From:	Baron, Adam
To:	Charity Bernard; Rickie W. Armstrong; Joe Bob
Cc:	Contreras, Peter; Hartman, Bob; Michael.OShea@ihs.gov; Jacobsen, Lisa
Subject:	Follow up from yesterday"s call on Drinking Water Proposed AOCs
Date:	Thursday, October 20, 2016 12:09:43 PM
Attachments:	Nooksack Sulwahnon AOC 10.20.16.pdf Nooksack 5 Cedars AOC 10.20.16.pdf Nooksack Nooksack River Casino AOC 10.20.16.pdf Nooksack Northwood Casino AOC 10.20.16.pdf Nooksack Rutsatz Rd AOC 10.20.16.pdf Nooksack Whispering Cedars AOC 10.20.16.pdf

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Charity –

Thanks so much for the call yesterday. It was a productive one. Per my commitment, here is a written follow up with 1) a summary of key points in our shared understanding of next steps, 2) high level summary remaining violations by system, and 3) the updated proposed AOCs in pdf that reflect up to date monitoring.

1) Next Steps:

The Tribe has made substantial strides in remedying several violations at each drinking water system. However, the Tribe has not yet reached full compliance and many of the violations that remain require longer time periods to correct. Lead and copper monitoring, for example, can't be achieved until next summer. With that in mind, EPA remains committed to Admin Orders on Consent to reflect the high level of cooperative effort between EPA and Nooksack Tribal leadership to track these issues to resolution to ensure the protection of public health. You committed to get back to us next week on whether tribal leadership was amenable to signing the proposed AOCs. We said we were aiming to have these signed by November 4th.

2) Summary of remaining violations:

In terms of new compliance information, we discussed that the Community Confidence Reports (CCRs) could be drafted by the end of October, and that Kevin Roberts does have operator certification and you would send us his certificate so that significant deficiency could be remedied. We also talked about difficulty in accessing portions of the River Casino and that was causing the monitoring violations for total coliform and chlorine residuals (and maybe lead and copper too?). On this point, we said that if no one was drinking water from this area any longer, it didn't need to be monitored and the water quality management plan would be updated to reflect the current state of operations. We also discussed the need for public notice of certain regulations such as failure to monitor and how that needs to be communicated to water system customers.

Here are is the high level list of violations by system:

a) 5 Cedars: CCRs, unaddressed significant deficiencies (SDs) identified in our September 30th 2011 letter, and Public Notice (PN) about those unaddressed SDs.

b) Northwood Casino: Incomplete lead and copper monitoring, unaddressed SDs identified in our October 23rd 2013 letter, and PN on that missed monitoring and unaddressed SDs.

c) River Casino: Missing total coliform and residual chlorine monitoring (discussed above), incomplete lead and copper sampling, unaddressed SDs identified in our November 15, 2013 letter, and PN on that missed monitoring and unaddressed SDs.

d) Rutsatz Road: Missing asbestos monitoring, CCRs, unaddressed SDs identified in our September 29, 2014 letter, and PN on that missed monitoring and unaddressed SDs.

e) Sulwahnon: E. coli maximum contaminant level violation (addressed when clear for 6 consecutive months), missing radiological monitoring, CCRs, unaddressed SDs identified in our July 8, 2013 letter, and PN on that missed monitoring and unaddressed SDs.

f) Whispering Cedars: Incomplete lead and copper monitoring, CCRs, unaddressed SDs identified in our October 26, 2013 letter, and PN on that missed monitoring and unaddressed SDs.

FYI, Rickie is in possession of all the letters referenced above. If you need me to resend, just let me know.

3) Updated AOCs are attached here. Again, they are in PDF. If specific language is at issue, please let us know and we will discuss what is able to be changed. At a minimum, for the unaddressed significant deficiencies, I've included our default of within 60 days and that will likely not be long enough for the hardware issues. The tribe should consider how much time you'll need to complete these tasks and suggest that schedule as a reasonable time to include in the orders.

Let me know if any of this is unclear or if you need more information. Thanks again for your efforts in working with us cooperatively.

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