



REGION 10
SEATTLE, WA 98101

October 28, 2024

Mr. David Lucas
Makah Tribe
P.O. Box 115
Neah Bay, WA 98357

Treatment Technique Violation: Failure to Meet Required Removal of Disinfection Byproduct Precursor Total Organic Carbon (TOC), Makah Neah Bay, PWS ID 105300012

Dear Mr. Lucas:

The purpose of this letter is to inform Makah Neah Bay of a failure to meet the required removal ratio for the disinfection byproduct precursor TOC, which constitutes a violation of the National Primary Drinking Water Regulations [[40 CFR 141.133\(d\)](#)]. All surface water systems using conventional filtration are required to monitor source and treated water to determine compliance with required TOC removal levels [[40 CFR 141.135\(a\)\(1\)](#)]. Compliance with TOC removal ratio is determined by calculating the running annual average of TOC paired samples (raw and finished water) collected during the twelve (12) most recent months [[40 CFR 141.135\(c\)](#), [40 CFR 141.132\(d\)](#)]. The running annual average TOC removal ratio for the 7/1/2024 – 9/30/2024 compliance period is 0.78. This level is below the required removal ratio of 1.00.

Compliance Period	Alternative Compliance Criteria Eligibility	TOC Removal Ratio
7/1/2024 – 9/30/2024	No	0.36
4/1/2024 – 6/30/2024	No Samples	No Samples
1/1/2024 – 3/31/2024	Yes	1
10/1/2023 – 12/31/2023	Yes	1
Running Annual Average of TOC Removal Ratio		0.78

To return to compliance Makah Neah Bay must:

1. Continue to collect a paired TOC sample set every quarter from raw water S-58 and finished water S-14.1 and submit sample results to R10TribalDW@epa.gov.

-AND-

2. Have a running annual average TOC removal ratio of no less than 1.00.

Additionally, Makah Neah Bay 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 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](#).

A list of all violations and their status can be viewed at any time by visiting Drinking Water Watch: <https://sdwisdww.epa.gov/DWWR10/>. Please contact R10TribalDW@epa.gov with questions.

Sincerely,

Chris Affeldt
Acting Manager
Groundwater and Drinking Water Section

cc: Glenn Lucas, Makah Tribe
Henry Cross, Sr., Makah Tribe
Sandy Redsteer, Indian Health Service

Instructions for TOC Removal Ratio Violation Public Notice

If your system's running annual average for TOC removal is less than 1.00, you must provide Tier 2 public notification 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.

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 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.

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\(d\)](#)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Total Organic Carbon (TOC) Removal Requirement Not Met

Public Water System: Makah Neah Bay Date distributed: _____

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

We routinely monitor for the presence of drinking water contaminants. Total organic carbon (TOC) is a measure of natural organic matter in the water. TOC can react with chemicals used for disinfection, so we are required to remove TOC during the filtration process. On ____ / ____ / ____, we received notice that our TOC removal ratio was 0.78. **This is below the required TOC removal ratio of 1.00.** The removal ratio is determined by comparing TOC levels in source water and filtered water and averaging all the ratios for the past 12 months.

What does this mean?

Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- 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.

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](#).

Makah Neah Bay
Water System Name

105300012
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