disinfection byproducts were not due until after the end of the year. Not all water systems had submitted their results at the time of our information request.
[2] The 2005-2007 IOC, SOC, and VOC results were not due until after the end of the year. Not all water systems had submitted their results at the time of our information request.

Source: OIG information requests sent to Regions 1, 2, 4, 5, and 8

Drinking Water Sample Collection and Analysis

We tested the drinking water quality of each of the 25 tribal CWSs for all of the contaminants included in the National Primary Drinking Water Regulations (except lead and copper). We contracted with an environmental services company to collect and analyze drinking water samples from these systems. At most tribal CWSs (19 of 25), the team collected samples from the point of entry and within the distribution system. At five systems we only collected samples from the point of entry because of time needed to transport samples to the laboratory or lack of access to sampling points in the distribution system. At one system we did not collect any samples because it permanently closed prior to our site visit. See Table A-3 for the tests we did not perform at the tribal CWSs.

Table A-3: Independent Samples Not Collected by OIG

Sampling Point	Tribal CWS	Regulated Contaminants
Point of Entry	Hoag's Laundry, NY[1]	Inorganic Chemicals (IOCs) Synthetic Organic Chemicals (SOCs) Volatile Organic Chemicals (VOCs) Radionuclides Nitrate and Nitrite
Distribution System[2]	Peshawbestown, MI Little Rock, MN Conehatta, MS Hoag's Laundry, NY[1] Jimersontown, NY Steamburg, NY	Asbestos Total coliform Chlorine Disinfection Byproducts

[1] This water system closed in October 2007, prior to OIG sampling activities.
[2] Due to time constraints or limited access to private homes, distribution system samples were not collected from these systems.

Source: OIG analysis of independent data

Collecting and analyzing the drinking water samples was done according to an approved quality control plan. The laboratories used to analyze the drinking water samples were certified by EPA and the National Environmental Laboratory Accreditation Conference, Inc., and used EPA-approved methods to analyze the samples. We ensured that the tribal CWSs do not use the contracted laboratories to analyze their samples routinely collected to determine their compliance with drinking water regulations.

Interviews with Tribal Community Water System Operators

While we conducted our site visits to the tribal CWSs operated by nine tribal nations, we asked each water system operator questions about the following topics:

- The current and future operation/maintenance challenges faced by the system in trying to comply with drinking water regulations,
- Access to sufficient funds to properly operate and maintain the water system,
- The relationship between the tribal CWS and the EPA region's tribal drinking water and tribal program staff,
- Reasons why the operator feels the water system has a good compliance record,
- Access to adequate technical assistance from EPA regions (and other sources, if applicable), and
- Any thoughts about what EPA regions could do better to assist the tribal CWS.

Appendix B

Lab Slips Missing from Regional Files

Table B-1: Region 1 Missing Data

Tribal CWS Name	Missing Compliance Data	Compliance Period	Notes
Mashantucket Pequot Point of Entry #1 and Point of Entry #2	SOCs	1999-2001, 2002-2004 Missing 2nd quarterly compliance result for each period for both points of entry.	EPA did not inform the water system of revised compliance sampling due to population increase.
Mashantucket Pequot Point of Entry #1	SOCs	2005-2007 Missing 2nd quarterly compliance result for this period for one point of entry.	EPA did not inform the water system of revised compliance sampling due to population increase.

Source: OIG analysis of EPA data

Table B-2: Region 2 Missing Data

Tribal CWS Name	Missing Compliance Data	Compliance Period
Shelton Park (Hoag's III – MHP)	Radionuclides	Missing 3rd quarter of 4 consecutive quarters for initial monitoring period.
	Nitrate & Nitrite	2004, 2005, 2006
	IOC - Asbestos*	2002 -2004
Hoag's Laundry	Nitrate & Nitrite	2004, 2005, 2006
	IOCs & SOCs & VOCs	2002-2004
Cattaraugus (Richardson Road)	Coliform	January 2007
	IOCs & SOCs & VOCs	2002-2004
Steamburg WS	Chlorine Residual	April through July – 2007
	Nitrate & Nitrite	2004, 2005, 2006
	IOC - Asbestos*	2002-2004
Jimersontown	Chlorine Residual	April through July – 2007
	Nitrate & Nitrite	2004, 2005, 2006
	IOC - Asbestos*	2002-2004
Cattaraugus (Erie County – purchased water)	Coliform	January 2007

*No waiver - Region 2 e-mail of 1/11/08 maintaining that there are no asbestos pipes within the Jimersontown, Steamburg, and Hoag's Mobile Home Park (Shelton Park) Water Systems.

