



REGION 10
SEATTLE, WA 98101

February 9, 2024

Richard Ferguson
BIA North Idaho
Po Box 277
99 Agency Road
Lapwai, ID 83540

Failure to Monitor or Report Nitrate, BIA North Idaho, PWS ID 101612108

Dear Mr. Ferguson:

The Environmental Protection Agency (EPA) has not received nitrate sample results for the 1/1/2023 - 12/31/2023 compliance period, which constitutes a violation of the National Primary Drinking Water Regulations [[40 CFR §141.23\(a\)](#)]. BIA North Idaho is required to collect one nitrate sample every year. Results must be reported to the EPA by the tenth (10th) of the month following the sampling period [[40 CFR 141.31\(a\)](#)]. Timely testing for nitrate is essential because nitrate poses short-term health risks to infants at elevated levels.

To return to compliance BIA North Idaho must either:

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

-OR-

2. Collect nitrate samples from sample site BIA-03 as soon as possible and submit results to R10TribalDW@epa.gov.

Additionally, BIA North Idaho 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 18:18:39
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cc: Luke Mchenry, BIA North Idaho
Danielle J. Russell, EFC Region 10/RCAC