



REGION 10

SEATTLE, WA 98101

February 12, 2024

Joseph Bob
Nooksack Indian Tribe
P.O. Box 157
Deming, WA 98244

Failure to Monitor or Report Nitrate and Failure to Monitor or Report Lead and Copper, Sulwhanon, PWS ID 105300141

Dear Mr. Bob:

The Environmental Protection Agency (EPA) has not received nitrate sample results for the 10/1/2023 - 12/31/2023 compliance period, which constitutes a violation of the National Primary Drinking Water Regulations [40 CFR §141.23(a)]. Sulwhanon is required to collect one nitrate sample every quarter. 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 Sulwhanon 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 SH-02 as soon as possible and submit results to R10TribalDW@epa.gov.

Also, the Environmental Protection Agency 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)]. Sulwhanon is required to collect 10 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 Sulwhanon 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 (1/1/2024 – 6/30/2024) and submit results to R10TribalDW@epa.gov.

Additionally, Sulwhanon 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,

For Karen Burgess
Manager
Groundwater and Drinking Water Section

cc: Kevin Roberts, Nooksack Indian Tribe
Sandy Redsteer, Indian Health Service