



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

SEP 27 2012

THE INSPECTOR GENERAL

MEMORANDUM

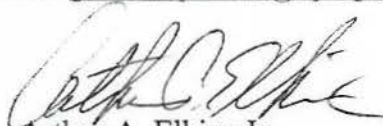
SUBJECT: Office of Water's Response to Office of Inspector General Report on a Hotline Complaint, "Alleged Misuse of Tribal Clean Water Act Section 106 Funds in EPA Region 8," Report No. 12-P-0453, Issued May 4, 2012

TO: Nancy K. Stoner
Acting Assistant Administrator for Water

James B. Martin
Regional Administrator
Region 8

We have reviewed your August 3, 2012, response to the subject report. Your response states that you concur with the recommendations and have provided a corrective action plan with milestones for completion. After reviewing additional information provided by Region 8's Tribal Assistance Program, dated September 7, 2012, we agree with the planned corrective actions and included our evaluation of the proposed actions as Attachment 1. As such, we are closing this report in our audit tracking system. Please track implementation of your corrective actions in the Agency's Management Audit Tracking System until completed.

If you or your staff have any questions regarding this memorandum, please contact Melissa Heist, Assistant Inspector General for Audit, at (202) 566-0899 or heist.melissa@epa.gov; or Patrick Gilbride, Director, Risk Assessment and Program Performance Audits, at (303) 312-6969 or gilbride.patrick@epa.gov.


Arthur A. Elkins Jr.

Attachment

cc: Howard M. Cantor
Callie A. Videtich
Alfreda Mitre
Randy Brown
Michael Boydston
Felicia Wright
Robyn Delehanty
Marilyn Ramos

OIG Recommendation	Agency Action(s) Taken, Ongoing, or Planned	OIG Analysis	Status
<p>1: Develop guidance for CWA Section 106 associated program support costs. Guidance should address the requirements to use state and tribal assistance grants for associated program support, and the process to obtain approval from recipients for associated program support costs funded with Section 106 program funds. Alternatively, formally adopt Office of Air and Radiation's guidance on associated program support costs.</p>	<p>The Office of Water (OW) will conduct a review of regional use of the associated program support cost authority for assisting tribal programs and may, as appropriate, develop new guidance or formally adopt existing guidance currently applicable to other programs. OW plans to complete the review by November 30, 2012. Based on the findings of the review, OW's Section 106 program will adopt existing guidance or develop and establish specific guidance for the Tribal Section 106 Program by November 30, 2013.</p>	<p>We accept OW's corrective action plan.</p>	<p>Closed</p>
<p>2: Develop regional guidance to formalize the process by which the region gains approval from tribes for associated program support costs funded with Section 106 program funds. Guidance should include requiring that a roll call be taken indicating the presence of a quorum, and voting records be kept, as a standard part of ROC meetings and minutes.</p>	<p>Region 8 follows Regional Operations Committee (ROC) guidelines dated March 17, 2011, regarding roll call, a voting quorum, and minutes that document the voting decision process. However, Region 8's Tribal Assistance Program does not have the authority to staff the ROC, draft the agenda, or record the minutes. As such, inconsistency issues may arise regarding roll call, validating a quorum, and documenting minutes. Effective immediately, when a decision is required, Region 8 tribes or the EPA will request the ROC Chair to call for a vote on the specific issue and will record the vote results in the ROC minutes. Additionally, Region 8's Tribal Assistance Program plans to require a daily sign-in sheet at annual Spring water quality coordinators meetings that includes name, title, and tribal affiliations.</p>	<p>We accept Region 8's corrective action plan.</p>	<p>Closed</p>
<p>3: Query ROC members annually on the effectiveness and efficiency of the region's team approach to tribal technical assistance, and make adjustments as needed based on tribal feedback.</p>	<p>Region 8 said it immediately began to follow the review and evaluation criteria outlined in Region 8 Tribal Support Work Plan process that calls for ongoing review and feedback on the programmatic and technical assistance provided by EPA staff. Additionally, Region 8 staff will ensure that agendas of annual water quality coordinators meetings include a placeholder so the Deputy Regional Administrator, or his designee, may query tribal coordinators and, based on tribal feedback, make adjustments as needed to the team approach of the Section 106 program.</p>	<p>We accept Region 8's corrective action plan.</p>	<p>Closed</p>