



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

2019 MAY 20 AM 10:44

FILED
EPA REGION VIII
HEARING CLERK

MAY 20 2019

Ref: 8ENF-WSD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Garland Stiffarm, CEO
Blackfeet Community Hospital
P.O. Box 760
Browning, Montana 59417

Re: Administrative Order issued to Indian Health Service regarding Blackfeet Community Hospital Public Water System, PWS ID #083090092, Docket No. **SDWA-08-2019-0021**

Dear Mr. Stiffarm:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Indian Health Service (Respondent), as owner and/or operator of the Blackfeet Community Hospital Public Water System (System), has violated the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information you believe the EPA may not have (any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served, *etc.*). If the EPA does not hear from the you, the EPA will assume this information is correct.

If you comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil administrative penalties.

If you have any questions or to request an informal conference with the EPA, please contact Steven Latino via email at latino.steven@epa.gov, or by phone at (800) 227-8917, extension 6440, or (303) 312-6440. Any questions from your attorney should be directed to Matthew Castelli, Enforcement Attorney, via email at castelli.matthew@epa.gov or by phone at (800) 227-8917, extension 6491, or (303) 312-6491.

We urge your prompt attention to this matter.

Sincerely,

T. Cantor

Tiffany A. Cantor, Section Chief

SDWA Enforcement

Enforcement and Compliance Assurance Division

Enclosure

1. Public Notification - Revised Total Coliform Rule Failure To Monitor Template
2. Tips for WY and Tribal Systems. How to Stay in Compliance with Monitoring Requirements Sheet.

cc: Melissa Haniewicz, EPA Regional Hearing Clerk
Chairman Timothy Davis, tdavis@blackfeetnation.com
Jim White, jim.white@ihs.gov
Jeff Severn, jeff.severn@ihs.gov
Gerald Wagner, Environmental Director, Blackfeet Utilities Commission
Andrew Delgado, Director of Field Operations, Andrew.delgado@ihs.gov
Jerry Smith, Jerry.smith@ihs.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2019 MAY 20 AM 10:44

IN THE MATTER OF: _____)
)
Indian Health Service,)
Blackfeet Community Hospital)
PWS ID # 083090092)
)
Respondent. _____)

Docket No. ~~SDWA-08-2019-0021~~
EPA REGION VIII
ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Indian Health Service (Respondent) is a Federal agency that owns and/or operates the Blackfeet Community Hospital Public Water System (System), which provides piped water to the public in Glacier County, Montana for human consumption.
3. The System is supplied by surface water and groundwater. The System's hospital treatment building primarily uses surface water but can use groundwater when needed. The System's dialysis clinic uses only groundwater. The surface water is purchased from Two Medicine Water System (PWS ID: 083090090) via the Town of Browning Water System (PWS ID: 083090091). The surface water is treated by Two Medicine Water System using cassette ultrafiltration and sodium hypochlorite disinfection prior to delivery. The System's hospital treatment building also filters the surface water with a pressure sand filtration system. The groundwater is supplied by a wellfield consisting of 3 wells. The System's hospital treatment building filters the groundwater with a sand filtration system. The System's dialysis clinic further filters the groundwater with a cartridge filter and reverse osmosis system prior to use in the dialysis machines. The rest of the facility is typically supplied via the surface water from Two Medicine, though in an emergency, the groundwater source could supply water to the entire facility.
4. The System has approximately one service connection and/or regularly serves an average of approximately 236 of the same individuals daily for at least six months out of the year. Additionally, the System serves a transient population of 350. Therefore, the System is a "public water system" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Drinking Water Regulations include monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondent was required to monitor the System's tap water for lead and copper triennially beginning in 2011. 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and

copper during June 1 and September 30, 2018 and therefore violated this requirement. Due to Respondent's failure to monitor during June 1 and September 30, 2018, reduced triennial monitoring has been revoked and Respondent must now monitor for lead and copper annually.

