



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

OFFICE OF WATER

MEMORANDUM

SUBJECT: Response to Office of Inspector General Final Report 23-P-0003, The EPA Met 2018 Water Security Requirements but Needs to Improve Oversight to Support Water System Compliance, dated November 21, 2022

FROM: Radhika Fox
Assistant Administrator

For **BENITA BEST-WONG**

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BENITA BEST-WONG
Date: 2023.02.15
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TO: Sean W. O'Donnell
Inspector General

Thank you for the opportunity to respond to the recommendations in the final report 23-P-0003, The EPA Met 2018 Water Security Requirements but Needs to Improve Oversight to Support Water System Compliance. The following is our position on each of the final report recommendations. The Office of Water (OW), in consultation with the Office of Enforcement and Compliance Assurance (OECA), agrees with Recommendations 1- 4 and has provided suggested corrective actions for your consideration.

AGENCY'S POSITION

Recommendation 1 – Agree

We recommend that the assistant administrator for Water, in consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, update and implement a plan for supporting community water systems so that all water systems comply with all certification requirements included in section 2013 of the America's Water Infrastructure Act, for past and future deadlines related to risk and resilience assessments and emergency response plans.

Response:

OW agrees with this recommendation as it describes actions OW is already conducting. OW has developed and has been consistently updating an implementation plan to support and ensure that all water systems comply with all certification requirements in Section 2013 of the America's Water Infrastructure Act, which amended SDWA Section 1433, 42 U.S.C. Section 300i-2. The implementation plan, which OW titled the AWIA Section 2013 Strategic Communications Plan, was originally drafted in December 2018 and finalized in March 2019. This multi-faceted plan was continuously updated through April 2021 to reflect shifts in communication tactics to effectively reach medium- and small-sized water systems as their AWIA deadlines approached. OW developed a program focused on providing the smallest water systems, those that serve under 3,301 people, with guidance and support on voluntarily creating Risk and Resilience Assessments (RRAs) and Emergency Response Plans (ERPs), as required by EPA in AWIA Section 2013(e).

<https://www.epa.gov/waterresilience/resources-promote-rras-and-erps-cws-serve-less-3301-non-cws-and-wastewater-systems>.

In addition, OW gathered feedback on the 2020-2021 AWIA compliance cycle from all ten EPA Regions, OECA, the National Water Resources Association (NRWA), the Rural Community Assistance Partnership (RCAP), and the Association of State Drinking Water Administrators (ASDWA) that will be summarized in an After-Action Report. Gathering such feedback helped OW identify types of support that noncompliant systems need to complete their RRA and ERP and certify to EPA. OW and OECA have been in close communication to incorporate such feedback in their efforts while the draft After-Action Report summarizing the feedback makes its way through the review process.

Proposed Corrective Actions:

OW proposes the following Corrective Actions to satisfy this recommendation:

1. Complete the 2020-2021 AWIA Compliance Cycle After-Action Report. Expected completion date June 2023.
2. Update the Strategic Communications Plan based on the After-Action Report findings. Expected completion date August 2023.

Recommendation 2 – Agree

We recommend that the assistant administrator for Water, in consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, update processes related to the EPA's implementation of section 2013 of the America's Water Infrastructure Act, including processes to monitor community water system compliance with section 2013 and record noncompliance and contact information in the EPA's Safe Drinking Water Information System database.

Response:

OW agrees with the recommendation as it describes actions OW is already conducting. OW has a database in EPA's [Shared CROMERR Services \(SCS\)](#) - the agency's electronic reporting site - to track AWIA Section 2013 compliance and maintain updated contact information. Additionally, under the SDWIS modernization effort OW plans to integrate the AWIA Section 2013 information into the completed new database when available.

Proposed Corrective Actions:

OW proposes that no Corrective Actions are needed as the program's current activities and actions already satisfy this recommendation.

Recommendation 3 – Agree

We recommend that the assistant administrator for Water, in consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, review a sample of risk and resilience assessments and emergency response plans completed by community water systems under section 2013 of the America's Water Infrastructure Act to determine improvements, particularly in cybersecurity, that can be made as the water systems complete the Act's ongoing certification requirements.

Response:

OW agrees with Recommendation 3 as it describes actions OW and OECA are already taking by reviewing a sample of risk and resilience assessments and emergency response plans completed by

community water systems under the AWIA Section 2013. Specifically, OECA and its regional Enforcement and Compliance Assurance Divisions' (ECADs) send credentialed inspectors to conduct onsite evaluations at a sample of water systems and part of the activities include the review of RRA and ERP documents. Then, OW and OECA meet monthly to discuss evaluation outcome and use the document review findings as one method of identifying program improvements for implementation.

Proposed Corrective Actions:

OW and OECA propose that no Corrective Actions are needed as the programs' current activities and actions already satisfy this recommendation.

Recommendation 4 – Agree

We recommend that the assistant administrator for Water, in consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, develop formal guidance for community water systems that clearly describes the America's Water Infrastructure Act section 2013 requirements, including certification deadlines, enforcement steps, and the improvements identified as a result of Recommendation 3. Incorporate this guidance into the EPA's *Public Water System Supervision Program Water Supply Guidance Manual*.

Response:

OW agrees with the recommendation as it describes actions OW is already conducting by developing formal guidance for community water systems that clearly describes the AWIA Section 2013 requirements. Specifically, EPA has developed several guidance documents addressing all Section 2013 requirements, certification deadlines and enforcement steps, which can be found on EPA's website: <https://www.epa.gov/waterresilience/awia-section-2013>. The guidance includes the AWIA Frequently Asked Questions Document (originally published in April 2020 and most recently updated in December 2022), the Baseline Information on Malevolent Acts for Community Water Systems document, Small Systems Risk and Resilience Assessment Checklist, an updated version of the Vulnerability Self-Assessment Tool, AWIA Section 2013 Workshop Series Videos (reviewing the guidance), and an AWIA Section 2013 Training Presentation. This publicly available guidance will be updated with any improvements identified in the finalized After-Action Report.

OW will also incorporate AWIA guidance into the EPA's *Public Water System Supervision Program Water Supply Guidance Manual* index table moving forward.

Proposed Corrective Action:

OW proposes the following Corrective Action to satisfy this recommendation:

1. Update the *Public Water System Supervision Program Water Supply Guidance Manual* index table with an AWIA Section 2013 fact sheet that points to the website with additional guidance. Expected completion date May 2023.

Thank you again for the opportunity to respond to the recommendations in the final report 23-P-0003. If you have any questions regarding this response, please have your staff contact OW's Acting Audit Follow-Up Coordinator, Cameo Smoot, at Smoot.Cameo@epa.gov or 202-566-1207.

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