Message

From: Edgell, Joe [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B6211E5C1204B9E809783BF7561D6B9-JEDGELL]
Sent: 11/4/2019 6:38:54 PM
To: Mednick, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51c61b3f575043fca20e08a6059c10db-Mednick, Richard]
CC: Ingemansen, Dean [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=80449989b40b42ec8202ed034c75b237-Ingemansen, Dean]
Subject: RE: Warm Springs - Wastewater & Drinking Water

What do you propose should be our approach?

Joe Edgell; Branch Chief; Office of Regional Counsel; Air, Toxics, & Information Law Branch
U.S. Environmental Protection Agency- Region 10, 1200 Sixth Avenue, Suite 155, Mail Code 11-C07, Seattle, WA 98101
direct: 206-553-0684 • mobile: 206-247-4409 • edgell.joe@epa.gov

From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Monday, November 4, 2019 10:22 AM
To: Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Edgell, Joe <Edgell.Joe@epa.gov>
Subject: FW: Warm Springs - Wastewater & Drinking Water

Hi Dean and Joe,

For Warm Springs, I have looked into the status of the two wastewater compliance orders and two drinking water compliance orders. The following is what I have found.

The two wastewater orders date back to 2013 and cite over 4,000 NPDES permit violations, including effluent exceedances at two outfalls, between 2008 and 2012. Compliance was required by 12/31/13, but instead the violations have continued right up until the present time. So we have at least 11 consecutive years of thousands of permit violations and we are currently taking no further enforcement or compliance assistance action.

The two drinking water orders were issued in 2019 requiring various actions including correcting deficiencies and providing reports and plans for repairing, replacing, installing and disconnecting particular equipment by 10/1/19. EPA has agreed to extend this deadline nine months until 7/1/20. A couple of weeks ago, the Tribe issued its 5th boil water notice within the past year. A new water treatment plant is being erected with $15 to $24 million in funding from IHS but is not expected to be operational for another five years.

Richard

From: Andrews, Raymond <andrews.raymond@epa.gov>
Sent: Monday, November 4, 2019 8:48 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Subject: RE: Warm Springs

Dear Mr. Mednick,

Since the drinking water issues at the Confederated Tribes of Warm Springs were discovered, the wastewater issues have been put on the backburner. I haven't been in contact with the Tribe much lately so I can't fully answer all

your questions at this time but I am sending an email to their new Water and Wastewater Supervisor to find out what I don't know.

Here is what I can answer:

- Did the Tribe achieve compliance with the effluent limits and monitoring and reporting requirements in their permits by 12/31/13 as required by the AOC? If not, did the Tribe provide us with a notice explaining why compliance was not possible? **No** and **No**
- Since issuance of the AOCs, has there been 6 consecutive months of no discharge exceedances under either permit? **No**
- Have their been violations of the permits since issuance of the AOCs? If so, will EPA be taking any further action? **Yes, there have been additional violations. As of now, we are unsure what future actions against the Tribe will be taken, if any.**

Sincerely,

Raymond Andrews
Compliance Officer
Surface Water Enforcement Section
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, 20-C04
Seattle, WA 98101
(206) 553-4252

"Only when the last tree has died, and the last river has been poisoned, and the last fish has been caught will we realize we can't eat money."

- Unknown Native American

From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Thursday, October 31, 2019 10:44 AM
To: Andrews, Raymond <andrews.raymond@epa.gov>
Subject: FW: Warm Springs

Hi Ray,

Please see below for information that would assist me in understanding the current status of the wastewater issues.

Thank you,

Richard

From: Park, Chae <Park.Chae@epa.gov>
Sent: Thursday, October 31, 2019 8:56 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Subject: FW: Warm Springs

FYI Richard. At this point Ray has the latest update on where they are at.

Chae

From: Andrews, Raymond <andrews.raymond@epa.gov>
Sent: Thursday, October 31, 2019 8:54 AM
To: Park, Chae <Park.Chae@epa.gov>
Subject: RE: Warm Springs

Richard has not requested any information from me since you cc'ed me in the email.

Sincerely,

Raymond Andrews
Compliance Officer
Surface Water Enforcement Section
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, 20-C04
Seattle, WA 98101
(206) 553-4252

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- Unknown Native American

From: Park, Chae <Park.Chae@epa.gov>
Sent: Thursday, October 31, 2019 8:53 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: Andrews, Raymond <andrews.raymond@epa.gov>
Subject: RE: Warm Springs

I was just wondering if Ray and Richard are communicating on this. I have not been involved for several years and what I know about them is what I hear bits and pieces from others. Sorry I could not help more Richard.

Chae

From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Tuesday, October 29, 2019 11:47 AM
To: Andrews, Raymond <andrews.raymond@epa.gov>
Cc: Park, Chae <Park.Chae@epa.gov>
Subject: RE: Warm Springs

Thank you. I understand that the Tribe has drinking water problems and is subject to 2 SDWA compliance orders. But it would be helpful for me to know the status of compliance with the CWA and in particular the 2 CWA AOCs from 2013 (CWA-10-2013-0048; CWA-10-2013-0050). If possible, could you provide me with the following information?

- Did the Tribe comply with the training and maintenance plan requirements under the AOCs?
- Did the Tribe achieve compliance with the effluent limits and monitoring and reporting requirements in their permits by 12/31/13 as required by the AOC? If not, did the Tribe provide us with a notice explaining why compliance was not possible?
- Did the Tribe undertake the equipment repairs, replacement and installation work as required by the AOC in CWA-10-2013-0050?
- Since issuance of the AOCs, has there been 6 consecutive months of no discharge exceedances under either permit?
- Have their been violations of the permits since issuance of the AOCs? If so, will EPA be taking any further action?

Thank you, Richard

From: Park, Chae <Park.Chae@epa.gov>
Sent: Tuesday, October 29, 2019 8:59 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: Andrews, Raymond <andrews.raymond@epa.gov>
Subject: RE: Warm Springs

Hi Richard. I've not been involved for many years. But I heard enough to say they are most probably not in compliance with the AOCs. I spoke to the new person working with them: Ray Andrews. Ray says they have a lot of problems but focusing on drinking water vs NPDES. I'm copying Ray on this message.

Chae

From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Monday, October 28, 2019 4:23 PM
To: Park, Chae <Park.Chae@epa.gov>
Subject: Warm Springs

Hi John,

I am working on RCRA and CERCLA matters for a couple of landfills and some transfer stations on the Warm Springs Reservation and there is a briefing of the RA set for Wednesday afternoon on those matters. I see that there are a couple of CWA administrative orders on consent from 2013 for wastewater discharges and I am wondering if you could let me know the status of compliance under those AOCs?

Thank you, Richard

Richard Mednick
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