

# Overview of Enforcement under the Safe Drinking Water Act (SDWA)



**HILLARY HECHT  
ENFORCEMENT OFFICER  
US EPA, REGION 9  
ENFORCEMENT DIVISION  
UIC/PWSS/FIFRA SECTION  
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# Region 9 Enforcement Division Programs



- Inspections, enforcement, and oversight of all federal statutes and primacy programs (few exceptions)
- Environmental Justice Coordination
- National Environmental Review Act Program

# Drinking Water Enforcement



- Role(s) of the drinking water enforcement section
- Enforcement Division coordination with Region 9 Water Division
- In FY14, Enforcement Division conducted drinking water inspections in Indian Country and joint inspections with States
- PWS Inspectors have observed violations ranging from failure to post public notifications to mcl Exceedances
- Enforcement Tracking Tool (ETT)

# Drinking Water Enforcement

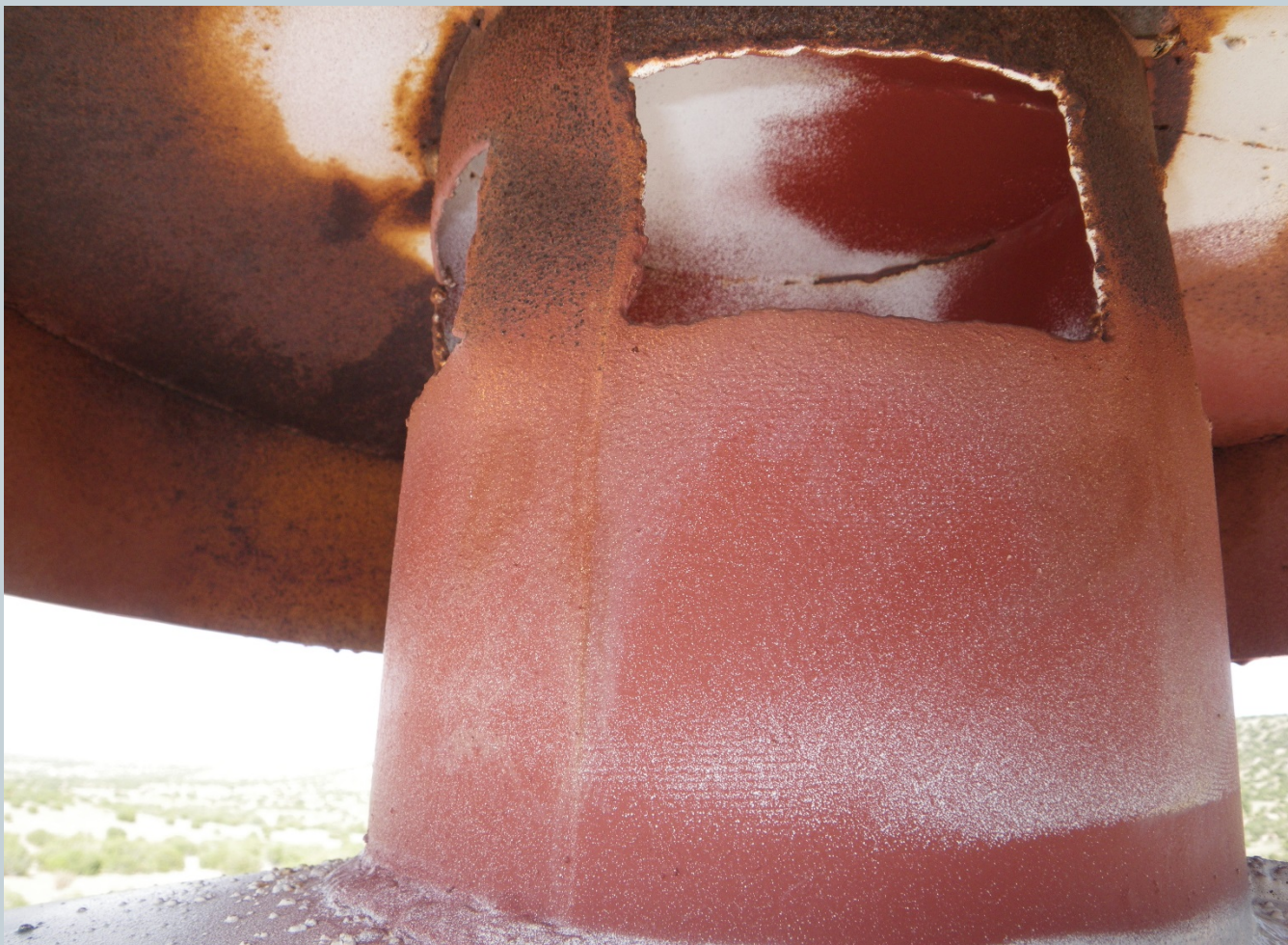


# Drinking Water Enforcement





# Drinking Water Enforcement



# Enforcement Response Policy (ERP) Signed on Dec. 8, 2009



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

DEC 8 2009

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

## MEMORANDUM

**SUBJECT:** Drinking Water Enforcement Response Policy

**FROM:** Cynthia Giles  
Assistant Administrator *Cynthia Giles*

**TO:** Regional Administrators

Attached is a new enforcement approach designed to help our nation's public water systems comply with the requirements of the Safe Drinking Water Act. This new approach replaces the existing contaminant by contaminant compliance strategy with one that focuses enforcement attention on the drinking water systems with the most serious or repeated violations. The new strategy will bring the systems with the most significant violations to the top of the list for enforcement action in states, territories and in federal Indian Country, so that we can return those systems to compliance as quickly as possible. As we work to protect the public's access to clean and safe drinking water, we need to be especially vigilant about noncompliance that has the potential to affect children, such as violations at schools and day care centers.

