



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER
DIVISION

February 9, 2023

Mr. David Lucas
Makah Tribe
P.O. Box 115
Neah Bay, WA 98357

**Re: Violations for Failure to Monitor and Report and Failure to Submit Lead Consumer Notice Certification
Makah, PWS ID 105300012**

Dear Mr. Lucas:

The EPA did not receive sample results for the regulated drinking water contaminants in the table below as required under the National Primary Drinking Water Regulations (NPDWR). As a result, Makah is in violation of the NPDWRs.

Violation	Sample Collection Location	Compliance Period	Analyte	Citation
Monitoring and Reporting	S-14.1, Water Treatment Plant	1/1/2022-12/31/2022	IOCs	40 CFR §141.23
Monitoring and Reporting	S-66, Tsoo-Yess Well #2 Treated Water	1/1/2020-12/31/2022	IOCs	40 CFR §141.23
Monitoring and Reporting	S-14.1, Water Treatment Plant	1/1/2020-12/31/2022	Combined Radium (-226 & -228)	40 CFR §141.26
Monitoring and Reporting	S-66, Tsoo-Yess Well #2 Treated Water	1/1/2020-12/31/2022	Combined Radium (-226 & -228)	40 CFR §141.26

To return to compliance you must either:

1. Submit sample results if a sample was collected during the monitoring period.

OR

1. Collect samples according to your current monitoring schedule and submit the results to EPA.
2. Notify customers of this violation within one year in your Consumer Confidence Report (CCR).

The EPA did not receive certification of consumer notification of results for lead within 90 days of the end of the compliance monitoring period, before 12/30/2022, as required under the National Primary Drinking Water Regulations (NPDWR), according to 40 CFR §141.85. As a result, Makah is in violation of the NPDWRs.

Makah is currently required to take lead and copper samples at approved tap sampling sites. Within 30 days of receiving lead sampling results, notification must be provided by the public water system to consumers at each location where monitoring was conducted. Certification of the distribution of the lead

consumer notices must be provided to EPA within 90 days of the end of the compliance monitoring period.

To return to compliance you must:

- Submit certification of distribution of lead consumer notices for lead monitoring results at each location where a sample was collected and a sample copy of one notice that was delivered. This must be done for every result in each monitoring period.

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: Sandy Redsteer, Indian Health Service