



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

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EPA REGION VIII
HEARING CLERK

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Mark L. Azure, President
Fort Belknap Indian Community Council
R.R.1, Box 66
Harlem, Montana 59526

Ms. Margaret Nicholson, Director
Prairie Mountain Utility
R.R. 1, Box 91
Fort Belknap Agency, Montana 59526

Re: Emergency Administrative Order, Agnes Leggins Public Water Supply System,
Docket No. SDWA -08-2015-0008

Dear President Azure and Ms. Nicholson:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utility (Utility) pursuant to section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, in response to the Agnes Leggins Public Water System (System). On March 11, 2015, the System's Operator reported to the EPA that the System lost pressure due to a pump failure. The Order sets forth the actions both parties must take to ensure that the people served by the water supply is provided with safe water.

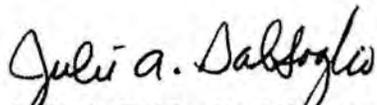
Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Back siphonage also is a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system, posing a potential imminent and substantial endangerment to human health.

The enclosed Order sets forth the actions FBIC and the Utility must take to address the current emergency situation. In addition to the action items set forth in the Preventative Measures section of the Order, requirements of the Order include notifying the public in the affected area of the situation described in the Order, distributing a boil water advisory, flushing and disinfecting the distribution system, providing an alternate potable water supply, monitoring the pressure in the distribution system, and performing increased total coliform and chlorine residual monitoring and reporting.

The EPA appreciates the work performed by the System operators and Utility to address the current loss of pressure and ensure the provisioning of safe drinking water to its users. Please do not hesitate to

contact me at (406) 457-5025 if you have any questions concerning the Order. If your staff has technical questions, they may contact Sienna Meredith (800) 457-2690, extension 5026, or (406) 457-5026. If you are represented by an attorney or have legal questions, please contact Mia Bearley, Enforcement Attorney, at (800) 227-8917, extension 6554, or at (303) 312-6554.

Sincerely,



Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosure

cc: Ina Nez Perce, Fort Belknap Environmental Director, email
Scott Snow, FBIC Head Operator
Sherry Bishop, FBIC Compliance Officer
Catharine Aragon, FBIC Tribal Attorney
Tina Artemis, EPA 8 Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF

Prairie Mountain Utility, Operator, and
Gros Ventre and Assiniboine Tribes of the
Fort Belknap Indian Community, Owner,

Agnes Leggins Public Water Supply
PWS ID # 083090049,

Respondents.

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)
) **EMERGENCY ADMINISTRATIVE
ORDER**

) Docket No. **SDWA-08-2015-0008**

)
)
)
) Proceeding under section 1431(a) of the
Safe Drinking Water Act

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 Public Health Service Act (also known as the Safe Drinking Water Act 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 \$21,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.
3. The EPA may issue such Emergency Administrative Orders when conditions exist which may present an imminent and substantial endangerment to the health of persons, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Reservation. No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) are federally recognized Tribes governed by the Fort Belknap Indian Community Council and are therefore "persons" as that term is defined in the Act. 42 U.S.C. § 300f(10), (12), (14).
6. Prairie Mountain Utility (Utility) is a tribal agency organized under the laws of the FBIC and is therefore a "person" as that term is defined in the Act and its implementing regulations. 42 U.S.C. § 300f(12); 40 C.F.R. § 141.2.
7. The FBIC (Respondent) and the Utility (Respondent), own and/or operate the Agnes Leggins Public Water System (System) located near Lodgepole, Montana, that provides water to the public for human consumption. The System is supplied by two ground water wells, which serve 100 users through 33 service connections. The FBIC and the Utility are collectively referred to as "Respondents" in this Order.

8. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are considered public water systems. 40 C.F.R. § 141.2. Public water systems are subject to the requirements of the Act at 42 U.S.C. § 300g and its implementing regulations (also known as the drinking water regulations) at 40 C.F.R. part 141.

9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons due to the likely entry of a contaminant into a public water system. On March 11, 2015, the EPA was notified that the System had a partial loss of pressure due to a pump failure in one of its two wells, which resulted in the closure of the school. The second well is not capable of keeping up with water demand for the System. The System does not have a back-up source of water and is working to provide water to the community in the interim through the Lodgepole Housing public water system (PWS) while the pump is being replaced. 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 that are common in all water systems. Back siphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution systems.

