



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

OCT 22 2010

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CT Corporation System
401 N. 31st St., Suite 1650
Billings, MT 59103-7054
Registered Agent for Apollo, Inc.

Brian Milne, President
Interstate Engineering, Inc.
425 E. Main St.
Sidney, MT 59270
Registered Agent for Interstate Engineering, Inc.

Kleinbard Bell & Brecker
900 Market St., Suite 700
Philadelphia, PA 19103
Registered Agent for Roberts Filter Holding Company

Re: Emergency Administrative Order
Docket No. SDWA-08-2011-0003
PWS ID #083090041

Gentlemen:

Enclosed is an Emergency Administrative Order ("Order") issued to Apollo, Inc., Interstate Engineering, Inc., and Roberts Filter Holding Company under section 1431 of the Safe Drinking Water Act ("SDWA"), 40 U.S.C. § 300i. The enclosed Order sets forth the actions that you must take to ensure that the people served by the water supply are provided with safe drinking water.

EPA is committed to working with you to ensure the safety of the Fort Belknap Agency's public water supply. If your staff has questions concerning the Order, please contact Lisa Kahn, who can be reached at (303) 312-6896.

We urge your prompt attention to this matter.

Sincerely,



FOR Julie DalSoglio, Director
EPA Region 8, Montana Office

Enclosure

cc:

Ron Harris
Project Manager
Apollo, Inc.
by email to rharris@apollo-gc.com

Brian Milne, President
Interstate Engineering, Inc.
by fax to 406-433-5618
by email to brianm@interstateeng.com

Carol Boerner, Acting Director, OEHE
Indian Health Service
by email to carole.boerner@ihs.gov

Karen Sanchez, State Engineer
U.S. Department of Agriculture
by email to karen.sanchez@mt.usda.gov

Steve Troendel, Community Programs Director
U.S. Department of Agriculture
by email to steve.troendle@mt.usda.gov

Nathan Tayler, Office of Senator Tester
by email to: nathan_taylor@tester.senate.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 OCT 22 PM 4:03

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)	
)	
Apollo, Inc.,)	EMERGENCY
Interstate Engineering, Inc., and)	ADMINISTRATIVE
Roberts Filter Holding Company,)	ORDER
)	
Fort Belknap Agency Public Water System)	
PWS ID# 0830900041,)	Docket No. SDWA-08-2011-0003
)	
Respondents.)	

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (the SDWA or Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.
3. EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health and state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).
4. EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Reservation (the Reservation). No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. Respondent Apollo, Inc. (Apollo) is a Montana corporation. Its registered agent is the CT Corporation System at 401 N. 31st St., Suite 1600, Billings, Montana, 59103-7054.
6. Respondent Interstate Engineering, Inc. (Interstate) is a North Dakota corporation. Its registered agent in Montana is Brian R. Milne at 425 E. Main, Sidney, Montana, 59270.
7. Respondent Roberts Filter Holding Company is a Pennsylvania corporation. Its registered agent is Kleinbard Bell & Brecker at 900 Market St., Suite 700, Philadelphia, Pennsylvania, 19103. Roberts Filter Holding Company has done business under the name Roberts Filter Group.
8. Apollo has contracted with the Fort Belknap Indian Community (the Tribe) to construct a new water treatment plant and distribution system (the water plant) on the Reservation.

9. Roberts Filter Group has subcontracted with Apollo to assist in designing, constructing, and installing a data management system and filters at the water plant.
10. Interstate has contracted with the Tribe to design the water plant.
11. Due to their roles in as contractors and/or subcontractors in designing and building the water plant, the Respondents have control over the operation of the water plant.
12. The water plant is part of the Fort Belknap Agency Public Water System (the system). The system regularly serves approximately 600 residents annually through 150 residential service connections at least 25 individuals per day at least 60 days per year. The system is therefore a “public water system” as defined in § 1401(4) of the Act, 42 U.S.C. § 300f(4).
13. EPA has determined that conditions exist or are about to exist at the system that may present an imminent and substantial endangerment to human health. The water plant has not operated since October 19, 2010, and it has only approximately 350,000 gallons of water in its tank. It is very likely that the system will no longer have water in its distribution lines at some point over the weekend of October 22-24. This will result in a loss of pressure. Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system. Low pressure or loss of pressure can also result in back siphonage. This can cause a high potential for fecal contamination or other disease causing organisms to enter the system’s pipes.
14. Prior to issuing this Order, EPA consulted with the local Tribal governmental authorities to confirm the facts and the potential endangerment and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

15. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order.

CORRECTIVE ACTION FOR TREATMENT PLANT

16. Respondents must immediately evaluate the treatment plant and make necessary repairs to ensure that safe water is provided to the system’s users.

17. Within 48 hours of receipt of this Order, Respondents must submit to EPA in writing an outline of actions taken and which will be taken to repair the treatment plant.