This policy was developed through the intensive cooperation of the Association of State

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# Enforcement Response Policy



- System-based approach that prioritizes public water systems by assigning a point score based on the threat to public health.
  - ✦ Sum (**S1+S2+S3 +...**) + *n*



# The Formula



- **Sum of:  $(S1 + S2 + S3...)$  +  $n$**
- **S = Severity of the violation**
  - 10 points
    - For each acute health based violation
  - 5 points
    - For other health-based violation and Total Coliform Rule (TCR) **repeat** monitoring violation,
    - For each nitrate monitoring and reporting violation
  - 1 point
    - For each other monitoring and reporting or any other violation
- **n = number of years that the system's oldest violations have been unaddressed (0-5)**

# Examples of Priority PWSs per the ERP



PWS	Violations - # and Severity (S)	Years (n)	Score	
			$(\sum S) + n$	
ABC Town	2 acute turbidity exceedances.	0 (both in current year)	$(10+10)+0$	20
DEF MHP	2 non-acute TCR MCL violations.	1 (1 in previous year)	$(5+5) + 1$	11

## How does a PWS get on EPA's Radar?



- A national enforcement priority is defined as a system scoring **11 points or higher** using the S+n formula.
- Targeting systems that are significant non-compliers with health based violations.



ERP\_Tool\_Jan\_2015\_09 [Read-Only] - Excel

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**The Enforcement Response Policy Targeting Tool**  
**- PWS Ranking using Sum of (S1 + S2 + S3 + ...) + n Formula -**

Database: Jan 2015 SDWIS/FED Freeze  
(For most states, this includes data up to Sept 30, 2014.)

