



REGION 10

SEATTLE, WA 98101

November 12, 2024

Jim Heitzman
District Manager
Lummi Tribal Sewer and Water District
2156 Lummi View Drive
Bellingham, Washington 98226

Failure to Complete an Initial Lead Service Line Inventory, Lummi Tribal Water District, PWS ID 105300002

Dear Mr. Heitzman:

Lummi Tribal Water District failed to complete and submit an initial lead service line inventory to the U.S. Environmental Protection Agency (EPA) by October 16, 2024, which constitutes a violation of the National Primary Drinking Water Regulations [[40 C.F.R. 141.84\(a\)](#)]. Lummi Tribal Water District is required to develop and submit an inventory that includes all service lines connected to the distribution system and the overall material classification of the service lines based on a records review [40 C.F.R. 141.84(a)(1) through (4)]. The inventory must be made publicly accessible to customers [40 C.F.R. 141.84(a)(8)]. If all service lines are non-lead, a statement can be distributed in lieu of making the inventory publicly accessible. The statement must say that the distribution system has no lead service lines or galvanized lines requiring replacement and include the methods used to make that determination [40 C.F.R. 141.84(a)(8) and (9)].

Lummi Tribal Water District submitted a completed inventory to the EPA on October 28, 2024. However, the non-lead statement has not been posted or distributed to customers. Therefore, the public accessibility requirement has not been met.

To return to compliance Lummi Tribal Water District must distribute the non-lead statement and submit documentation to R10TribalDW@epa.gov as soon as possible.

Additionally, Lummi Tribal Water District must:

1. In accordance with 40 C.F.R. 141.203(b), distribute a Tier 2 Public Notification **within 30 days** of receiving this letter and **every three months afterwards** until the violation is resolved and the system has returned to compliance.

-AND-

2. In accordance with 40 C.F.R. 141.31(d)(1), submit a copy of the Public Notification that was distributed and the completed Public Notification Certification Form to R10TribalDW@epa.gov within 10 days after issuing the notice.

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](#).

A list of all violations and their status can be viewed at any time by visiting EPA Region 10's Drinking Water Watch: <https://sdwisdww.epa.gov/DWWR10/>. Please contact R10TribalDW@epa.gov with questions.

Sincerely,

Caitlin Bates, PE
Acting Manager
Groundwater and Drinking Water Section

cc: James George
Water Operator
Lummi Tribal Sewer and Water District

James Solomon
Utility Supervisor
Lummi Tribal Sewer and Water District

Sandy Redsteer
Tribal Utility Consultant
Indian Health Service

Instructions for Failure to Complete Initial Lead Service Line Inventory Notice

Initial Lead Service Line Inventory treatment technique violations require Tier 2 public notification and 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 state to make sure you meet all its requirements.

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

- Hand or direct delivery
- Mail, as a separate notice or included with the bill (if delivered within 30 days of the violation)
- Another method approved in writing by EPA

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

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

In addition, both CWSs and NCWSs 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 modify this notice, you must still include all required public notice elements from [40 CFR 141.205\(a\)](#) and leave the mandatory language unchanged (see below).

Mandatory language on health effects (from [Appendix B to 40 CFR 141 Subpart Q](#)) must be included as written and is presented in this notice in italics 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 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 initial lead service line inventory violations.

- We are working with [local/state agency] and our technical assistance provider to complete an initial lead service line inventory. The inventory will be completed and available for the public to view by [add timeframe].

After Issuing the Notice

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to your state within 10 days after the original or any repeat notice(s) [\[40 CFR 141.31\(d\)\]](#)

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Failure to Complete an Initial Lead Service Line Inventory

Public Water System: _____ Date distributed: _____

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

We supply water to our customers through water pipes (called service lines) that connects your building to the watermain. We were required to complete and submit an inventory of all service lines to EPA by October 16, 2024, and classify lines as non-lead, lead, galvanized requiring replacement, or unknown. We failed to comply with this requirement.

What should I do?

Listed below are some steps you can take to reduce your exposure:

- Find out whether your service line or pipes contain copper, lead, or lead solder.
- Run your water for 15-30 seconds or until it becomes cold before using it for drinking or cooking. This flushes any standing lead or copper from the pipes.
- Don't cook with or drink water from the hot water tap; lead and copper dissolves more easily into hot water.
- Do not boil your water to remove lead or copper. Boiling water makes the lead and copper more concentrated because it remains when the water evaporates.
- Call us at the number below to find out how to get your water tested for lead and copper.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. However, exposure to lead in drinking water can cause serious health effects in all age groups. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects.

Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

What is being done?

We are working with EPA and our technical assistance provider to complete and submit a complete initial lead service line inventory. The inventory will be completed and available for the public to view by ____ / ____ / ____ at [location].

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