Source: OIG analysis of EPA data

Table B-3: Region 4 Missing Data

Tribal CWS Name	Missing Compliance Data	Compliance Period	Notes
MBCI Bogue Chitto	TTHM and HAA5	2005, 2006	Not in Region 4's files; MSDH reduced monitoring to triennially
	IOC (Asbestos only)	1999-2001; 2002-2004	MSDH waiver; no copy in Region 4's files
	SOCs (all)	1999-2001; 2002-2004	MSDH waiver; no copy in Region 4's files
	VOCs (all)	2005; 2006	MSDH 6-year waiver; no copy in Region 4's files
	Radionuclides	4 consecutive quarters after December 8, 2003	
MBCI Conehatta	TTHM and HAA5	2005, 2006	Not in Region 4's files; MSDH reduced monitoring to triennially
	Nitrate	2004	
	Nitrite	2004	
	IOC (Asbestos only)	1999-2001; 2002-2004	MSDH waiver; no copy in Region 4's files
	SOCs (all)	1999-2001; 2002-2004	MSDH waiver; no copy in Region 4's files
	VOCs (all)	2005; 2006	MSDH 6-year waiver; no copy in Region 4's files
	Radionuclides	4 consecutive quarters after December 8, 2003	
MBCI Pearl River	TTHM and HAA5	2005, 2006	Not in Region 4's files; MSDH reduced monitoring to triennially
	Nitrate	2006	Not in Region 4's files
	Nitrite	2006	
	IOC (Asbestos only)	1999-2001; 2002-2004	MSDH waiver; no copy in Region 4's files
	VOCs (all)	2005; 2006	MSDH 6-year waiver; no copy in Region 4's files
	Radionuclides	4 consecutive quarters after December 8, 2003	

Source: OIG analysis of EPA data

Table B-3: Region 4 Missing Data (continued)

Tribal CWS Name	Missing Compliance Data	Compliance Period	Notes
MBCI Tucker	TTHM and HAA5	2005, 2006	Not in Region 4's files; MSDH reduced monitoring to triennially
	IOC (Asbestos only)	2002-2004	Eligible for MSDH waiver
	SOCs (all)	2002-2004	MSDH waiver; no copy in Region 4's files
	VOCs (all)	2005; 2006	MSDH 6-year waiver; no copy in Region 4's files
	Radionuclides	4 consecutive quarters after December 8, 2003	
Seminole Immokalee	Nitrite	2006	
	SOC (Dioxin only)	2002-2004	Florida does not require public water system to test for dioxin; Region 4 made operators aware that they do need to test for dioxin in the current compliance period (2005-2007)
	Radionuclides	4 consecutive quarters after December 8, 2003	

Source: OIG analysis of EPA data

Table B-4: Region 5 Missing Data

Tribal CWS Name	Missing Compliance Data	Compliance Period
Redby/Red Lake Ponemah Little Rock	Cadmium	1999-2001
Redby/Red Lake Ponemah Little Rock	Asbestos	2002-2004
Peshawbestown	VOCs	1999-2001
Neopit and Keshena	Fluoride	2002-2004

Source: OIG analysis of EPA data

Table B-5: Region 8 Missing Data

Tribal CWS Name	Missing Compliance Data	Compliance Period	Notes
None			

Source: OIG analysis of EPA data

Appendix C

Agency Response

September 4, 2008

MEMORANDUM

SUBJECT: EPA Assisting Tribal Water Systems but Needs to Improve Oversight, Project No. 2007-000873, Draft Report

FROM: Benjamin H. Grumbles
Assistant Administrator

TO: Dan Engelberg
Director of Program Evaluation
Office of Inspector General

Thank you for the opportunity to comment on your Office's draft report, EPA Assisting Tribal Water Systems but Needs to Improve Oversight. I will respond briefly to the overall findings, with more detailed responses to your recommendations and technical comments attached.

The report found that Tribal drinking water supplies consistently met regulatory requirements and regional Environmental Protection Agency (EPA) staff made correct compliance decisions. However, internal control deficiencies existed in two regions, and four regions could improve their records management. Over the past several years, the EPA has been working to implement programs from the Safe Drinking Water Act (SDWA) as they apply to tribal public water systems. EPA has identified areas for improvement in regional implementation of the SDWA through the data verification process, and the regions have updated their procedures to address many of these issues. Proper oversight and records maintenance is the foundation of compliance and is necessary for achieving EPA's primary mission of public health protection.

EPA's goal is that all consumers receive drinking water that consistently meets public health standards, no matter where the consumer is receiving water. The national water program has always expected EPA Regions implementing the Tribal drinking water program to follow the same requirements and guidelines that EPA develops for states. This expectation, while being implemented in most cases, has never been formally documented. The national water program agrees with the recommendations in the draft report to clarify these procedures. We plan to issue guidance regarding these expectations in FY 2009.

