



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

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July 27, 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

Margaret Nicholson, Director  
Prairie Mountain Utilities  
RR 1, Box 91  
Fort Belknap Agency, MT 59526

Re: Notice of Violation of Regulations, and  
Violation of Amended Administrative Order  
Ft. Belknap Agency Public Water System  
Docket No. SDWA-08-2007-0069  
PWS #083090041

Dear President doney and Ms. Nicholson:

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.

1. The Amended Administrative Order, page 9, item 4 states:

Turbidity from the individual filters must be monitored continuously, and recorded at least once every 15 minutes (40 C.F.R. § 141.560(c)). Report turbidity monitoring results to EPA within the first 10 days following the end of the monitoring period (40 C.F.R. § 141.75 and



141.570(b)). Report any instance where the turbidity of an individual filter exceeds 1.0 NTU in two consecutive recordings, 15 minutes apart, and identify the filter number, corresponding date(s), turbidity values which exceeded 1.0 NTU and the cause (if known), for the exceedances. Follow up action will be required if the turbidity of an individual filter, in two consecutive readings 15 minutes apart, exceeds 1.0 NTU for three consecutive months, or exceeds 2.0 NTU for two consecutive months (40 C.F.R. § 141.563(b) and (c)).

Filter 2 exceeded 1.0 NTU in two consecutive readings 15 minutes apart, on March 28, 2009; April 18 and 23, 2009; May 13 and 26, 2009; and June 1, 3, 16 and 23, 2009. Filter 2 exceeded 2.0 NTU in two consecutive readings 15 minutes apart on March 28, 2009 and on April, 18, 2009.

40 C.F.R. § 141.563(b) and (c) require that both an individual filter evaluation and a comprehensive performance evaluation (CPE), be performed at this time. In lieu of the individual filter evaluation and CPE, the Tribe may choose to continue the Comprehensive Technical Assistance (CTA) which was initiated with a June 6-8 2007 visit from the Midwest Assistance Program. A CTA project is intended to extend beyond a single visit, and to correct recurrent problems. Within 14 days of receipt of this letter, please respond in writing, informing EPA of the steps the Tribe will take to implement all measures to maintain required turbidity levels in the water leaving Filter 2.

2. 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)].

TOC results for the second quarter of 2009 were submitted on July 22, 2009, 12 days late.

3. The Amended Administrative Order, pages 8 and 9, item 3 states:

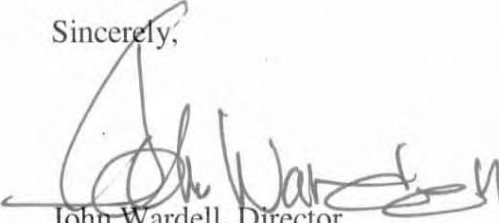
[Turbidity] measurements must continue to be taken as described in 40 C.F.R. § 141.74(a) and (c), including but not limited to, reporting the turbidity of the combined and individual filter effluent water samples at least once every 4 hours.

The Tribe and Utility failed to record turbidity at least every four hours on April 28, 2009.

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: Carole Boerner, IHS

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