



REGION 10

SEATTLE, WA 98101

February 9, 2024

Nick Rich
Klamath Tribes
34333 Hiway 97 N.
Chiloquin, OR 97624

Failure to Monitor or Report Lead and Copper, Kla-Mo-Ya Casino, PWS ID 104100002

Dear Mr. Rich:

The Environmental Protection Agency (EPA) has not received adequate lead and copper sample results for the 7/1/2023 - 12/31/2023 compliance period, which constitutes a violation of the National Primary Drinking Water Regulations [[40 CFR 141.86\(c\)](#)]. Kla-Mo-Ya Casino is required to collect 20 lead and copper samples every 6 months at EPA-approved distribution sites. Results must be reported to the EPA by the tenth (10th) of the month following the sampling period [[40 CFR 141.90\(a\)\(1\)](#)].

To return to compliance Kla-Mo-Ya Casino must either:

1. If adequate samples were already collected, submit results to R10TribalDW@epa.gov as soon as possible.

-OR-

2. Collect lead and copper samples from the sites listed in your Water Quality Monitoring Program (WQMP) during the next compliance period and submit results to R10TribalDW@epa.gov.

Additionally, Kla-Mo-Ya Casino must:

1. Distribute Tier 3 Public Notification (PN) **within 1 year** of receiving this letter [[40 CFR 141.204\(b\)](#)].

-AND-

2. Submit a copy of the PN that was distributed and the completed PN Certification Form to R10TribalDW@epa.gov within 10 days after issuing the notice [[40 CFR 141.31\(d\)\(1\)](#)].

A Public Notification template, instructions, and certification are enclosed to assist with completing the requirements. For community water systems only, 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 R10TribalDW@epa.gov with questions.

Sincerely,

**DEREK
SCHRUHL**

For Karen Burgess
Manager

Groundwater and Drinking Water Section

Digitally signed by DEREK
SCHRUHL
Date: 2024.02.09 18:26:31
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cc: Ronald Alger, Kla-Mo-Ya Casino
Beth Read, RCAC/EFC Region10