

EPA Must Improve Oversight of Notice to the Public on Drinking Water Risks to Better Protect Human Health: U.S. EPA Office of Inspector General Report



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a September 25th report titled:

EPA Must Improve Oversight of Notice to the Public on Drinking Water Risks to Better Protect Human Health (“Report”)

See Report No. 19-P-0318.

OIG states that it examined whether EPA adequately ensures that public drinking water systems perform required notification duties. These include notification of consumers pursuant to Safe Drinking Water Act (“SDWA”) public notice regulations. An example includes when drinking water poses a risk to public health (i.e., unsafe levels of contamination).

Various states (including Arkansas) have primacy of the SDWA program. Nevertheless, EPA maintains oversight to ensure they properly operate these programs. The states are obligated to ensure public water systems meet SDWA requirements. These include notifying consumers of certain situations regarding their drinking water.

The OIG Report states that some primacy state agencies have not consistently recorded violations. They are also stated to have failed to track issuance of public notices.

EPA’s protocol for assessing primacy agency oversight is stated to inadequately encompass public notice requirements. Consequently, OIG concludes that not all the state primacy agencies understand whether the systems they are supervising have performed the consumer notification duties. It is also contended that EPA does not require all public water systems to account to the same compliance standards.

Additional concerns identified in the Report include:

- Absence of complete and nationally consistent information about public water systems’ compliance with public notice requirements
- Primacy agencies do not use consistent methods to identify issues with public notice or record violations in the national drinking water database
- Failure to fully monitor compliance and oversee implementation of the programs
- EPA’s public notice guidance documents to state agencies/public water systems are inconsistent with the relevant regulations and out of date

- Primacy agencies lack accurate guidance on their oversight responsibilities

Recommendations by OIG include:

- EPA should require primacy agencies to comply with oversight requirements related to public notice
- State primacy agencies should be required to follow data reporting requirements
- Public notice guidance should be updated to define the acceptable methods and conditions under which notices can be delivered electronically

A link to the Report can be found [here](#).