10. Before issuing this Order, the EPA consulted with the FBIC, the Utility, the System operator, and other governmental authorities to confirm the facts, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondents must notify the EPA in writing of their intent to comply with the terms of this Order. Email to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

12. Within 24 hours of receipt of this Order, Respondents must notify the public in the affected area of the situation described in this Order and distribute a boil water advisory. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondents must submit a copy of the notice to the EPA within 24 hours of its distribution. Respondents must continue providing the public notice until the EPA provides written notification to discontinue.

ALTERNATE WATER SUPPLY

13. Using the public notice required in paragraph 12 above, Respondents must notify the public that an alternate potable water supply is available. Respondents must provide at least two (2) liters of potable water per person per day at a central location that is accessible to all persons served by the System. The EPA understands that the Utility is arranging for water to be provided as an alternate source of water as needed. Respondents may also opt to provide an alternate water supply that is 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. Any alternate water supply chosen must be made available at no cost to all users of the System as needed for drinking and cooking until Respondents receive written notification from the EPA that alternate water is no longer necessary.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. Once the System has been temporarily connected to the Lodgepole Housing PWS, via a combined distribution system, and a pressure of at least 20 pounds per square inch (psi) is regained in the distribution system, the Respondents must clean and flush the System, including disinfecting the distribution system.

15. Once the System has been flushed and disinfected, Respondents must collect consecutive daily (1 sample per day) special purpose total coliform samples from both distribution systems (Lodgepole and Agnes Leggins).

16. After Respondents collect a sufficient number of consecutive daily total coliform samples that are negative and receive written notification from the EPA to discontinue daily total coliform sampling, Respondents must collect weekly special purpose bacteriological samples (1 sample per week).

17. After Respondents collect a sufficient number of weekly total coliform samples that are negative and receive written notification from the EPA to discontinue weekly total coliform sampling, Respondents must resume monthly total coliform sampling. The Respondents must designate at least one sample as the monthly compliance sample to determine compliance with the maximum contaminant level for total coliform. 40 C.F.R. § 141.63.

18. If any of the designated compliance sample results are total coliform-positive, Respondents must conduct repeat sampling as required by 40 C.F.R. § 141.21(b) by collecting a minimum of four (4) repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondents must comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of five (5) routine total coliform samples the month following a total coliform-positive compliance sample result.

19. If any of the designated routine sample results is total coliform-positive, within 24 hours of being notified of those results Respondents must collect a "triggered" sample from the source to be analyzed for *E. coli*. 40 C.F.R. § 141.402. The EPA can provide assistance to determine where the source sample should be collected.
20. Respondents must collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondents must report all sampling results to the EPA by telephone and by email or fax immediately upon receiving the results.
21. Respondents shall monitor the chlorine residual at the same time and same location as the total coliform samples until Respondent receives notification from the EPA to discontinue chlorine residual monitoring.
22. Respondents shall collect daily pressure readings in the Agnes Leggins and the Lodgepole Housing distribution systems to ensure proper pressure is maintained in both systems. Respondents shall continue daily pressure monitoring of both distribution systems until receiving written notification from the EPA to discontinue pressure monitoring.
23. The EPA may require Respondents to increase or decrease total coliform sampling, pressure monitoring, or chlorine residual sampling at any time while the Order is in effect.

PREVENTIVE MEASURES

24. Respondents shall, within five (5) business days of receipt of this Order, provide the EPA with a written explanation of the likely cause of loss of pressure in the distribution and a plan and schedule for eliminating future incidences.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS TO PUBLIC HEALTH

25. Respondents must notify EPA within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants. 40 C.F.R. § 141.202(b)(2).

REPORTING

26. Respondents must submit all monitoring and reporting required above to the EPA by telephone and email or fax within 24 hours of receiving the results. These reports should also include daily updates on the System's status and progress towards restoring normal water service.

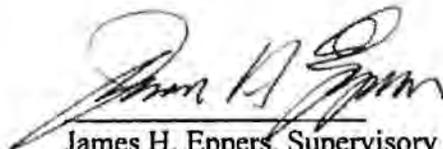
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27. The point of contact for all communication with EPA in this matter is:

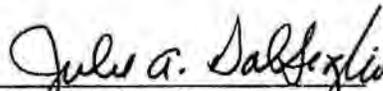
Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200
Helena, MT 59626
Phone (866) 457-5026 or (406) 457-5026
Fax (406)457-5055
Email: meredith.sienna@epa.gov

28. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a), Respondents may seek federal judicial review of SDWA section 1431 emergency orders.

Issued and effective this 13TH day of March, 2015.



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Julie A. DalSoglio, Director
EPA Region 8 Montana Office