From:	Baron, Adam
To:	Rickie W. Armstrong
Cc:	Hartman, Bob; Joe Bob; Contreras, Peter
Subject:	RE: AOC revisions/updates
Date:	Tuesday, November 15, 2016 5:53:06 PM
Attachments:	Nooksack Whispering Cedars AOC 11.15.16.pdf Nooksack 5 Cedars AOC 11.15.16.pdf Nooksack Nooksack River Casino AOC 11.15.16.pdf Nooksack Northwood Casino AOC 11.15.16.pdf Nooksack Rutsatz Rd AOC 11.15.16.pdf Nooksack Sulwahnon AOC 11.15.16.pdf

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Rickie –

Sorry for delay, I was in an all-day training. I'm going to send three emails for clarity.

1) This one with 6 updated AOCs attached
2) Second with 5 attachment As to Orders (5 Cedars no longer has this attachment because monitoring not required for Order)
3) Third is with the 6 referenced NOD letters all in one place and with the same naming convention.

Let me know if everything looks good on your end so you can get this on the council's agenda.

Adam Baron
Drinking Water Compliance Officer
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1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-6361
baron.adam@epa.gov

From:
Sent: Monday, November 14, 2016 6:19 PM
To: Baron, Adam <Baron.Adam@epa.gov>
Cc: Hartman, Bob <Hartman.Bob@epa.gov>; Joe Bob <JBob@nooksack-nsn.gov>; Contreras, Peter <Contreras.Peter@epa.gov>
Subject: RE: AOC revisions/updates

Thanks Adam,

I believe we only have the pdfs. Could you send a version of each of the latest AOCs with the longest time stated in each (180) for Rutsatz, Sulwhanon and 5 Cedars. Once we get a copy, I can forward to the GM and get onto a Council agenda with them.

Thank you,

Rickie Wayne Armstrong

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From: Baron, Adam [mailto:Baron.Adam@epa.gov]
Sent: Thursday, November 10, 2016 2:39 PM
To: Rickie W. Armstrong <rarmstrong@nooksack-nsn.gov>
Cc: Hartman, Bob <Hartman.Bob@epa.gov>; Joe Bob <JBob@nooksack-nsn.gov>; Contreras, Peter <Contreras.Peter@epa.gov>
Subject: RE: AOC revisions/updates

Rickie –

Thanks for your efforts on this. See my responses below in red.

Also I'm going to forward you my last email to Charity that has all of the NOD letters (except for 5 Cedars I just noticed, it's the violation letter, I'll dig in the file to find that one). Please note that some of them have the original cover letters and list of sig. def. as enclosures to the follow up letter, so you may have to scroll through a bit to get what you need in the original NOD letter.

Also as you noted below, EPA's draft Order per system just includes a timeline (i.e. within 60 days of the effective date of the Order) per violation of the groundwater rule. So you don't need to break

out each sig dif with its own timeline. The Orders should just include the longest task timeline. Let me know if that's not clear.

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From: Rickie W. Armstrong [mailto:rarmstrong@nooksack-nsn.gov]
Sent: Thursday, November 10, 2016 12:42 PM
To: Baron, Adam <Baron.Adam@epa.gov>
Cc: Hartman, Bob <Hartman.Bob@epa.gov>; Joe Bob <JBob@nooksack-nsn.gov>; Charity Bernard <cbernard@nooksack-nsn.gov>
Subject: AOC revisions/updates

Hi Adam,

I wanted to get back to you with updates/revisions to the AOCs, which only concern the corrective actions and timelines. The AOCs all reference compliance with the significant deficiencies mentioned in a letter (not the corrective action plan). I don't think I have received a copy of the original letters on each system. The groundwater rule (40 CFR 141.404) requires correction of the sig. def. or an approved CAP within 180 days of notice of sig.def. All of the systems at issue either failed to produce a CAP within 180 days, or were out of compliance with the timelines in the CAP. So the action needed now is correction of underlying the sig.def. Not a new CAP. Assuming the deficiencies identified in the letter match the CAPs, our comments/suggested revisions by system are as follows: My read is they do, but please verify with the letters I attached in Charity's email which I just forwarded to you.

1. **<u>5 Cedars</u>**
   Thank you for the updated AOC. On Section 4.2, I don't believe I have the letter dated 9/30/11, but only the follow ups re: (remedying outstanding CAP issues). If On certain many of the items listed in CAP did not have definite minimal requirements. I understand your concern. There aren't technically defined standards for some of these but are instead left to professional expertise of the sanitary surveyor. That being said, EPA will be looking for reasonable fixes to the issues and documentation of such. I'll answer what I can here, but if you have further technical questions, I would advise consulting your IHS TUC. Their job is to help the tribes with these issues. If you require a very specific written description of the tasks to be accomplished, I can set up a call with the TUC, Joe Bob, and myself and generate that. The CAP references "L32 Project" so I imagine IHS already has very specific write ups on each sig.def. Examples of this are: items 5 re: safe access (safe access issues usually have to do with the access ladder to the tanks being rusted or otherwise unsafe, or the top port to the tanks becoming rusted or gaskets wearing out or such. The CAP mentions lack of walkway which probably means there isn't a walkway with safety rails on top of the tank to

get to the access port. So the fix is usually maintenance or replacing that access equipment) and item 7 re: ventilation (adequate ventilation is important in pump houses to allow for safe personnel entry into the pump houses where harmful gasses could build up, however the ventilation needs to be adequately screened to keep insects or mammals from getting into the pump house. Again that probably specifically explained in the L32 Project description). Item 1 (well cap) is resolved (great, we'll just need documentation). Further, items 2, and 6-9 can be completed within 60 days – no issue. Items 3-4 could, and likely will take longer . As item 3 requires an outside analysis be completed, and item 4 depends on the results of item 3. A revision of section 4.2 from 60 days to 180 days should be sufficient (Again you may want to confirm with the TUC on how long this analysis would take and give yourself more time. Contractor availability may be an issue). Clarification on issues 5 and 7 would also assist, and may affect the Dept.'s ability to accomplish within 60 days.

2. **Rutsatz**
   Thank you for updates. On Section 4.3 (remedying outstanding CAP issues), a revision to 180 days should be sufficient to built the buffer between the well and septic tank. The remaining issues should be able to be remedied within 60 days.

3. **Sulwhanon**
   On Section 4.4, re: the CAP, same issue as Rutsatz (see above). The Dept. has installed a raw water sample tap and provided the certification, so those issues are corrected. (great, we'll just need documentation).

4. **Whispering Cedars**
   On Section 4.3, re: the CAP, the Dept. has installed the proper well cap, vent and/or seals and raised the casing. (great, we'll just need documentation). They should be able to correct the ventilation issues and create a written program within 60 days.

5. **River Casino**
   No additions/changes.

6. **Northwood Casino**
   No additions/changes.

If we are to utilize the dated letters as the reference point (vs. the survey or the CAP), please forward a copy of each of the referenced letters as soon as possible. I apologize in advance if I overlooked an email or the letter, but our server seems to have cleared out a large chunk of my emails. No problem, it's a lot to track. Thanks and have a good weekend.

Thank you,

Rickie Wayne Armstrong
Tribal Attorney
Office of Tribal Attorney
Nooksack Indian Tribe

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