



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

November 12, 2024

MEMORANDUM

SUBJECT: Response to Planned Corrective Actions for Office of Inspector General
Report No. [24-E-0055](#), *State Program Deficiencies and Inadequate EPA Oversight of State Enforcement Contributed to the Drinking Water Crisis in Jackson, Mississippi*,
issued August 12, 2024

FROM: Sean W. O'Donnell, Inspector General 

TO: Jeaneanne M. Gettle, Acting Regional Administrator
Region 4

Thank you for your October 4, 2024 memorandum, which includes the U.S. Environmental Protection Agency's planned corrective actions and estimated milestone dates for the four unresolved recommendations in the subject Office of Inspector General report. The other three recommendations were either resolved or completed.

Based on the information and supporting documentation provided, we agree that the planned corrective actions for Recommendation 5 meet the intent of our recommendation. Recommendation 5 stated that EPA Region 4 should train Mississippi State Department of Health, or MSDH, staff on entering data into the Safe Drinking Water Information System. Your response described efforts to work with the MSDH to develop focus areas for the training and plans to deliver on-site and virtual trainings through 2025. You should track implementation of the corrective actions in the Agency's audit tracking system until all actions are completed.

We do not agree with the planned corrective actions for Recommendations 1, 4, and 6. The Agency's responses to these recommendations cite Region 4's three recent oversight reports regarding Mississippi's drinking water program. These three reports included recommendations to Mississippi that are aimed at improving the state's drinking water, sanitary survey, and enforcement programs. Although the state was to provide Region 4 with its corrective action plans by September 30, 2024, the MSDH missed that deadline. Our Recommendations 1, 4, and 6 also address improvements to those state programs, and we thus are concerned about the MSDH's delays in addressing Region 4's recommendations. As the EPA's response to our report is contingent upon the MSDH's corrective action plans, as discussed below, we consider our Recommendations 1, 4, and 6 unresolved.

Recommendation 1 said that Region 4 should assess the MSDH's sanitary survey program to verify that it has appropriate rules, mechanisms, and authorities to ensure public water systems take necessary steps to address significant deficiencies outlined in sanitary survey reports, per 40 C.F.R. § 142.16. In

response to Recommendation 1, Region 4 cited a sanitary survey review that it conducted in August 2022 and a Sanitary Survey Review Report that it issued to the MSDH on May 15, 2024. In that report, Region 4 had six recommendations for the MSDH, including improving sanitary survey reports and following up on significant deficiencies. Because the MSDH missed the September 30, 2024 deadline for submitting its corrective action plan, we are unable to verify the adequacy of the MSDH's response, and Recommendation 1 remains unresolved.

Recommendation 4 said that Region 4 should verify that the MSDH has procedures in place to ensure that water systems report compliance monitoring data to the state pursuant to 40 CFR § 141.90, to include verifying that the Mississippi Public Health Laboratory has appropriate procedures in place. To address Recommendation 4, Region 4 described how its 2023 Public Water System Supervision File Review identified the need for the MSDH to improve management of water system monitoring schedules, timeliness of analysis, and delivery of compliance monitoring data associated with the state-managed monitoring program. Region 4 also said that, in addition to submitting its corrective action plan, the MSDH would respond to the final Public Water System Supervision File Review no later than September 30, 2024. As the MSDH has yet to meet that deadline, we are unable to verify the adequacy of the MSDH's response, and Recommendation 4 remains unresolved.

Recommendation 6 said that Region 4 should evaluate whether the MSDH is implementing procedures for the enforcement of federal and state drinking water regulations. To address Recommendation 6, Region 4 explained how its Enforcement Review Report, issued May 22, 2024, identified findings and recommendations to improve the state's enforcement program. The MSDH agreed to submit a compliance plan to address Region 4's recommendations by September 30, 2024; however, because the MSDH has yet to provide the plan to Region 4, we are unable to make a determination on the adequacy of the MSDH's response. Recommendation 6 remains unresolved.

EPA Manual 2750 requires that recommendations be resolved promptly. We will post this memorandum on our public website at www.epaoig.gov.

cc: César Zapata, Acting Deputy Regional Administrator for Region 4

Keriema Newman, Director, Enforcement and Compliance Assurance Division, Region 4

Kathlene Butler, Director, Water Division, Region 4

Susan Perkins, Agency Follow-Up Coordinator

Andrew LeBlanc, Agency Follow-Up Coordinator

José Kercado, Agency Follow-Up Coordinator

Loan Nguyer, Audit Follow-Up Coordinator, Office of Enforcement and Compliance Assurance

Carla Hagerman, Audit Follow-Up Coordinator, Office of Water

Lasha Geter, Audit Follow-Up Coordinator, Region 4

Alicia Sterk, Audit Follow-Up Coordinator, Region 4

Nicole N. Murley, Deputy Inspector General

Paul H. Bergstrand, Assistant Inspector General for Special Review and Evaluation