



**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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Ref: 8MO

April 6, 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Tracy King, 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: **Violation of Amended Administrative  
Order and Regulations**  
Docket No. SDWA-08-2007-0069  
PWS ID #083090041

Dear President King and Ms. Nicholson:

I am writing to inform you that the Ft. Belknap Agency 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 (Tribes), 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 10, item 9 states:

“Upon the effective date of this Order, maintain the residual disinfectant concentration at the entry point to the distribution system at a level which does not fall below 0.2 mg/l for more than 4 hours (40 CFR § 141.72 (b)(2))”.

On March 28, 2010, the plant produced water with no chlorine residual for more than four hours. It is our understanding that approximately 200,000 gallons of unchlorinated water was sent to the tank and distributed to the public for consumption.



2. The NPDWRs state that:

“If at any time the residual falls below 0.2 mg/l in the water entering the distribution system, the system must notify EPA as soon as possible, but no later than by the end of the next business day. The system also must notify EPA by the end of the next business day whether or not the residual was restored to at least 0.2 mg/l within 4 hours (40 CFR § 141.75 (b)(3)(iii).”

On July 8 and July 28, 2009, the chlorine residual leaving the plant dropped below 0.2 mg/l. EPA was informed of these incidents on August 7, 2009.

On February 28, 2010, the chlorine residual leaving the plant dropped below 0.2 mg/l several times. Head Operator Scott Snow reported the low residuals to EPA on March 2, 2010.

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)).”

On July 28, 2009, produced water turbidity exceeded 3.0 NTU. Also during July, 2009, produced water turbidity was less than or equal to 0.3 NTU in only 88% of measurements taken.

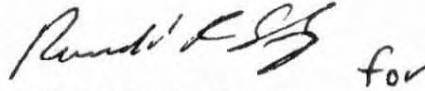
On September 13, 2009, produced water turbidity reached 2.4 NTU.

It is EPA's understanding that the unchlorinated water which entered the distribution system on March 28<sup>th</sup>, 2010 was produced while a contractor was running the plant. EPA strongly recommends that the plant not be allowed to run unattended, or that water be produced for consumption by anyone other than a qualified Tribal employee. Water produced for purposes of testing components of the new plant should be sent to the backwash pond. I appreciate the public notification which was prepared, posted in visible locations and aired by radio on March 31, 2010. Thank you also for providing a copy of the public notice to our office. I also appreciate the collection of two special coliform samples, on March 30. These samples were negative for coliform bacteria and had a chlorine residual. In the future, in an event such as this, the special samples should be collected immediately and public notice provided as soon as possible.

As you know, EPA and the Department of Justice are in the process of developing a Consent Decree which may assess penalties for violations such as those listed in this letter. In addition, violating an Administrative Order may lead to a penalty of up to \$37,500 per day.

If you have questions about these violations or wish to have an informal conference with EPA, please contact me at (406) 457-5025, or Barbara Burkland of my staff at (406) 457-5009. If your attorney wishes to discuss the violations, she is welcome to contact Amy Swanson at (303)312-6906.

Sincerely,

Handwritten signature of Julie DalSoglio in cursive, followed by the word "for" in a smaller, handwritten font.

Julie DalSoglio, Director  
EPA Region 8 Montana Office

cc: Scott Snow, Head Operator, Prairie Mountain Utilities  
Andy Werk, Councilman, Ft. Belknap Indian Community  
Rob Adams, IHS  
Catherine Aragon, Attorney, Ft. Belknap Indian Community  
Tina Artemis, Regional Hearing Clerk, EPA