



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER
DIVISION

November 9, 2022

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Albert G. Smith
Mayor
Metlakatla Indian Community
P.O. Box 8
Metlakatla, AK 99926

Re: Failure to Correct Significant Deficiencies at Metlakatla Indian Community, Community Water System, 100211202

Dear Mayor Smith:

The purpose of this letter is to inform you that the Metlakatla Community Water System Public Water System (the System) is currently in violation of the National Primary Drinking Water Regulations, specifically for failure to correct significant deficiencies (40 CFR Part 141). Bill Davis and Jennifer Bunton from Process Applications Inc., on behalf of the U.S. Environmental Protection Agency (EPA), conducted a sanitary survey on 10/5/2021. The EPA notified the Metlakatla Community Water System of significant deficiencies on 2/3/2022. On 05/23/2022 the EPA approved Metlakatla Community Water System's proposed corrective action plan (CAP).

Accordingly, the owner and/or manager of the System had until the dates listed on the CAP to address the significant deficiencies or submit a new CAP to the EPA for approval specifying a new date when the significant deficiencies would be addressed. Therefore, Metlakatla Community Water System Public Water System (the System) is currently in violation of the National Primary Drinking Water Regulations under 40 CFR Part 141. **In order for the Metlakatla Community Water System to return to compliance, significant deficiencies must be corrected or placed on an approved schedule.**

As a result of the violation, the Metlakatla Community Water System, as a Community Water System, must notify its customers of this violation **within 30 days of receiving this letter and every three months afterwards until the deficiencies have been corrected.** A Public Notice template, instructions, and certification are enclosed to assist you. You are also required to send a copy of the Public Notice, certification that it was issued, and an action plan to address these outstanding deficiencies to R10TribalDW@epa.gov. In addition to the Public Notice requirements, the water system must inform its customers of any significant deficiency that is uncorrected at the time of the next consumer confidence report. The System must continue to inform the public annually until the EPA determines that the particular significant deficiency is corrected.

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](#).

If you have any questions, please contact Sam Perry at R10TribalDW@epa.gov or (206) 553-6253. We appreciate your efforts to protect the health of your customers.

Sincerely,

**KAREN
BURGESS**

Digitally signed by
KAREN BURGESS
Date: 2022.11.09
18:03:16 -08'00'

Karen Burgess, Manager
Groundwater and Drinking Water Section

Enclosures: Public Notice materials, NOV Tracker

cc: Mr. Rick Anderson
Utility Director, Metlakatla Indian Community

Mr. Jerry Johnson,
Water Operator, Metlakatla Indian Community

Ms. Jennifer Bunton,
Environmental Engineer, Process Applications Inc.

Mr. Bill Davis,
Environmental Engineer, Process Applications Inc.

Dr. Ricardi Duvil,
Environmental Engineer, USEPA Region 10 Water Division

Ms. Danielle Russell,
Technical Assistance Provider, Rural Community Assistance Corporation

Instructions for Surface Water Treatment Rule Failure to Take Corrective Action Within Required Time Frame Public Notice

Template on Reverse

A system's failure to take corrective action within the required timeframe to be in compliance with an EPA-approved corrective action plan or significant deficiency under the Surface Water Treatment Rule is a treatment technique violation and requires Tier 2 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)]. You must issue a repeat notice every three months for as long as the violation persists.

Community systems 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

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

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 notice on the reverse 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

Mandatory language on health effects, which must be included as written (with blanks filled in), is presented in italics in each notice with an asterisk on either end.

You must also include the following italicized language in all notices, where applicable [40 CFR 141.205(d)]. Use of this language does not relieve you of your obligation to take steps reasonably calculated to notify all persons served:

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.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with SWTR 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 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 with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

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 public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

Surface Water Treatment Rule Failure to Take Corrective Action

Within Required Time Frame Public Notice

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

[System] Failed to Correct a Significant Deficiency Within Required Time Frame.

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 did (are doing) to correct this situation.

A routine inspection conducted on [give date] on behalf of the US Environmental Protection Agency (EPA) found [describe significant deficiencies in our water system]

As required by EPA's Surface Water Treatment Rule, we were required to take action to [correct these 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. 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 health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

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?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact [name of contact] at [phone number] or [mailing address].

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.

This notice is being sent to you by [system]. Water System ID#: _____.

Date distributed: _____.

Public Notification Certification

After you provide public notification to your consumers, you must, **within 10 days, send EPA:**

1. A representative copy of **each type** of notice you distribute (e.g., newspaper article, press release to TV/radio, mail notices, email notices, social media posts) and
2. A **certification** that you have met all the public notification requirements (40 CFR 141.31(d)).

You must complete a certification for initial notification and when necessary, any repeat notifications. When you certify, you are also stating that you will meet requirements for notifying new customers or units of the ongoing violation or situation.

A sample certification with appropriate language is provided below. You may use this certification or a different format for your certification provided that all of the information below is included. Email the public notice(s) and signed certification to: R10TribalDW@epa.gov

PWS Name: _____

PWS ID #: _____

For Violation: _____

Occurring on: _____

I, _____, hereby affirm that the public water system indicated above has provided consumers with public notice in accordance with the delivery, content, and format requirements and deadlines in the National Primary Drinking Water Regulation (40 CFR Part 141).

Consultation with EPA (if required) on _____.

