

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

MAR 23 2010

Robert Johnson, Manager
Water Wheel Resort
HCR 20 - 2900
Blythe, CA 92225

Re: Tribal Interest on Water Wheel Resort Noncompliance with the Federal Safe Drinking Water Act ("SDWA") PWS I.D. No. 090600132

Dear Mr. Johnson,

The United States Environmental Protection Agency ("EPA") recently determined that the Water Wheel Resort public water system (the "System") located within the boundaries of the Colorado River Indian Tribe Reservation in Imperial County, CA is out of compliance with one or more regulations of the Safe Drinking Water Act (SDWA), 40 C.F.R. Part 141.62. The System has received letters from our office requesting cooperation in achieving compliance with the SDWA and its implementing regulations.

We anticipate that there may be the need to follow up with formal enforcement actions and if this becomes necessary, EPA will need additional information regarding the status of the community that the System serves. In preparation for the possible need, EPA requests information from the Colorado River Indian Tribe to assist us in determining whether Water Wheel Resort is a "tribal facility" for the purpose of procedures established in the EPA Guidance on the Enforcement Principles outlined in the 1984 Indian Policy, dated January 17, 2001 (the "Tribal Enforcement Policy").

We understand that Water Wheel Resort is not owned by the Colorado River Indian Tribe, but under the Tribal Enforcement Policy such a facility may still be handled as a tribal facility under certain circumstances. For purposes of the policy, a "tribal facility" includes (1) a facility owned or managed by Tribal Governments and (2) a facility that is not Tribally owned or managed, in which a Tribal Government has a substantial proprietary or non-proprietary interest, or over which a Tribal Government has control.

Under the Tribal Enforcement Policy, EPA implements different internal procedures depending on whether a facility is a "tribal facility" within the meaning of that policy. If a facility is determined to be a "tribal facility," the EPA regional offices may undertake enforcement action only with the concurrence of the EPA Headquarters for the Office of Enforcement and Compliance Assurance ("OECA"), and usually only after undertaking compliance assistance with the facility. If a facility is not a "tribal facility," OECA concurrence is not needed and EPA regional offices can generally proceed with enforcement in the same manner as it would with facilities located outside Indian country.

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We need additional information to determine whether Water Wheel Resort is a "tribal facility." As noted above, it is our understanding that the Tribal Government does not own or manage the Water Wheel Resort facility. However, we do not know whether the Tribal Government has a substantial proprietary or non-proprietary interest in the Water Wheel Resort facility.

To make this determination, we need the information requested below as soon as possible and anticipate making a determination as to whether Water Wheel Resort is a tribal facility within 30 days of receipt of this information. We strongly encourage you to provide us with this information to us within 10 business days.

Please describe the extent of Tribal interest in the Water Wheel Resort facility:

1. Does the Tribal Government receive any revenue from any of the Water Wheel Resort operations? If yes, how much?
2. Are any of the Water Wheel Resort facility employee members of the Colorado River Indian Tribe community, or have they been so in the recent past? If yes, how many, when, and for how long?
3. Are there any other community or cultural interests with respect to the Water Wheel Resort facility that EPA should take into account?

If you or your designated tribal representative has any questions concerning this letter or the Tribal Enforcement Policy, please feel free to call Jennifer Sui at 415-972-3565. Thank you in advance for your assistance in this important matter.

Sincerely,



Corine Li, P.E., Manager
Drinking Water Office (WTR-6)

cc: Cheyenne Garcia, Director
Mona Duran, Program Manager
Hayden Hardie, Environmental Health Officer
Jean Gamache, EPA Indian Programs Office
Karl Banks, EPA, Drinking Water Tribal Program Manager
Jennifer Sui, EPA, Enforcement Officer