EPA Region	state	PWSID	PWSName	ETT	Sys has Tier 1 viols?	PWS Type	Pop Srvd	Priority Since Date	Repeat Vio	RTCdPoi nts	OnPath	School or Childcare
09	09	090400394	Mishongnovi (Upper Sipaulovi/Upper Mishongnovi)	104	N	CWS	450	12/31/2009	122	22	Not on Path	
09	09	090605130	Torres-Martinez Clinic	99	N	NTNCWS	266	12/31/2009	117	22	Not on Path	
09	09	090400107	Sipaulovi (Lower Sipaulovi/Lower Mishongnovi)	49	N	CWS	523	9/30/2013	121	24	Not on Path	
09	09	090400106	Polacca	26	N	CWS	2,600	6/30/2013	135	23	Not on Path	
09	09	090600156	Tule River Reservation Main	24	N	CWS	2,250	8/31/2014	33	13	Not on Path	
09	09	093200164	Ft. McDermitt Paiute-Shoshone - Upper	23	N	CWS	89	12/31/2014	64	41	New	
09	09	090400259	Shungopavi	21	N	CWS	1,500	9/30/2014	54	14	Not on Path	
09	09	090403008	Moenave Community	16	N	CWS	32	12/31/2013	19	7	Not on Path	
09	09	090400104	Upper Moenkopi	14	N	CWS	1,700	9/30/2014	56	43	Not on Path	
09	09	090400209	White Mesa - NTUA	14	N	CWS	380	9/31/2014	20	10	Not on Path	
09	09	090400260	Hopi Cultural Center	13	N	NTNCWS	325	12/31/2014	41	28	New	
09	09	093534020	Fort Wingate Community - BIA	12	N	CWS	550	9/31/2014	30	20	Not on Path	
09	09	090600741	Jack Norton School	11	N	NTNCWS	55	12/31/2013	51	41	Not on Path	
09	09	090400676	Cocopah Bend RV & Golf Resort	10	N	CWS	1,095		18	8	Not on Path	
09	09	093200360	Schurz (Walker River)	10	N	CWS	900		18	9	Not on Path	
09	09	093200177	Goshute (Upper)	10	N	CWS	40		59	50	Not on Path	
09	09	093200172	Yomba Indian Reservation	8	N	CWS	30		19	11		
09	09	090403011	Dzil Libei (Cameron) Elementary School	7	N	NTNCWS	133		54	48	Not on Path	
09	09	090400316	Hopi Veterans Center	7	N	CWS	315		14	11	Not on Path	
09	09	090605062	Montgomery Creek Rancheria	7	N	CWS	34		14	7		
09	09	090400102	Havasupai Village	7	N	CWS	773		54	48	Not on Path	
09	09	090400103	Havasupai Campground	6	N	TNCWS	200		6	1	Not on Path	
09	09	090605120	Mitomkai Tribal Water System	5	N	CWS	90		24	20	Not on Path	
09	09	090605128	Round Valley Admin. Complex	5	N	NTNCWS	100		24	23	Not on Path	
09	09	090400120	Yavapai Apache - Tunili	5	N	CWS	450		108	8	Not on Path	
09	09	090605121	Anvise - Mobile Home Park	5	N	CWS	70		14	9		
09	09	090400215	TOCC	5	N	CWS	500		6	1		
09	09	093500302	Rock Springs Community - NTUA	5	N	CWS	1,574		12	8	Not on Path	
09	09	090400057	Second Mesa Day School - BIA	5	N	CWS	376		27	3	Not on Path	
09	09	090600138	Lone Pine	5	N	CWS	335		16	13		
09	09	093200200	Moapa Paiute Travel Plaza	5	N	NTNCWS	410		41	37	Not on Path	
09	09	093200368	Bodie Flat Mobile Home Park	4	N	CWS	40		45	42	Not on Path	
09	09	090400206	Tuba City Community - NTUA	4	N	CWS	6,762		13	11		
09	09	090600165	Tule River Cow Mountain	4	N	CWS	45		26	22	Not on Path	

# Enforcement Response Policy Objectives



- EPA and States take formal enforcement actions within 6 months of a PWS appearing on the ERP list
- Resolve drinking water violations
- Take steps to address public water systems that are out of compliance



# How do you get off the Enforcement Radar?



- Return to Compliance
- Formal Enforcement Action(s)

# Return to Compliance



- A public water system has completed monitoring, reporting or implementation of treatment or other activities to be in compliance with the regulations

## **Formal Enforcement Action(s)**



- (1) contain a description of the non-compliant violation, a citation to the applicable State, or federal law or rule, a statement of what is required to return to compliance, and a compliance schedule; and
- (2) provide the State with authority to impose penalties for violation(s) of the State's enforcement document.

# EPA-NDEP Coordination



- **EPA's Office of Enforcement & Compliance Assurance (OECA)**
  - Produces quarterly Enforcement Tracking Tool
- **EPA Region 9**
  - Sends ETT to NDEP
- **EPA Region 9 and NDEP**
  - Quarterly discussion on systems 11 and above
- **NDEP**
  - Addresses systems within 6 months of appearing on the ERP list
- **Cycle Repeats**