Notice distributed by _____ on _____.

Notice distributed by _____ on _____.

Content - required elements.

Signature

Date

Proposed Corrective Action Plan

EPA Region 10
Tribal Public Water System Supervision Program

All public water systems are required to undergo sanitary surveys. Public water systems using groundwater must consult about required corrective actions within 30 days of being notified of a significant deficiency and must complete corrective actions or be in compliance with an approved Corrective Action Plan within 120 days of receiving notice of significant deficiencies (40 CFR 141.403 (a)).

A proposed corrective action plan must provide a written description of **how** and **on what schedule/when** the following significant deficiencies will be/were addressed. Please fill in the table below and submit this proposed corrective action plan within 45 days to Sam Perry at R10TribalDW@EPA.GOV. Please submit photos, receipts, or other items documenting corrections that have already been made (reference documentation with written statement in column B).

PWSID:	100211202
System Name:	Metlakatla Community Water System
Primary Source:	Surface Water
Sanitary Survey Date:	10/5/2021
Surveyor:	Bill Davis and Jennifer Bunton
Notice of Deficiency Date:	2/3/2022

Corrective Action Plan Due Date:	3/20/2022
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Deficiency	Schedule to Address Deficiency		Accomplishments (date completed)
	Milestone/Corrective Action Description	Scheduled Date	
Surface Water Treatment - A chemical solution tank is not covered.	Send photograph of completed fix.		
Surface Water Treatment - There are cross-connections with the chemical feed systems.	As part of the WTP upgrades, plan to include RPBA or similar testable backflow assembly on the treated water supply to the chemical feed systems. In the interim, plan to purchase atmospheric vacuum breakers to install on any hose bibbs used for chemical supply make-up water.		
Surface Water Treatment - Chemical feed pumps are not routinely calibrated.	Please plan to collect pump settings, daily drawdown, and daily water production volume for 6 months to develop understanding of chemical feed rates versus pump settings and share information with people at EPA and technical assistance providers.		
Surface Water Treatment – Basic laboratory equipment and glassware are unavailable, so jar test and other process control procedures cannot be conducted.			
Finished Water Storage – The overflow for the Old Tank (ST-01) does not terminate with proper mesh screen or a sealed duckbill valve.	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Finished Water Storage – The air/roof vent for the Old Tank (ST-01) does not have a 24-mesh screen in place.	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Finished Water Storage – The hatch on the Old Tank (ST-01) is not tightly sealed and does not include a gasket.	Install gasket, take photos once the gasket is secured in place and send to EPA.		

Deficiency	Schedule to Address Deficiency		Accomplishments (date completed)
	Milestone/Corrective Action Description	Scheduled Date	
Finished Water Storage - The tank interior of the Old Tank (ST-01) is not in good condition and shows signs of corrosion.	Please send project information (Dennis Wagner (EPA - Alaska) and ADEC Village Safe Water staff) and estimated completion date.		
Finished Water Storage - There are openings in the roof and where the sidewall meets the roof of the New Tank (ST-03).	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Finished Water Storage – The overflow for the New Tank (ST-03) does not terminate with proper mesh screen or a sealed duckbill valve.	Install a sealed duckbill valve or 24-inch non-corrodible mesh screen instead and send a picture to EPA.		
Finished Water Storage – The hatch on the New Tank (ST-03) is not tightly sealed and does not include a gasket. Install a gasket on the hatch and send photos to EPA upon completion.	Install gasket, take photos once the gasket is secured in place and send to EPA.		
Finished Water Storage – The air/roof vent for the Raven Tank (ST-05) does not have a 24-mesh screen in place and has gaps in the screen. Install proper screening and send photos to EPA upon completion.	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Finished Water Storage – The hatch on the Raven Tank (ST-05) does not have a gasket.	Install gasket, take photos once the gasket is secured in place and send to EPA.		
Finished Water Storage – It is unclear if the overflow for the Raven Tank (ST-05) is properly screened.	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Finished Water Storage - An air relief valve on the transmission line to the storage tanks (ST-01 and ST-03) is not properly screened. Install proper screening and send photos to EPA upon completion.	Install 24-inch mesh screen, take photos once the screen is secured in place and send to EPA.		
Distribution System - There is no detectable residual at the farthest point in distribution system.			
Operations & Management - The Water System does not have a Cross-Connection Control Program; send program plan to the EPA upon completion.	Locate existing Cross-Connection Control Program and please send to EPA. If it cannot be located, will work with Danielle Russell from RCAC to develop a Cross Connection Control Program Plan and send to EPA.		
Operations & Management - The water system does not have an operator certified at the appropriate level.			

Deficiency	Schedule to Address Deficiency		Accomplishments (date completed)
	Milestone/Corrective Action Description	Scheduled Date	
Public Notice - Tier 2 Public Notice must be distributed to water system customers.		12/04/22	
Public Notice (PN) - A copy of the distributed PN and EPA's PN certification form must be submitted to EPA.		12/04/22	

List any additional attachments included with this plan:

I understand that failing to meet an EPA approved Deficiency Corrective Action Plan may constitute a violation of the Safe Drinking

Name (print) _____ address _____

_____ email _____

Signature (unless submitted electronically) _____ Date _____

EPA Use Only	
approved by (print) _____	closed date _____
_____ Environmental Engineer	_____ Date