



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
HELENA, MONTANA 59626

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February 12, 2009

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia doney, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

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

Re: Violation of Amended Administrative Order
Docket No. SDWA-08-2007-0069
PWS #083090041

Dear President doney and Mr. Snow:

This letter is to inform you officially that the Fort Belknap Public Water System has had violations of the National Primary Drinking Water Regulations (NPDWRs), and of the Administrative Order, issued September 6, 2007, and amended April 8, 2008 (Amended Administrative Order). The Amended Administrative Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq.

I. The Amended Administrative Order, page 8, item 1, states:

"Upon the effective date of this order, monitor monthly for disinfection byproduct precursors, including "paired samples" of total organic carbon (TOC) in source water and treated water, and alkalinity in the source water (40 C.F.R. § 141.132(d)); and report analytical results and compliance calculations to EPA within the first 10 days of the end of the monitoring period (40 C.F.R. §§ 141.134(a) and (d))."



The Tribe and Utility failed to monitor for disinfection byproduct precursors in October, 2008.

2. The Amended Administrative Order, page 8, item 2 states:

“Upon the effective date of this order, monitor quarterly for disinfection byproducts in the distribution system (40 C.F.R. § 141.132(b)) to determine compliance with the disinfection byproducts MCL (40 C.F.R. § 141.64); and report analytical results and compliance calculations to EPA within the first 10 days of the end of the monitoring period (40 C.F.R. §§ 141.134(a) and (b)).”

The Tribe and Utility have failed to report disinfection byproduct results for the fourth quarter of 2008.

3. The Amended Administrative Order, page 8, item 3 states:

“Upon the effective date of this order, ensure that the turbidity of produced water remains at less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month (40 C.F.R. § 141.73(a)(1)); and ensure that the turbidity of produced water never exceeds 1 NTU (40 C.F.R. § 141.551(b)). Please submit copies of the CFE strip chart recorders monthly, with the system’s turbidity report. EPA will determine your compliance with these requirements using the monitoring results required by 40 C.F.R. § 141.551. Measurements must continue to be taken as described in 40 C.F.R. § 141.74(a) and (c), including, but not limited to, reporting the turbidity of the combined and individual filter effluent water samples at least once every 4 hours. Should produced water turbidity exceed 1.0 NTU, report to EPA the date and values of the exceedance(s) by the 10th of the following month (40 C.F.R. § 141.570(a)(3)).”

The Tribe and Utility failed to report turbidity at least every four hours on December 24, 2008, and exceeded 1.0 NTU in the finished water on two occasions on December 16, 2008.

4. Item 4 of the Administrative Order/Item 5 of the Amended Administrative Order requires that the Tribe and Utility provide EPA with a schedule to implement the improvements recommended in the primary Comprehensive Technical Assistance visit of June 6-8, 2007, and the Comprehensive Performance Evaluation conducted August 21-23, 2000. EPA received the schedule and letter of commitment on January 15, 2009. However, EPA had anticipated the inclusion of daily, weekly and monthly checklists requested as part of EPA’s comments, submitted to the Tribes on November 7, 2007. While the checklists were not included with the plan, they are referred to as attachments in the plan and the Utility stated the checklists will be used and signed. EPA therefore considers the checklists to be part of the plan. Please provide a copy of the checklists to ensure we have the most recent version. EPA will incorporate the schedule into the Amended Administrative Order as new enforceable requirements by sending an Addendum letter to the Tribe and Utility.


The monitoring violations for disinfectant residual and turbidity monitoring, and reporting, require Tier 3 public notice (PN) within 12 months of learning of the violation, or may be included in the System’s 2008 Consumer Confidence Report (which must be mailed out no

later than July 1, 2009 and a copy sent to EPA). A copy of a PN template and instructions is enclosed with this letter. If you issue a separate PN, please fill out and return the certification statement within 10 days of the notice.

EPA is considering additional enforcement action as a result of the noncompliance with the Amended Administrative Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction, ordering compliance.

If you have any questions or wish to have an informal conference with EPA, please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,



John Wardell, Director
EPA Region 8 Montana Office

cc: Scott Snow, Manager
Prairie Mountain Utilities

Robert Fox, Chairman
Prairie Mountain Utilities Board

Bum Stiffarm, CEO
Ft. Belknap Indian Community

Brian Wing, Councilman
Ft. Belknap Indian Community

Tina Artemis, Regional Hearing Clerk
EPA Region 8