



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

November 23, 2021

MEMORANDUM

SUBJECT: Response to Office of Inspector General Final Report No. 21-E-0254, "*Pandemic Highlights Need for Additional Tribal Drinking Water Assistance and Oversight in EPA Regions 9 and 10,*" dated September 27, 2021

FROM: Deborah Jordan
Acting Regional Administrator, Region 9

TO: Sean W. O'Donnell, Inspector General
Office of the Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject audit report. The following is the U.S. Environmental Protection Agency, Region 9 (EPA)'s response to the unresolved recommendations numbers 1-3 and 5.

AGENCY'S OVERALL POSITION

EPA concurs with the Office of Inspector General's (OIG) recommendations and has prepared a revised corrective action plan below.

Per our response to your draft report, EPA would like to reiterate that there was no lapse in programmatic oversight of our direct implementation efforts due to the pandemic. With the exception of some sanitary survey field work, all of EPA's critical program activities were performed without interruption, including compliance sampling and reporting, onsite technical assistance, operator training, and data management, including regulatory compliance determinations and enforcement. Despite its shift to remote work, EPA prioritized its efforts to ensure the protection of public health and provision of safe drinking water in tribal communities. Furthermore, EPA has not observed an increase in health-based violations at community tribal drinking water systems since the onset of the pandemic.

In several instances, the OIG recommends that EPA develop separate strategies to improve tribal drinking water system resiliency and EPA's direct implementation activities. EPA notes that it has a comprehensive regional strategy document that is updated biannually, the Region 9 Drinking Water Action Plan (DWAP), which includes regional strategies and actions that are directed toward those same goals. EPA will incorporate the new strategies and actions recommended by the OIG in the DWAP by September 30, 2022 (enclosed is the current version the DWAP).

SUMMARY OF EPA’S RESPONSE TO REPORT RECOMMENDATIONS

No.	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion by Quarter and FY
1.	<p>Implement a strategy to provide outreach, training, guidance, and technical and financial assistance to tribal drinking water systems to improve their resilience using the tools developed and grants distributed by the EPA in accordance with the America’s Water Infrastructure Act (AWIA) of 2018.</p>	<p>EPA agrees with this recommendation and is currently implementing a strategy to provide outreach, training, guidance, and technical and financial assistance to tribal drinking water systems to improve their resilience using the tools developed and grants distributed by the EPA in accordance with the America’s Water Infrastructure Act (AWIA) of 2018. EPA’s AWIA strategy for tribal drinking water systems is included as an attachment to this response.</p> <p>EPA notes that the resilience tools developed by EPA’s Office of Water (OW) in accordance with AWIA are among the several tools EPA uses to build resiliency at tribal water systems. Because OW has the lead role in developing the guidance, training, and financial assistance tools under AWIA, EPA’s estimated completion dates for implementing some components of its strategy are contingent on OW’s development of these tools.</p>	<p>Continue implementation of regional strategy (4Q FY22; September 30, 2022)</p>
2.	<p>Develop and implement a strategy to help the direct implementation of the tribal drinking water program, including the full resumption of sanitary surveys and inspections.</p>	<p>EPA agrees with this recommendation and is currently implementing a strategy to support the direct implementation of the tribal drinking water program, including the full resumption of sanitary surveys and inspections. EPA has fully resumed its sanitary survey and inspection work and has provided the OIG with a list of sanitary surveys completed in FY21.</p> <p>EPA’s comprehensive strategy to improve water system compliance</p>	<p>Include any new strategies and actions, as appropriate, in DWAP (4Q FY22; September 30, 2022)</p>

		<p>with drinking water regulations is found in EPA’s Drinking Water Action Plan (DWAP). The DWAP documents the region’s commitments to improve water system resiliency and improve compliance with health-based standards at tribal water systems and those overseen by our state, territorial, and tribal primacy agencies.</p> <p>The DWAP (attached) includes EPA’s commitments to improve its field presence, including sanitary survey and inspection work. Regional strategies for the tribal DI program are found on pages 9-10.</p> <p>EPA updates the DWAP every two years but will incorporate any new strategies or actions under this recommendation by no later than September 30, 2022.</p>	
3.	<p>Develop and implement a plan to prioritize and address the recommendations identified in the EPA headquarters’ 2019 file review for EPA Region 9.</p>	<p>EPA agrees with this recommendation and is currently developing a plan to prioritize and address the recommendations identified in headquarters’ file review for EPA Region 9. Thus far 25 of the 38 recommendations have been addressed; EPA provided the OIG with an accounting of the recommendations it has addressed.</p> <p>EPA anticipates completing implementation of its plan to address the remaining recommendations by the end of the 4th quarter of FY23.</p>	<p>Develop a plan to address remaining file review recommendations</p> <p>(2Q FY22; March 31, 2022)</p> <p>Complete implementation of regional plan (4Q FY23; September 30, 2023)</p>

5.	Develop a workforce analysis to address staff workload and the skills needed for the direct implementation of the tribal drinking water program.	<p>EPA agrees with this recommendation and will develop a workforce analysis to address staff workload and the skills needed for the direct implementation of the tribal drinking water program.</p> <p>This effort is resource intensive and will be developed in coordination with EPA’s Office of Water and other regional offices to ensure national consistency. EPA proposes the following milestones to complete the workforce analysis.</p> <ol style="list-style-type: none"> 1) Develop workload model for regional direct implementation programs. The model will incorporate all implementation activities required of a regional direct implementation program. 2) Apply workload model to the inventory of water systems under federal supervision in Region 9. This effort will include interviews with regional staff and assessment of skills required to implement the SDWA program. 3) Finalize report describing regional resource needs. 4) Utilizing report findings, draft a workforce analysis and staffing plan that addresses resource needs, skills gaps and technical training needs. 5) Finalize workforce analysis and staffing plan, ensuring alignment with EPA’s 2022-2026 strategic plan. 	<p>Complete national workload model by June 30, 2022 (3Q FY22)</p> <p>Apply workload model to regional programs by September 30, 2022 (4Q FY22)</p> <p>Finalize regional program workload needs by December 31, 2022 (1Q FY23)</p> <p>Draft workforce analysis and staffing plan by June 30, 2023 (3Q FY23)</p> <p>Finalize workforce analysis and staffing plan by September 30, 2023 (4Q FY23)</p>
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CONTACT INFORMATION

If you have any questions regarding this response, please contact Mendy Guan, Region 9’s Audit Follow-Up Coordinator at 415 972-3749 or guan.mendy@epa.gov, or Emmanuelle Rapicavoli, Team Leader, Tribal Drinking Water Team at 415 972-3969 or rapicavoli.emmanuelle@epa.gov.

Attachments:

1. Region 9 Strategy for AWIA Implementation at Tribal Drinking Water Systems
2. Region 9 Drinking Water Action Plan (DWAP)