



REGION 10
SEATTLE, WA 98101

March 4, 2024

Charisse Soucie
Burns Paiute Tribe
100 Pasigo St
Burns, OR 97720

Failure to Conduct a Level 1 Assessment, Burns Paiute, PWS ID 104101100

Dear Ms. Soucie:

The Environmental Protection Agency (EPA) has not received a Level 1 Assessment for Burns Paiute, which constitutes a violation of the National Primary Drinking Water Regulations [[40 CFR 141.860\(b\)\(1\)](#)]. Burns Paiute was required to conduct a Level 1 Assessment by December 16, 2023 because November 2023's routine sample and one or more repeat samples was total coliform-positive [[40 CFR 141.859\(a\)\(1\)](#)]. A completed form must be submitted to EPA within 30 days after notification that a Level 1 Assessment is required [[40 CFR 141.859\(b\)\(3\)\(i\)](#)].

To return to compliance Burns Paiute must either:

1. If a Level 1 Assessment was already conducted, submit the form to R10TribalDW@epa.gov as soon as possible.

-OR-

2. Conduct a Level 1 Assessment and submit the form to R10TribalDW@epa.gov as soon as possible.

Additionally, Burns Paiute must:

1. Distribute Tier 2 Public Notification (PN) **within 30 days** of receiving this letter and **every three months afterwards** until the violation has returned to compliance [[40 CFR 141.203\(b\)](#)].

-AND-

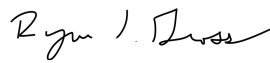
2. Submit a copy of the PN that was distributed and the completed PN Certification Form to R10TribalDW@epa.gov within 10 days after issuing the notice [[40 CFR 141.31\(d\)\(1\)](#)].

A Public Notification template, instructions, and certification are enclosed to assist you with completing the requirements.

This letter serves as initial notification of non-compliance under the Safe Drinking Water Act for the regulation and time period cited. The Environmental Protection Agency (EPA) supports compliance assistance and encourages early action to return to compliance. Issues not addressed in a timely manner may be referred to enforcement. Prior to an enforcement action for the cited violation(s), EPA Region 10 will offer government-to-government consultation, in accordance with the [EPA Policy on Consultation and Coordination with Indian Tribes](#).

Please contact R10TribalDW@epa.gov with questions.

Sincerely,



RYAN GROSS

2024.03.04 11:12:35
-08'00'

Ryan J. Gross
Acting Manager
Groundwater and Drinking Water Section

cc: Todd Richards, Burns Paiute Tribe
Jason Fenton, Burns Paiute Tribe
Kenneth L. Mehringer, Burns Paiute Tribe
Jason Davis, Indian Health Service

Instructions for Failure to Conduct Level 1 Assessment Public Notice

Treatment Technique violations related to any Level 1 assessment require Tier 2 public notice. You must provide public notice to persons served as soon as practical but no later than 30 days after you learn of the violation [[40 CFR 141.203\(b\)](#)]. You must issue a repeat notice every three months for as long as the violation persists. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following [[40 CFR 141.203\(c\)](#)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill
- Another method approved in writing by the EPA

Non-community systems must use one of the following [[40 CFR 141.203\(c\)](#)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by the EPA

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [[40 CFR 141.203\(c\)](#)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The following notice is appropriate for mailing, posting, or hand delivery. If you do modify the notice, you must still include all required PN elements from [40 CFR 141.205\(a\)](#) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from [Appendix B to 40 CFR 141 Subpart Q](#)) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.

You are also required to include the following statement, also presented in this notice in italics with an asterisk on each end, as appropriate for the violation:

We failed to conduct the required assessment.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [[40 CFR 141.205\(d\)](#)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

The specific cause(s) of total coliforms in the distribution system that triggered the assessment will likely differ from system to system. Your notice must describe the corrective action(s) you are taking [[40 CFR 141.205\(a\)\(7\)](#)]

to address the TT violation and when you expect to return to compliance or resolve the situation [\[40 CFR 141.205\(a\)\(8\)\]](#). You can use one or more of the following statements, if appropriate, or develop your own text.

- We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions: [Describe corrective actions].
- To ensure that our water system is protected against contamination, we are working with the state to implement the following corrective actions: [Describe corrective actions].
- We completed the required assessment and identified the cause of the sanitary defect to be addressed [describe the issue or problem found, for example, damage to the storage tank, a missing vent screen, etc.] We are currently correcting the problem on a schedule approved by [State Department of Public Health].

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten (10) days after issuing the notice [\[40 CFR 141.31\(d\)\]](#).

It is a good idea to inform your consumers when the violation has been resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Failure to Perform Activities Required to Address Coliform Bacteria Contamination

Public Water System: Burns Paiute Date distributed: _____

During recent routine monitoring, our water system tested positive for total coliforms. **Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.**

**We failed to conduct the required assessment* by ____ / ____ / ____.* As our customers, you have a right to know what happened and what we are doing to correct this situation.

What does this mean?

Since total coliform bacteria are generally not harmful themselves, this is not an emergency. If it had been you would have been notified within 24 hours.

Failure to identify and correct the defects has the potential to cause continued distribution system contamination. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare provider about drinking this water. You should also seek advice from your healthcare provider about using the water if you have an infant. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available on the EPA Ground Water and Drinking Water Website at <https://www.epa.gov/ground-water-and-drinking-water>.

What is being done?

We will/did conduct the required water system assessment on ____ / ____ / ____ and will/did correct any sanitary defects on ____ / ____ / ____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Contact Person: _____ Phone: _____

EPA Region 10 Tier 2 Public Notification Certification Form

Public Water Systems must provide initial Tier 2 public notice as soon as practical, but no later than **30 days** after EPA's Notice of Violation Letter. You must repeat Tier 2 public notices **every three months** until the violation has returned to compliance.

Complete the section which corresponds to your water system type.

Community Water Systems:

☐ Public notice mailed or directly delivered to all consumers receiving water within the form, manner and frequency required in [40 CFR 141.203](#).

Provide information of another method used to reach others regularly served if they would not normally be reached by the method above. Such methods could include posting in public places or internet, newspapers, email, social media, delivery to community organizations, etc.

Describe alternate method:

Non-Community Water Systems:

☐ Public notice posted at _____ within the form, manner and frequency required in [40 CFR 141.203](#).

Provide information of another method used to reach others served if they would not normally be reached by the method above. Such methods could include mail, posting on the internet, newspapers, email, social media, delivery to community organizations, etc.

Describe alternate method:

I hereby affirm that public notice has been provided to consumers in accordance with the delivery, content, format, and deadlines required in [40 CFR Part 141 Subpart Q](#).

Burns Paiute
Water System Name

104101100
PWS ID#

Signature

Date

Email a copy of the public notice and this certification form within **10 days** of completing initial public notice or any repeat public notice to: R10TribalDW@epa.gov