Regions 2 and 4 have already taken specific actions to address issues raised during this investigation. Region 2 is in the process of addressing the incomplete reporting of Tribal

monitoring and reporting (M/R) violations of the Safe Drinking Water Act to the federal database. The Region intends to report historical M/R violations that were missed and ensure that all future violations are reported in a timely manor. Region 4 is coordinating with the Mississippi State Department of Health regarding record keeping practices, and accuracy and completeness of Safe Drinking Water Information System (SDWIS) data. They are also writing a formal waiver policy and developing an electronic filing system to improve the accuracy of the files. The national water program also plans to use the most recent set of regional data verifications to improve oversight of the EPA Tribal drinking water program.

Thank you again for the opportunity to comment on the draft report. If you have questions regarding our comments, please contact Nanci E. Gelb, Deputy Director, Office of Ground Water and Drinking Water, at (202) 564-3750.

Attachments

Attachment 1
EPA Response to Recommendations

Recommendation 2-1: Establish national and regional tribal drinking water program Standard Operating Procedures in coordination with regional offices. The Standard Operating Procedures should include:

- **a) Documenting waiver determinations made by regions, and where appropriate, similar determinations made by states,**
- **b) Documenting the roles, contractual relationships, and agreements between EPA, states, and tribes where the three parties share responsibilities of the tribal drinking water program,**
- **c) Following records retention guidelines as required by 40 CFR 141 and 40 CFR 142 and guidance from the Office of Water, and**
- **d) Entering violations into SDWIS.**

Response: The national water program has always had the expectation that the EPA Regions implementing the Tribal drinking water program should follow the same requirements and guidelines that EPA develops for states. However, this expectation has never been formally documented. The national water program agrees that it is appropriate to clarify these expectations and plans to issue guidance regarding these procedures in FY 2009.

Region 4 has already taken steps to address issues raised in the report. Specifically, record keeping practices, communication and coordination with the Mississippi State Department of Health (MSDH), and accuracy and completeness of the SDWIS/State data have been improved. Region 4 is writing a formal waiver policy and creating a record for each water system file to document the specifics of the waiver. An electronic filing system is being developed to improve the accuracy of the files. Region 4 has contacted the State of Mississippi to ensure that no duplication of water systems exists in the SDWIS/Fed inventory. The State confined by email on July 24, 2008 that the Choctaw water systems were removed from the State's inventory.

Recommendation 2-2: Require Region 2 to submit a plan that corrects deficiencies in how it currently implements its tribal drinking water program, including those identified in this report. Once submitted, ensure that all the elements of the plan are completed.

Response: The national water program agrees that Region 2 needs to make significant improvements to its Tribal drinking water program and supports the development and implementation of an improvement plan. We expect this plan to be developed in FY 2009 and implemented shortly after it is completed.

Region 2 is in the process of addressing the incomplete reporting of Tribal monitoring & reporting (M/R) violations of the Safe Drinking Water Act to the federal database, SDWIS/FED.

The Region’s plan is to report historical M/R violations that were missed and ensure that all future violations are reported in a timely manor. This data management and reporting process is

to be more formalized by using the SDWIS/STATE software, which was just recently installed on the Region's network server.

Region 2 also plans to make the data in SDWIS/STATE available to the public via Drinking Water Watch on the Region 2 web page. Drinking Water Watch is an Internet portal to SDWIS/STATE that will allow citizens to directly access drinking water compliance data and other information for water systems on tribal lands and encourage more public accountability regarding water quality.

Recommendation 2-3: Direct regions to issue monitoring and reporting violations, take appropriate enforcement actions against tribal CWSs with health-based violations or who fail to monitor or submit monitoring reports, and enter violations into SDWIS.

Response: As with the first recommendation, the national water program has always had the expectation that the EPA Regions implementing the Tribal drinking water program should follow the same requirements and guidelines that EPA develops for states. The national water program agrees that it is appropriate to clarify these expectations and plans to issue guidance regarding these procedures in FY 2009.

Attachment 2
Specific Comments on the Draft Report

Page 2: The Report references an IHS “Sanitary Deficiency Survey”. This terminology is incorrect. We recommend that you revise as follows: “The Indian Health Service, through collaboration with tribes, identifies CWS infrastructure needs and enters this data in the Sanitation Deficiency System.”

Page 3: Please add another noteworthy accomplishment: EPA is working with its Federal partners on approaches to meeting EPA's strategic goal to reduce by half the number of homes lacking access to safe drinking water and safe waste water disposal by 2015.

Page 6: In the first full paragraph, the second to last sentence should read “… June 2000 to December 2003 grandfather period.”

Page 10: Please revise the final sentence as follows: “Three of the six Regions we interviewed consider information in the Indian Health Service's Sanitation Deficiency System when prioritizing tribal drinking water system infrastructure needs and Drinking water State Revolving Fund infrastructure grants.”

Page 11: Although the OIG took samples in five regions, interviews were conducted in six regions. All nine regions with Tribal drinking water programs offer a variety of technical and assistance activities. The first sentence under “Conclusions and Recommendations” should more clearly state “The six regions interviewed . . .”

Appendix D

Distribution

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