UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND WATERSHEDS

April 24, 2018

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Travis Wells,
General Manager, Public Utilities Branch
Warm Springs Indian Reservation
PO Box C
Warm Springs, Oregon 97761

Re: Sidwalter Public Water System (PWS ID #104101101) failure to correct significant deficiencies identified by a sanitary survey under the Ground Water Rule

Dear Mr. Wells:

The purpose of this letter is to inform you that the Sidwalter Public Water System (the System) is currently in violation of the National Primary Drinking Water Regulations, specifically for failure to correct significant deficiencies under the Ground Water Rule (40 C.F.R. §141.403). The U.S. Indian Health Service, on behalf of the U.S. Environmental Protection Agency (EPA), conducted a sanitary survey on April 24, 2014. EPA notified the System of significant deficiencies on August 1, 2014. Accordingly, the owner and/or operator of the System had 120 days from the receipt of EPA's Notice of Deficiencies letter to address the significant deficiencies or submit a schedule to EPA for approval specifying how and by when the significant deficiencies would be addressed.

On November 7, 2014, EPA sent a letter reminding the system that a corrective action plan (CAP) was due by December 9, 2014. EPA received the System's request for an extension and on December 15, 2014, EPA approved a CAP for the System to address all significant deficiencies by the spring of 2015. Though some deficiencies were addressed, EPA has not received evidence that the three significant deficiencies shown below were corrected. Due to these outstanding deficiencies, the System is in violation of the Ground Water Rule. In order for the Sidwalter Public Water System to return to compliance, these remaining significant deficiencies must be corrected or placed on an approved schedule:

Uncorrected Significant Deficiencies	Corrections to be Made
Sidwalter Pump House – Sources – No finished sample tap	A sample tap must be provided on the well discharge pipe following treatment.
Sidwalter Well – Sources – Improper or missing well or spring vent	The well vent must be screened with the return bend facing downward and terminating 18-inches above ground level or above minimum flood level, whichever is higher.

Sidwalter Well – Sources – Unsealed electrical conduit at groundwater source	The conduits and junction boxes must be sealed to prevent contaminants from entering the well casing.

As a result of the violation, the Sidwalter Public Water System, as a community water system, must notify its customers of this violation within 30 days of receiving this letter and every three months afterwards until the deficiencies have been corrected. A Public Notice template, instructions, and certification are enclosed to assist you. You are also required to send a copy of the Public Notice, certification that it was issued, and an action plan to address these outstanding deficiencies to Ms. Michelle Tucker at [HYPERLINK "mailto:tucker.michelle@epa.gov"] or:

Michelle Tucker
USEPA, Region 10 (OWW-193)
1200 Sixth Ave, Suite 155
Seattle, WA 98101

In addition to the Public Notice requirements, the water system must inform its customers of any significant deficiency that is uncorrected at the time of the next consumer confidence report. The System must continue to inform the public annually until EPA determines that the particular significant deficiency is corrected.

If you have any questions about this violation or how to return your water system to compliance, please contact Michelle Tucker at [HYPERLINK "mailto:tucker.michelle@epa.gov"] or (206) 553-1414. We appreciate your efforts to protect the health of the customers of your drinking water system.

Sincerely,

Marie Jennings
Drinking Water Unit Manager

Enclosures

cc: Mr. Laddie Folster,
Tribal Utility Consultant, Indian Health Services

Mr. Roy Spino
Water Manager,
Confederated Tribes of Warm Springs

Mr. Russell Graham,
Tribal Environmental Health,

Printed on Recycled Paper

Confederated Tribes of Warm Springs

Mr. Steve Courtney,
Operator, Sidwalter Community Water System

Mr. Jason Tohet,
Operator, Sidwalter Wastewater Treatment Plant

Printed on Recycled Paper

Instructions for Ground Water Rule Failure to Take Corrective Action Within Required Time Frame Public Notice

Template on Reverse

A system's failure to take corrective action within the required timeframe to be in compliance with an EPA-approved corrective action plan or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required Public Notice elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects, which must be included as written (with blanks filled in), is presented in italics in each notice with an asterisk on either end.

You must also include the following italicized language in all notices, where applicable [40 CFR 141.205(d)]. Use of this language does not relieve you of your obligation to take steps reasonably calculated to notify all persons served:

> *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.*

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with EPA to develop a corrective action plan.
- The [source of contamination/significant deficiency] has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice [40 CFR 141.31(d)].

Printed on Recycled Paper

Ground Water Rule Failure to Take Corrective Action Within Required Time Frame Public Notice

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

[System] Failed to Correct a Significant Deficiency Within Required Time Frame.

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

A routine inspection conducted on [give date] by the US Indian Health Service on behalf of the US Environmental Protection Agency (EPA) found [describe significant deficiency in our water system]

As required by EPA's Ground Water Rule, we were required to take action to [correct this deficiency]. However, we failed to take this action by the deadline established by EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?
This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?
[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

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 [system]. State Water System ID#: _____.
Date distributed: _____.

Printed on Recycled Paper

Public Notification Certification Form
The water system must complete this section. The signature below certifies that the notice contains all required elements.

Complete the following items (check all that apply):

☐ I mailed/delivered Public Notices to the water users within 30 days of receiving EPA's Notice of Violation for failure to correct significant deficiencies identified by a sanitary survey under the Ground Water Rule.

☐ **(For non-community systems ONLY)** Notice posted at _____ on ___ / ___ / ____ within 30 days of receiving EPA's Notice of Violation for failure to correct significant deficiencies identified by a sanitary survey under the Ground Water Rule.

All systems - Provide information of another method used to reach others if they would not be reached by the first method. Such methods could include newspapers, email, delivery to community organizations, etc.

_____

_____

_____ _____
Water System PWS ID

_____ _____ _____
Signature of owner or operator Position Date

Send a copy of the completed notice and this certification form to: [HYPERLINK "mailto:tucker.michelle@epa.gov"] **or US EPA R10 (OWW-193), 1200 Sixth Ave, Suite 155, Seattle WA 98101.**

Printed on Recycled Paper