

# Overview of U.S. EPA Enforcement under the Safe Drinking Water Act (SDWA) March 2018



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# U.S. EPA Region 9 Enforcement Division Priorities



- Cooperative Federalism
- Inspections, enforcement, collaboration with primacy programs, assessing compliance under the SDWA
- Compliance Assistance Outreach

# U.S. EPA Region 9 Drinking Water Enforcement Roles



- Enforcement Targeting Tool (ETT)
- Enforcement Division coordination with NDEP
- Inspections in Indian Country and joint inspections with States
- State Liaison

# U.S. EPA Region 9 Drinking Water Enforcement



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# U. S. EPA 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

# U.S. EPA Enforcement Targeting Tool (ETT) Formula



- **Sum of:  $(S_1 + S_2 + S_3 \dots) + n$**
- **S** = Severity of the violation
  - 10 points - acute MCL violations
  - 5 points - other health-based violations
  - 1 point - monitoring and reporting violations
- **n** = number of years that the system's oldest violations have been unaddressed (0-5)



# Examples of Priority PWSs per the ETT



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 (in previous year)	(5+5) +1	11

# How does a PWS get on U. S. EPA's “Radar”?



- A national enforcement priority is defined as a system scoring **11** points **or higher** using the S+n formula.
- Systems with sensitive populations like schools, senior citizen communities.
- Systems that have been on the ETT list for longer than 6 months

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

11

Database: Jan 2018 SDWIS/FED Freeze  
 (For most states, this includes data up to Sept 30, 2017.)

EPA Region	state	PWSID	PWSName	ETT	Sys has Tier 1 viols?	PWS Type	Pop Srvd	Priority Since Date	RepeatV lo	RTCdPoi nts	OnPath	School or Childcare
09	NV			99	Y	CWS	240	9/30/2017	118		Not on Path	
09	NV			42	Y	NTNCWS	38	6/30/2017	41		Not on Path	
09	NV			25	Y	CWS	40	6/30/2017	28		Not on Path	
09	NV			21	Y	CWS	200	9/30/2017	47		Not on Path	
09	NV			16	Y	TNCWS	30	9/30/2017	27		Not on Path	
09	NV			15	Y	CWS	120	12/31/2017	46		New	
09	NV			14	Y	CWS	70	6/30/2017	119		Not on Path	
09	NV			14	Y	NTNCWS	50	9/30/2017	21		Not on Path	
09	NV			12	Y	CWS	40	6/30/2017	14		Not on Path	
09	NV			12	Y	NTNCWS	100	9/30/2017	12		Not on Path	
09	NV			11	N	TNCWS	105	9/30/2017	11		Not on Path	
09	NV			10	Y	NTNCWS	175		10			
09	NV			10	Y	CWS	19,081		10			
09	NV			10	Y	NTNCWS	50		10			
09	NV			10	Y	TNCWS	70		38		Not on Path	
09	NV			10	Y	TNCWS	26		10		Not on Path	
09	NV			10	Y	TNCWS	40		41		Not on Path	
09	NV			10	Y	NTNCWS	500		10			
09	NV			10	Y	NTNCWS	50		10			
09	NV			9	N	NTNCWS	35		14			
09	NV			8	Y	TNCWS	25		70		Not on Path	
09	NV			7	N	CWS	900		52		Not on Path	
09	NV			7	N	TNCWS	25		22			
09	NV			7	N	CWS	700		3			
09	NV			7	N	TNCWS	1,005		11			
09	NV			7	N	CWS	54		110		Not on Path	
09	NV			7	N	CWS	250		6			
09	NV			6	N	TNCWS	44		6			
09	NV			6	N	TNCWS	25		19		Not on Path	
09	NV			6	N	TNCWS	25		14			
09	NV			6	N	TNCWS	25		10			
09	NV			6	N	CWS	200		10			
09	NV			6	N	CWS	180		6		Not on Path	
09	NV			6	Y	CWS	100		91		Not on Path	
09	NV			6	N	TNCWS	25		17			
09	NV			6	N	TNCWS	25		36		Not on Path	
09	NV			6	N	TNCWS	25		13			
09	NV			5	N	CWS	350		24		Not on Path	

## Nevada Public Water Systems in Non-Compliance with Primary Drinking Water Standards

### Acronyms:

AL	Action Level (for Lead or Copper)
C	Community public water system
MCL	Maximum Contaminant Level
mg/L	Milligrams per liter
NTNC	Non-Transient, Non-Community public water system
PWS	Public Water System
TNC	Transient, Non-Community public water system

Below are tables showing twenty-six (26) public water systems (PWSs) that are currently non-compliant with primary drinking water standards.

**Lead:** Two (2) water systems are currently out of compliance with the Lead Action Level (0.015 mg/L, 90<sup>th</sup> percentile standard). The Lead Action Level (AL) is not the same as a Maximum Contaminant Level (MCL). Exceeding the AL requires follow up investigation and action.

PWSID	PWS Name	County	PWS Type	Population	Lead 90 <sup>th</sup> Percentile mg/L
NV0001150	Hilton Grand Vacations Las Vegas Blvd	Clark	NTNC	650	0.13
	Consumer notification and Public Education issued. Bottled water was available upon request.				
NV0000142	Kyle Canyon Water District	Clark	C	1040	0.022
	Consumer notification and Public Education issued. Treatment on-line 11/29/2017				

# Enforcement Response Policy Objectives



- EPA and States take formal enforcement actions within 6 months of a PWS appearing on the ETT 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” (ETT List)?



- Return to Compliance
- Formal Enforcement Action(s)

# Return to Compliance



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

# U. S. EPA Formal Enforcement Action(s)



- Description of the violation
- Citation to the applicable State or federal law or rule
- Statement of what is required to return to compliance and a schedule
- Language on penalties



# U.S. EPA PWSS Program Penalty Policy

## Signed on May 25, 1994



- Appropriate Penalty
- Violation of Administrative Order up to \$25,000 per day
- Penalty Calculation
- Ability to Pay

# U.S. EPA Region 9 Drinking Water Enforcement



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# EPA and NDEP in Summary



- Collaboration under Cooperative Federalism
- Work Closely on Systems in Non-Compliance
- Have Quarterly Discussions on Systems Scoring 11 and Above