PUBLIC NOTICE

18. Within 24 hours of receipt of this Order, Respondents shall notify all users of the system's water of the situation described in this Order by delivering an advisory to all customers, posting it in conspicuous locations in the community, and announcing it on local radio. The notice must include instructions on conserving water. It must also include the applicable requirements of the following paragraph regarding an alternative water supply. Respondents shall submit a copy of the notice to EPA within 24 hours of its distribution. Respondents shall continue the public notice daily until EPA provides written notification that Respondents may discontinue doing so.

ALTERNATE WATER SUPPLY

19. If, within 24 hours of any Respondent's receipt of this Order, the treatment plant is not repaired and providing safe water to the system's users, Respondents must provide an alternative potable water supply. Respondents shall use the public notice required in paragraph 18, above, to notify the public that an alternative potable water supply is available. The alternative water supply must be made available within 24 hours of receipt of this Order, and be either (1) provided by a licensed water distributor, (2) purchased bottled water, or (3) provided by another public water system that meets the requirements of the drinking water regulations and shall be made available at no cost to all users of the system as needed for drinking and cooking until Respondents receive written notification from EPA that alternative water is no longer necessary. Respondents shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the system.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

20. If pressure in the system drops to less than 20 pounds per square inch, then once the system is returned to service and has regained pressure, Respondents shall, within 24 hours of regaining pressure, clean, flush, and disinfect the system, including disinfection of the system's distribution system and any storage tanks.

21. If the system has been flushed and disinfected, Respondents shall immediately collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution system.

22. After Respondents receive written notification from EPA that Respondents may discontinue daily total coliform sampling based on EPA's determination that a sufficient

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number of daily total coliform sample results from the system have been negative, Respondents shall collect weekly special purpose bacteriological samples (1 sample per week from the system).

23. Respondents shall monitor the chlorine residual at the same time and same location as the system's special purpose total coliform samples (as required above). Respondents shall maintain a detectable disinfectant residual as measured at the far end of the distribution system.

24. After Respondents receive written notification from EPA that Respondents may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of weekly total coliform sample results from the system have been negative, monthly total coliform sampling may resume to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.

25. Respondents shall collect all total coliform sampling at sites which are representative of water throughout the distribution system. Additionally, Respondents shall report all coliform and chlorine residual sampling results to EPA by telephone or fax immediately upon receiving the results.

26. For the total coliform sampling in paragraph 22, above, Respondents shall, before having these samples analyzed, designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

27. If any one of the designated compliance sample results are total coliform-positive, Respondents shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b) by collecting a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondents shall comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of 5 routine total coliform samples the month following a total coliform-positive compliance sample result.

28. EPA may require Respondents to increase and/or decrease total coliform sampling or chlorine residual sampling at any time while the Order is in effect.

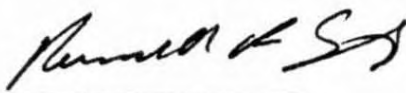
29. All contact with EPA on this matter shall be to:

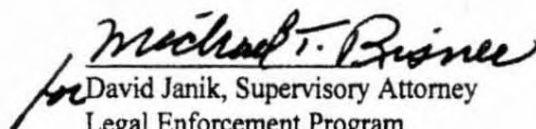
Lisa Kahn
US Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Phone: 303-312-6896 / Fax: 303-312-7518
e-mail: kahn.lisa@epa.gov

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30. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

Issued and effective this 22nd day of October, 2010.


FOR Julie DalSoglio, Director
EPA Region 8 Montana Office


for David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Emergency Administrative Order
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Interstate Engineering, Inc.
Roberts Filter Holding Company
Fort Belknap Agency Public Water System
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Certificate of Service

This is to certify that the preceding was sent to each of the following in the manner indicated below:

Ron Harris
Project Manager
Apollo, Inc.
by email to rharris@apollo-gc.com

CT Corporation System
401 N. 31st St., Suite 1650
Billings, MT 59103-7054
Registered Agent for Apollo, Inc.
By Certified Mail, Return Receipt Requested No. 7005 0390 0000 4845 6566

Brian Milne, President
Interstate Engineering, Inc.
425 E. Main St.
Sidney, Montana 59270
Registered Agent for Interstate Engineering, Inc.
By Certified Mail, Return Requested No. 7005 0390 0000 4845 6573
and by fax to 406-433-5618
and by email to brianm@interstateeng.com

Kleinbard Bell & Brecker
900 Market St., Suite 700
Philadelphia, PA 19103
Registered Agent for Roberts Filter Holding Company
By Certified Mail, Return Receipt Requested No. 7005 0390 0000 4845 6580
and by fax to 215-568-0140

By:  Date: October 22, 2010
Dayle De Arvil



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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