REGION 10
SEATTLE, WA 98101

December 13, 2024

Bennett Osborne
Valley Water Svcs./Labtest
201 East D Street
Yakima, WA 98901

**Failure to Monitor and/or Report November 2024 Total Coliform and Disinfectant Residual, Topp Mart, PWS ID 105388825**

Dear Mr. Osborne:

The Environmental Protection Agency (EPA) has not received total coliform sample results for the November 2024 compliance period, which constitutes a violation of the National Primary Drinking Water Regulations [40 CFR 141.860(c)(1)]. Topp Mart is required to collect 1 total coliform sample(s) each month. If you disinfect, disinfectant residual concentrations must also be measured at the same time and location as the total coliform sample(s) [40 CFR 141.132(c)(1)]. This concentration must be reported to the EPA along with the coliform sample, even if it is non-detectable. Results must be reported to the EPA by the tenth ($10^{th}$) of the month following the sampling period [40 CFR 141.31(a)]. Timely testing for coliform bacteria is essential because ingestion of these pathogens may cause illness, particularly in children and the elderly.

To return to compliance Topp Mart must either:

1. If samples were already collected, submit results to R10TribalDW@epa.gov as soon as possible.

**-OR-**

2. Collect this month's total coliform and disinfection residual samples and submit results to R10TribalDW@epa.gov on time.

Additionally, Topp Mart must:

1. Distribute Tier 3 Public Notification (PN) **within 1 year** of receiving this letter [40 CFR 141.204(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. For community water systems only, the annual Consumer Confidence Report (CCR) may be used as a vehicle for the initial Tier 3 public notice, and all required repeat notices, instead of individual Tier 3 public notices, under 40 CFR 141.204(b)(2).

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.

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,

BRIAN NICKEL

Digitally signed by BRIAN NICKEL
Date: 2024.12.13 17:17:38 -08'00'

Brian Nickel
Manager
Groundwater and Drinking Water Section

cc:
Zachary Sorensen
Tribal Utility Consultant, RCAC

# Instructions for Monitoring Violations Annual Notice

If you are required to provide Tier 3 notification, you must provide public notice to persons served within one year after you learn of the violation [40 CFR 141.204(b)]. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following [40 CFR 141.204(c)(1)]:

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

Noncommunity systems must use one of the following [40 CFR 141.204(c)(2)]:

- 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 post the notice, it must remain posted until the violation is resolved. If the violation has already been resolved, you must post the notice for at least seven days [40 CFR 141.204(b)]. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The following notice is appropriate for insertion in an annual notice or the Consumer Confidence Report (CCR) (for community water systems only), as long as public notification timing and delivery requirements are met [40 CFR 141.204(d)]. You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time. 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 took, or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

**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

## Monitoring Requirements Not Met

Public Water System: _____ Date distributed: _____

Our water system violated drinking water requirements over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we are doing/did to correct these situations.

**We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular* monitoring are an indicator of whether or not our drinking water meets health standards.
During November 2024 compliance period we:

_____ *did not complete all monitoring or testing*

_____ *did not report monitoring or testing on time*

*for _____ contaminant(s) and therefore cannot be sure of the quality of your drinking water during that time.**

### What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample, how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

| Contaminant | Required sampling frequency | Number of samples taken | When samples should have been taken | When samples were taken |
|---|---|---|---|---|
| | | | | |

### What is being/was done?

We took the required number of samples on ____ / ____ / _____.

-OR-

We will take the required number of samples 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 3 Public Notification Certification Form

Public Water Systems must provide initial Tier 3 public notice no later than **one year** after EPA's Notice of Violation Letter. You must repeat Tier 3 public notices **annually** 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 141.204.

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 141.204.

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