



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Honorable Talbert Cypress
Chairman
Miccosukee Tribe of Indians of Florida
P.O. Box 440021
Miami, Florida 33144
MarlaP@miccosukeetribe.com

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A) of the Safe Drinking Water Act, 42 U.S.C. §§ 300g-3(a)(1)(A), Miccosukee Tribe of Indians of Florida Public Water System in Miami, Florida. PWS ID Number: 041210001. Docket Number: SDWA-1445-2024-04.

Dear Chairman Cypress:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWS) provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., and the regulations promulgated thereunder. According to the information in the EPA's Safe Drinking Water Information System, the Miccosukee Tribe of Indians of Florida Public Water System (System) serves a population of approximately 700 persons, with 205 service connections. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15), it is therefore a community water system. A community water system is subject to the requirements of the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. Part 141.

Notice of Noncompliance

Based on the findings of a monitoring data review conducted by the EPA Region 4, the EPA alleges that the System is in noncompliance with the SDWA and the NPDWRs, as described below. This letter also explains that the EPA could initiate an enforcement action to address SDWA non-compliance.

1. Pursuant to 40 C.F.R. §141.86(d)(4), water systems that meet the criteria for reduced monitoring (refers to an annual or triennial tap sampling monitoring period) must collect these samples from sampling sites identified in paragraph (a) of §141.86.

Upon reviewing data monitoring results, the EPA determined that the System failed to monitor for lead and copper in 2023 in accordance with their triennial schedule. The System needed to conduct the monitoring of 10 lead and copper samples between June and September 2023.

Therefore, the System is in noncompliance with §141.86(d)(4)(i), for failing to monitor for lead and copper parameters in 2023.

2. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a public water system must give notice for all violations of NPDWRs. Additionally, under 40 C.F.R. § 141.204 (b) (1), public water systems must provide the public notice no later than one year after the public water system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation persists.
3. The System did not submit a copy to the EPA of a public notice notifying its customers of the missed lead and copper monitoring.

Therefore, the System has not complied with 40 C.F.R. §§ 141.201(a) and 141.204 (b)(1) for failure to provide a public notice to notify its customers of the failure to monitor for lead and copper in 2023.

A public notice template has been included in Enclosure A. Once the public notice is issued, a copy of the notice and the Certification Form must be submitted within ten days per 40 C.F.R. § 141.31(d) to Christopher Johnson, in EPA Region 4's Water Division, at Johnson.Christoper01@epa.gov and Rebecca Quiñones, in EPA Region 4, Enforcement and Compliance Assurance Division at Quinones.Rebecca@epa.gov.

Consistent with the EPA's government-to-government relationship with the Miccosukee Tribe of Indians of Florida, and our Final Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy, the EPA wishes to work cooperatively with the Tribe to bring the System into compliance with the SDWA and its implementing regulations.

The EPA requests that representatives of the Tribe contact the EPA within seven business days of receipt of this letter to arrange a teleconference meeting to show cause why the EPA should not take formal civil enforcement action against the Tribe for these violations and any other potential violations. The Tribe should be prepared to provide all relevant information with supporting documentation pertaining to the violations. The Tribe has the right to be represented by legal counsel. Alternatively, if the Tribe would like the EPA's assistance to achieve and maintain compliance, the EPA is open to discussing the development of a written compliance plan to address the System's alleged noncompliance and offers compliance or technical assistance to the Tribe to implement such a plan.

The Tribe may, if it so desires, assert a confidential business information claim covering any or all information furnished to the EPA in response to this letter. Further details on how to make a confidential business information claim are included in Enclosure B. Until compliance with the SDWA is achieved, the Tribe is considered to be in violation of the SDWA and may be subject to further

enforcement action pursuant to Section 1414 of the CWA, 42 U.S.C. § 300g-3, which provides for, among other things, orders on consent, unilateral orders, civil judicial action, and/or financial penalties.

If you have any questions regarding this matter, please contact, Drinking Water Enforcement Officer, Brianna LaPapa at lapapa.brianna@epa.gov or at (404) 562-8165. For legal inquiries, please have your attorney(s) contact Bianca Jaikaran, Associate Regional Counsel, at Jaikaran.Bianca@epa.gov or (404) 562-9680.

Sincerely,

KERIEMA NEWMAN

Digitally signed by KERIEMA

NEWMAN

Date: 2024.08.07 09:59:48 -04'00'

Keriema S. Newman

Director

Enforcement and Compliance Assurance Division

cc: Guy Barrett

Fire Safety and Community Water Director

guyb@miccosukeetribe.com

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Miccosukee Reservation Public Water System

Our water system violated a drinking water requirement over the past year. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During calendar year 2023, we did not monitor for Lead and Copper levels and therefore cannot be sure of the quality of your drinking water during that time.

Residual disinfectant concentration means the concentration of disinfectant measured in mg/l in a representative sample of water.

What should I do?

There is nothing you need to do at this time. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants], how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken
Lead	10 samples every three years	0	June – September 2023	None taken
Copper	10 samples every three years	0	June – September 2023	None Taken

What is being done?

[Describe corrective action.] We will now have to take more samples, more frequently per our required monitoring schedule.

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 the Miccosukee Reservation PWS. PWS ID#: **041210001**.

Date distributed:

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for information which deals with the existence, absence, or level of contaminants in drinking water, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. Applicable EPA regulations relating to business confidentiality claims are at 40 C.F.R. Part 2 and 40 C.F.R. § 2.304(e).

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). Method and time of asserting business confidentiality claim. A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.