8. Respondent is required to monitor the System's water annually for nitrate at every entry point to the distribution system which is representative of each well after treatment. 40 C.F.R. § 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during 2018 and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during February 2018, September 2018, and March 2019, and, therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the Drinking Water Regulations no later than 1 year after the System learns of the violation and, within 10 days after completing public notice, provide a copy of the public notice to the EPA. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the February 2018 failure to monitor violation cited in paragraph 9, above, and/or failed to submit a copy to the EPA, and therefore violated this requirement. The public notice for all other violations cited in paragraphs 7, 8, and 9, above are not yet overdue.

11. Respondent is required to report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 9, above, to the EPA and therefore violated this requirement.

12. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 and 8, above, to the EPA and therefore violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

13. Between June 1, and September 30, 2019, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA, in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall monitor the System's water for lead and copper according to a tap sample site plan that has been submitted to the EPA, in accordance with 40 C.F.R. § 141.86(a). Within 30 days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d). For example, the System could post the results on a bulletin board in the facility to allow users to review the information. Within 90 days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3).

14. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for nitrate, in accordance with 40 C.F.R. §§ 141.23(a) and (d). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).
15. Respondent shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. §§ 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first ten days following the end of the System's required monitoring period. See 40 C.F.R. § 141.31(a).
16. Respondent shall report any violation of coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).
17. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 9, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.
18. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.
19. If Respondent contracts with or hires any other person or entity to operate the System, Respondent shall, within ten days, provide a copy of this Order to the contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.
20. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and latino.steven@epa.gov

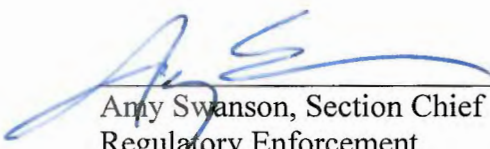
GENERAL PROVISIONS

21. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.


22. Violation of any part of this Order may subject Respondent to a civil administrative penalty of up to \$38,954 per day per violation (as adjusted for inflation) and/or a citizen's civil action. 42 U.S.C. §§ 300j 6, 300j 8; 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 25, 2019).

23. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: May 20th, 2019.



Amy Swanson, Section Chief
Regulatory Enforcement
Office of Regional Counsel



Tiffany A. Cantor, Section Chief
SDWA Enforcement
Enforcement and Compliance Assurance Division

PUBLIC NOTICE

Date of Release: _____ PWS Number: _____

FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All _____ Water Users
(Name of water system/business)

We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards.

*During _____ we did not complete all monitoring for total coliform
(compliance period)*

bacteria and therefore cannot be sure of the quality of our drinking water during that time.

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?

If you have any questions, please contact _____ at _____.
(Water system contact person) (Phone)

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.
You may use the above notice sample or write your own but the text in italics must be included in any notification.

PWS Operator/Responsible Party:

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community Systems must use one of the following methods:

- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:

- posting in conspicuous locations
- hand delivery
- mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved but in no case less than seven (7) days, even if the violation is resolved. If the violation has been resolved, you must post the notice for at least one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

After issuing the notice, make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice.

Send the copy of your notice and dates posted to:

RTCR MANAGER
 US EPA REGION 8
 PUBLIC WATER SYSTEM PROGRAM - 8WP-SDA
 1595 WYNKOOP ST.
 DENVER CO 80202

Or, you can fax a copy to: Attn: RTCR Manager at **877-876-9101**.

If you have questions about your RTCR FTM violation call 1-800-227-8917 and ask to speak with the RTCR Manager.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____



EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to “*What You Need to Do Next with Monitoring Requirements*” which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible! This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10th of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: r8dwu@epa.gov or faxed to: 1-877-876-9101

Where to Sample – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

Surface Water Treatment Rule – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

Total Coliform Rule

- Anytime you have a *E.coli* (EC+) sample you must call EPA IMMEDIATELY at 1-800-227-8917 and ask to speak with the RTRC Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in “*Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip*”, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2> , together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

Nitrates – This is an acute contaminant. If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

Other Rules - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

Drinking Water Online - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

Drinking Water Watch - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwizr8.epa.gov/Region8DWWPUB/default.jsp>

Emergencies (After Hours) - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.