



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
HELENA, MONTANA 59626

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EPA REGION VIII
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia Doney, President
Fort Belknap Community Council
RR1, Box 66
Harlem, MT 59526

Scott Snow, Manager,
Prairie Mountain Utilities
RR 1, Box 91
Fort Belknap Agency, MT 59526

Re: Addendum / Notice of Violation
Emergency Administrative Order
Docket No. SDWA-08-2008-0074
Prairie Mountain Utilities/Ft. Belknap
PWS ID #083090041

Dear President Doney and Mr. Snow:

On July 11, 2008, the U.S. Environmental Protection Agency (EPA) issued an Emergency Administrative Order (EAO) to the Ft. Belknap Indian Community Council and Prairie Mountain Utilities (Respondents), following a loss of pressure in the Ft. Belknap Agency water system (System). Among other things, the EAO required the Respondents to monitor the System's water twice daily for coliform. After allowing the Respondents to reduce the frequency of monitoring to weekly, EPA amended the EAO on September 2, 2008, in order to allow the Respondents to monitor the System's water for coliform twice per month, instead of the original requirement of daily, and to clarify that the Respondents were allowed to note free chlorine residual sample results on the laboratory form with each of the two total coliform samples collected per month.

On Monday, November 10, 2008, EPA learned that the tank has once again been allowed to go dry. The pressure loss was reported by Ralph Talks Different, operator of the System, at 8:00 am, in accordance with paragraph 11 on page 7 of the EAO. EPA appreciates Mr. Talks Different's call and recognition of an emergency situation.



As you know, EPA is concerned with pressure loss because this can cause a net movement of ground water into a system's pipes through the type of cracks, breaks, or joints that are common in all water systems. This ground water may carry disease causing organisms with it. Consequently, EPA is amending the EAO. Among other things, EPA is reinstating the requirements to monitor twice daily for coliform and to provide public notice. EPA is directing the Respondents to provide an alternative water supply. The amendments are set forth in more detail below.

1. Paragraph 5 on page 5 of the EAO is amended to read as follows:

Beginning no later than 24 hours after pressure of at least 25 pounds per square inch (psi) is regained throughout the System's distribution system and the System's distribution system is restored to service, Respondents shall begin collecting two total coliform samples of the treated water each day to determine compliance with the MCL for total coliform bacteria as set forth in 40 C.F.R. §141.63. Respondents shall continue twice daily total coliform monitoring until receiving written notice from EPA that they may discontinue twice daily sampling. Respondents shall report total coliform sampling results daily to EPA by email or FAX immediately upon receiving the laboratory results.

2. Paragraph 6 on pages 5 and 6 of the EAO is amended to read as follows:

After Respondents receive written notification from EPA allowing them to discontinue twice daily total coliform sampling, Respondents shall conduct weekly bacteriological sampling to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. §141.63. Respondents shall report weekly total coliform sampling results to EPA by email or FAX immediately upon receiving the laboratory results. Prior to having samples analyzed, Respondents shall designate one set of samples as their monthly compliance samples required to determine compliance with the total coliform MCL.

3. Paragraph 7 on page 6 of the EAO is amended to read as follows:

Respondents shall continue weekly bacteriological monitoring until they receive notification from EPA that they may discontinue weekly bacteriological sampling. Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. §141.21 to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. §141.63. Respondents shall report analytical results to EPA within the first 10 days after the end of the month of sampling, as required by 40 C.F.R. §141.31(a).

4. A new paragraph 15 is added to the EAO, stating:

Respondents shall maintain a minimum of 25 psi throughout the distribution system at all times.

The new paragraph 15 is effective immediately upon your receipt of this Addendum,

5. A new paragraph 16 is added to the EAO, stating:

Respondents shall notify all water users of the System that an alternative potable water supply is available. The alternative water supply shall be from a licensed water distributor or an EPA regulated drinking water supply that meets the National Primary Drinking Water Regulations. It must be made available at no cost as needed for drinking and cooking until Respondents receive written notification from EPA that alternative water is no longer necessary. Respondents shall provide the alternative water at a central location that is accessible to all persons served by the water system. Respondents shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the System. Respondents shall provide an alternative potable water supply within 24 hours of any future loss of pressure or other situation which may present serious adverse effects on human health as a result of short-term exposure to contaminants in the water supply.

The new paragraph 16 will become effective within 24 hours of your receipt of this Addendum.

6. This Addendum requires the Respondents to provide public notice in accordance with paragraph 12 on pages 7-10 of the original EAO, except that the renewed requirement to provide public notice will take effect within 24 hours of your receipt of this Addendum rather than within 24 hours of your receipt of the original EAO. In addition, Paragraph 12 of the EAO is amended to add a new subparagraph c., stating as follows:

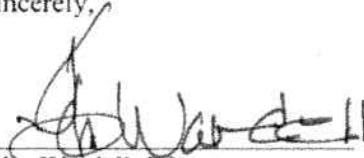
Respondents must provide public notice in the manner required by this paragraph 12 within 24 hours of any future loss of pressure or other situation that may present serious adverse effects on human health as a result of short-term exposure to contaminants in the water supply.

Please note that the remaining requirements of the original EAO, including but not limited to paragraphs 3, 4, 8, 9, and 13 of the EAO, relating to maintaining disinfection residuals, monitoring and reporting tank levels, taking representative samples, taking 24-hour repeat and additional following-month routine samples after a total coliform-positive sample, and providing public notice until notified by EPA in writing that it may be discontinued, are still in effect.


Please take special note of paragraph 10 on pages 6 and 7 of the original EAO, which requires the Respondents to ensure that adequate staffing is continuously maintained at the System's water treatment plant. The pressure loss that occurred on November 10th is a direct result of inadequate staffing throughout the weekend of November 8th and 9th. This failure is not only a violation of the EAO but is also contrary to oral assurances given immediately prior to that weekend to Barbara Burkland of EPA's Montana office. It is of utmost importance that the Respondents not violate this provision, or any other provision in the EAO, in the future.

If you have any questions or comments, please contact Barbara Burkland (406-457-5009) or Peggy Livingston, Enforcement Attorney (303-312-6858).

Sincerely,



John Wardell, Director
EPA Region 8 Montana Office



Michael T. Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

Robert Fox, Chair, Prairie Mountain Utility Commission
Tina Artemis, EPA Regional Hearing Clerk

bcc: Peggy Livingston, 8ENF-L
Lisa Kahn, 8ENF-W
Gary Carlson, 8P-W-DW