



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER
DIVISION

October 26, 2023

Mr. Tony Berkson
Nisqually Indian Tribe
4820 She-Nah-Num Dr. S.E.
Olympia, WA 98513

**Re: Violation for Failure to Monitor and Report Lead & Copper
Nisqually-Leschi & West Nisqually, PWS ID 105300014**

Dear Mr. Berkson:

The EPA did not receive adequate tap sample results for Lead & Copper for 6/1/2023 – 9/30/2023 as required under the National Primary Drinking Water Regulations (NPDWR), according to 40 CFR §141.86. As a result, Nisqually-Leschi & West Nisqually is in violation of the NPDWRs.

Nisqually-Leschi & West Nisqually is currently scheduled to take 10 samples every 3 years at approved lead and copper tap sampling sites. Results must be reported to the EPA by the 10th of the month following the sampling period.

To return to compliance you must either submit Lead & Copper sample results from 6/1/2023 – 9/30/2023, if samples were collected during the period **OR** collect Lead & Copper samples at approved sample sites during the next year's compliance monitoring period and submit results to EPA.

Additionally, in accordance with the Public Notification of Drinking Water Violation Rule 40 CFR §141.204(b) Nisqually-Leschi & West Nisqually must distribute Tier 3 Public Notification (PN) within 1 year of receiving this letter. For community water systems, 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](#).

Please contact the Groundwater and Drinking Water Section at (206) 553-6253 or R10TribalDW@epa.gov to determine next steps or if you have questions.

Sincerely,

Karen Burgess, Manager
Groundwater and Drinking Water Section

cc: Quinn Andreas, Rcac/Efc Region10