



REGION 10

SEATTLE, WA 98101

January 18, 2024

Tell Hamilton
Public Works Director
Kalispel Tribe of Indians
P. O. Box 39
Usk, Washington 99180

Failure to Correct Significant Deficiencies, Kalispel Water System, PWS ID 105300036

Dear Mr. Hamilton:

The Environmental Protection Agency (EPA) has not received evidence that the significant deficiencies identified in Kalispel water system's March 24, 2023, Sanitary Survey Notice of Deficiencies were corrected by the required due date or that a proposed corrective action plan (CAP) was submitted, which constitutes a violation of the National Primary Drinking Water Regulations [40 CFR 141.723(d)]. Within 45 days from the receipt of EPA's Notice of Deficiencies, a surface water system is required to correct the significant deficiencies or submit a CAP to EPA for approval. If a CAP is approved, a water system must be in compliance with the approved CAP's schedule [40 CFR 141.723(c)]. Correcting significant deficiencies is important because they have the potential to lead to contamination of drinking water.

To return to compliance Kalispel water system must either:

1. If the significant deficiencies were already corrected, submit evidence to R10TribalDW@epa.gov as soon as possible.

-OR-

2. Correct the significant deficiencies and submit evidence to R10TribalDW@epa.gov as soon as possible.

Kalispel water system will remain in violation until all unaddressed significant deficiencies are corrected. If a significant deficiency cannot be immediately corrected, submit a proposed CAP for EPA approval to R10TribalDW@epa.gov as soon as possible.

Additionally, Kalispel water system must:

1. Distribute Tier 2 Public Notification (PN) **within 30 days** of receiving this letter and **every three months afterwards** until significant deficiencies have been corrected [40 CFR 141.203(b)].

-AND-

2. Submit a copy of the PN that was distributed and the completed Public Notification 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 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. 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,

CHRISTOPHER AFFELDT

Digitally signed by
CHRISTOPHER AFFELDT
Date: 2024.01.18 14:27:57
-08'00'

For Karen Burgess, Manager
Groundwater and Drinking Water Section

ENCLOSURES

1. Notice of Violation Tracker

cc: Mr. Somvang Piengkham
Utility Manager
Kalispel Tribe of Indians

Mr. Lance Piengdkham
Operator
Kalispel Tribe of Indians

Mr. Laddie Folster
Tribal Utility Consultant
Indian Health Service

Instructions for Failure to Address Significant Deficiencies Public Notice

A system's failure to address significant deficiencies within the required timeframe or be in compliance with an EPA-approved corrective action plan under is a treatment technique violation and requires Tier 2 public notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [[40 CFR 141.203\(b\)](#)]. Check with your primacy agency to make sure you meet its requirements. You must issue a repeat notice every three months for as long as the violation persists.

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 EPA

Noncommunity 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 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.

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

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the EPA to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short-term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress, describe it. Alternatively, if funding or other issues are delaying progress, let consumers know.

After Issuing the Notice

Make sure to send your privacy 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, especially if you have regular customers.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Failure to Correct a Significant Deficiency

Public Water System: Kalispel Date distributed: _____

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

A sanitary survey conducted on 1 /18 /2023 by our Technical Assistance Provider on behalf of the US Environmental Protection Agency (EPA) found the following significant deficiencies:

As required by EPA's Surface Water Treatment Rules, we were required to take action to correct all significant deficiencies. However, we failed to take this action by the deadline established by EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions, unless further direction is received. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from on the EPA Ground Water and Drinking Water Website at <https://www.epa.gov/ground-water-and-drinking-water>.

What does this mean?

- This is not an emergency. If it had been, you would have been notified within 24 hours.
- **Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.**
- These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

We anticipate resolving the problem within a _____ time frame by doing the following:

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](#).

Water System Name

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

Proposed Corrective Action Plan
EPA Region 10
Tribal Public Water System Supervision Program

A proposed corrective action plan must provide a written description of **how** and **on what schedule/when** the following significant deficiencies will be/were already addressed. Please fill in the table below and submit documentation of correction to the significant deficiencies below to **R10TribalDW@EPA.GOV**. Please submit photos, invoices, or other items documenting corrections that have been made.

PWS ID:	105300036
System Name:	Kalispel
Primary Source:	Surface Water Purchaser
Sanitary Survey Date:	1/18/2023
Notice of Deficiencies Date:	3/24/2023
Notice of Violation Date:	1/19/2024

Deficiency	Original Due Date	Schedule to Address Deficiency in Violation		Accomplishments (date completed)
		Milestone/Corrective Action Description	Scheduled Date	
#137 Storage Tank #2 (ST-02): Access manhole openings for storage structure/tank #2 is not 4 inches or greater above the reservoir roof surface, with a lid 2 inches overlapping water tight and locked. Specifically, the hatch gasket is damaged and not fully sealed. Install a proper seal and send photo documentation to EPA.	5/25/2023			

List any additional attachments included with this plan:

I understand that failing to meet an EPA approved Deficiency Corrective Action Plan will constitute a violation of the National Primary Drinking Water Standards [40 CFR 141.723(c)].

Name (print) _____ address _____

Phone _____ email _____

Signature (unless submitted electronically) _____ Date _____

EPA Use Only	
approved by (print) _____	closed date _____
STAFF PERSON TITLE Signature _____	Date _____