



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER
DIVISION

February 03, 2022

Joe Bob
Utility Director, Nooksack Indian Tribe
5016 Deming Road
Deming, WA 98244

**RE: Failure to Correct Significant Deficiencies under the Ground Water Rule
Nooksack Indian Tribe 5 Cedars, PWS ID# 105300028**

Dear Mr. Bob:

The EPA has not received evidence that the significant deficiencies identified in your 2021 Sanitary Survey Notice of Deficiencies Letter were corrected by the required due date of your corrective action plan (CAP), which constitutes a violation of the National Primary Drinking Water Standards. In accordance with the Ground Water Rule (GWR), 40 CFR §141.403(a)(5), within 120 days from the receipt of EPA's Notice of Deficiencies letter a Public Water System is required to address the significant deficiencies or submit a CAP to EPA for approval. If a CAP is approved, a Public Water System must be in compliance with the approved CAP's schedule under the Ground Water Rule (GWR), 40 CFR §141.403(a)(5). To return to compliance, you must correct the significant deficiencies -OR- submit a CAP for EPA approval and be in compliance with the approved CAP's schedule.

Additionally, in accordance with the Public Notification of Drinking Water Violation Rule 40 CFR §141.201-211 5 Cedars must distribute Tier 2 Public Notification (PN) **within 30 days** of receiving this letter and **every three months afterwards** until the deficiencies have been corrected. A Public Notification template, instructions, and certification are enclosed to assist you with completing the requirements. You must also submit to EPA a copy of the PN that was distributed and the completed Public Notification Certification Form within 10 days after you distribute the notice.

Community Water Systems must also:

1. Notify customers of this violation within one year in your Consumer Confidence Report (CCR).
2. Continue to inform the public annually in your CCR until all significant deficiencies are 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](#).

Please contact R10TribalDW@epa.gov if you have questions.

Sincerely,

KAREN
BURGESS

Digitally signed by
KAREN BURGESS
Date: 2023.02.03
15:35:10 -08'00'

Karen Burgess, Manager
Groundwater and Drinking Water Section

Enclosures: Overdue Significant Deficiencies Tracker, Public Notification Materials

cc: Mr. Kevin Roberts
Operator, Nooksack Indian Tribe

Ms. Sandy Redsteer
Tribal Utility Consultant, Indian Health Services

Proposed Corrective Action Plan
EPA Region 10
Tribal Public Water System Supervision Program

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

PWS ID:	105300028
System Name:	5 Cedars
Primary Source:	Groundwater
Sanitary Survey Date:	9/10/2020
Notice of Deficiencies Date:	10/21/2021
Notice of Violation Date:	2/3/2023

Deficiency	Original Due Date	Schedule to Address Deficiency in Violation		Accomplishments (date completed)
		Milestone/Corrective Action Description	Scheduled Date	
Treatment #53: Water treatment building is not in good structural condition and is not orderly or clean.	2/22/2022			
Distribution #114: Residual test kits are not stocked with necessary reagents (DPD).	2/22/2022			
Distribution #115: PWS is not able to maintain a minimum pressure of 20 psi.	2/22/2022			
Distribution #117: There is no backflow device on spigot in pump house. Backflow devices must be tested annually.	2/22/2022			
Management/Operation #211: Does the system have a written standard operating protocol for other operators.	2/22/2022			
Management/Operation #213: The Water System does not have a Cross-Connection Control Program.	2/22/2022			

List any additional attachments included with this plan:

I understand that failing to meet an EPA approved Deficiency Corrective Action Plan will constitute a violation of the National Primary Drinking Water Standards (Ground Water Rule, 40 CFR §141.403(a)(5)).

Name (print) _____ address _____

Phone _____ email _____

Signature (unless submitted electronically) _____ Date _____

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

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

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 Ground Water 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 following page 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 Ground Water Rule 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 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 pursuing a 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, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Make sure to send your privacy 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)].

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Failure to Correct a Significant Deficiency

Public Water System: _____ Date distributed: _____

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 are doing to correct this situation.

A routine inspection conducted on ____ / ____ / ____ by our Technical Assistance Provider on behalf of the US Environmental Protection Agency (EPA) found the following significant deficiencies:

As required by EPA's Ground Water Rule, we were required to take action to correct this deficiency. However, we failed to take this action by the deadline established by EPA.

What is being done?

We anticipate resolving the problem within a _____ time frame by doing the following:

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.

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: _____

Public Notification Certification Form

The water system must complete this section. The signature below certifies that the notice contains all required elements. Complete the section which corresponds to your water system type.

Community Water Systems:

- ☐ I mailed/delivered Public Notices to the water users within 30 days of receiving EPA's Notice of Violation for failure to correct significant deficiencies identified by a sanitary survey under the Ground Water Rule.

Provide information of another method used to reach others if they would not be reached by the first method. Such methods could include posting in public places or internet, newspapers, email, delivery to community organizations, etc.

Other Method: _____

Non-Community Water Systems:

- ☐ Notice posted at _____ on ____ / ____ / ____ within 30 days of receiving EPA's Notice of Violation for failure to correct significant deficiencies identified by a sanitary survey under the Ground Water Rule.

Provide information of another method used to reach others if they would not be reached by the first method. Such methods could include posting on the internet, newspapers, email, delivery to community organizations, etc.

Other Method: _____

Water System Name

PWS ID#

Signature

Date

Email a copy of the completed notice and this certification form to: R10TribalDW@epa.gov