

**REGION 8
TRIBAL ANNUAL COMPLIANCE REPORT
CALENDAR YEAR 2023**

I. Introduction

Section 1414(c)(3)(B) of the amended Safe Drinking Water Act (SDWA) requires the U.S. Environmental Protection Agency (EPA) to prepare and make available to the public an annual report on violations of the National Primary Drinking Water Regulations by public water systems (PWSs) in Indian country each year. This report includes violations pertaining to: 1) maximum contaminant levels, 2) maximum residual disinfectant levels, 3) treatment requirements, 4) monitoring and reporting requirements determined to be significant by the Administrator 5) variances and exemption violations, 6) record keeping violations, 7) significant public notification requirement violations, and 8) Consumer Confidence Report requirements.

EPA Region 8 has primary enforcement authority in Indian country throughout Region 8 states and thus prepared this annual compliance report. This report is intended to summarize and identify PWSs in Indian country within EPA Region 8 that have been identified as having violations in categories 1- 5 and 8 above during the calendar year 2023. The source of the information contained in this report is EPA's SDWIS Fed Reporting Services that is accessed through the Central Data Exchange (CDS).

II. The Drinking Water Program: An Overview

The EPA established the Public Water System Supervision (PWSS) Program under the authority of the 1974 Safe Drinking Water Act (SDWA). Under the SDWA and the 1986 Amendments, EPA sets national limits on contaminant levels in drinking water to ensure that the water is safe for human consumption. These limits are known as Maximum Contaminant Levels (MCLs) and Maximum Residual Disinfectant Levels (MRDLs). For some regulations, EPA establishes treatment techniques (TT) in lieu of an MCL to control unacceptable levels of contaminants in water. For example, treatment techniques have been established for viruses, some bacteria, and turbidity. The Agency also regulates how often public water systems monitor their water for contaminants and report the monitoring results to the states or EPA. Generally, the larger the population served by the water system, the more frequent the monitoring and reporting (M/R) requirements. In addition, EPA requires PWSs to monitor for unregulated contaminants to provide data for future regulatory development. Finally, EPA requires PWSs to notify their consumers when they have violated these regulations. The 1996 Amendments to the SDWA require consumer notification to include clear and understandable explanation of the nature of the violation, its potential adverse health effects, steps that the PWS is undertaking to correct the violation and the possibility of alternative water supplies during the violation. The SDWA applies to the 50 states, the District of Columbia, Indian country, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SDWA allows states and territories to seek EPA approval to administer their own PWSS Programs. The authority to run a PWSS Program is called primacy. For a state to receive primacy, EPA must determine that the state meets certain requirements laid out in the SDWA and the regulations, including the adoption of drinking water regulations that are at least as stringent as the Federal regulations and a demonstration that they can enforce the program requirements. Of the 56 states and territories, all but Wyoming and the District of Columbia have primacy. The EPA Regional Offices administer the PWSS Programs within these two jurisdictions.

The 1986 SDWA Amendments gave Indian Tribes the right to apply for and receive primacy. EPA currently administers PWSS Programs in Indian country except the Navajo Nation, which was granted primacy in 2000.

III. Public Water System

A Public Water System (PWS) is defined as a system that provides water via piping or other constructed conveyances for human consumption to at least 15 service connections or serves an average of at least 25 people for at least 60 days each year. There are three types of PWSs. PWSs can be community (such as towns), non-transient noncommunity (such as schools or factories on independent water sources), or transient noncommunity systems (such as rest stops or parks). For this report, the use of the acronym “PWS” means systems of all types unless specified in greater detail.

IV. Variances and Exemptions

During calendar year 2023, EPA Region 8 did not allow variances or exemptions for public water systems in Indian country.

V. Monitoring

A PWS is required to monitor and verify that the levels of contaminants present in the water do not exceed the MCL. If a PWS fails to have its water tested as required or fails to report test results correctly to the primacy agent, a monitoring violation occurs. For this report, significant monitoring violations are generally defined as any significant monitoring violation that occurred during the calendar year of the report. A significant monitoring violation, with rare exception, occurs when no samples were collected, or no results were reported during a compliance period.

VI. Consumer Notification

Every Community Water System is required to deliver to its customers an annual Consumer Confidence Report. This report is to include some educational material, and will provide information on the source water, the levels of any detected contaminants, and compliance with drinking water regulations. For this report, a significant consumer notification violation occurred if a community water system completely failed to provide its customers the required annual report.

VII. Obtaining a Copy of the 2023 Public Water Systems Report

As required by the Safe Drinking Water Act, EPA Region 8 has made the 2023 Public Water Systems report available to the public. Interested individuals can obtain a copy of the 2023 Annual Public Water Systems Report by accessing:

Website: <https://www.epa.gov/region8-waterops/annual-compliance-reports-drinking-water-systems-epa-region-8>

Telephone: 303-312-6312 or 800-227-8917

E-Mail: r8eisc@epa.gov

VIII. Violations Tables

Rule Group	Rule Name	# of Viols	# of Resolved Viols	# of PWS in Viols
Maximum Contaminant Level Violation				
Chemicals	Arsenic Rule	1	0	1
Chemicals	Inorganic Chemicals	2	0	1
Disinfectants and Disinfection Byproducts Rule	Stage 2 Disinfectants and Disinfection Byproducts Rule	1	0	1
Summary		4	0	3
Monitoring Violation				
Microbials	Revised Total Coliform Rule	35	33	29
Summary		35	33	29
Monitoring and Reporting				
Chemicals	Inorganic Chemicals	4	1	2
Chemicals	Lead and Copper Rule	78	44	53
Chemicals	Nitrate Rule	10	2	8
Chemicals	Radionuclides and Revised Rad Rule	15	0	3
Chemicals	Synthetic Organic Chemicals	30	0	2
Disinfectants and Disinfection Byproducts Rule	Stage 1 Disinfectants and Disinfection Byproducts Rule	14	12	12
Disinfectants and Disinfection Byproducts Rule	Stage 2 Disinfectants and Disinfection Byproducts Rule	20	2	10
Microbials	Ground Water Rule	3	2	3
Microbials	Interim and Long Term 1 Enhanced Surface Water Treatment Rule	2	2	1
Microbials	Long Term 2 Enhanced Surface Water Treatment Rule	2	2	2
Microbials	Surface Water Treatment Rule	19	14	13

Summary		197	81	109
Other Violation				
Microbials	Ground Water Rule	1	0	1
Microbials	Interim and Long Term 1 Enhanced Surface Water Treatment Rule	1	1	1
Microbials	Revised Total Coliform Rule	2	1	2
Other	Consumer Confidence Rule	10	2	10
Summary		14	4	14
Treatment Technique Violation				
Chemicals	Lead and Copper Rule	1	0	1
Microbials	Ground Water Rule	18	11	16
Microbials	Long Term 2 Enhanced Surface Water Treatment Rule	6	1	6
Microbials	Revised Total Coliform Rule	18	7	12
Microbials	Surface Water Treatment Rule	1	0	1
Summary		44	19	36