

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 SEP 30 AM 8:17

Docket No.: SDWA-08-2007-0082

In the Matter of:)
)
Assiboine & Sioux Tribes)
of the Fort Peck Reservation)
)
Respondents.)
_____)

ORDER ON MOTION TO
REVISE CONSENT AGREEMENT

FILED
EPA REGION VIII
HEARING CLERK

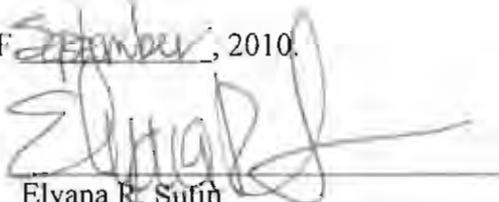
On September 24, 2010, Respondents filed an Unopposed Motion to Revise Consent Agreement. The Motion requests that the Consent Agreement be modified to change the Supplemental Environmental Project ("SEP") that was originally agreed to in the April, 2008 Consent Agreement. The reason for the change relates to Respondents' inability to spend all the necessary money as contemplated in the Consent Agreement. Respondents' wish to do an additional project to ensure the shortfall amount is spent and the SLP provisions are met. The new project provides funds to conduct drinking water testing and is intended to protect the health and environment on the Fort Peck Reservation. This additional SEP meets the intent of the original Consent Agreement.

On September 27, 2010, Complainant filed EPA Comments on Respondents' Motion to Revise Consent Agreement. The Agency supports the revision to the Consent Agreement and agrees that the additional SEP supports the parties' goal to protect drinking water sources and the health of local residents.

THEREFORE, the Motion to Revise Consent Agreement is GRANTED. All provisions of the April 28, 2008, Consent Agreement and Final Order still remain in effect pursuant to 40 C.F.R. § 22.18(b).

ORDER. Respondents shall spend \$12,566.00, the shortfall amount from the original SEP, no later than 4 months from the date of this Final Order.

IT IS SO ORDERED THIS 30th DAY OF September, 2010.


Elyana R. Sutin
Regional Judicial Officer
U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER ON MOTION TO REVISE CONSENT AGREEMENT** in the matter of **ASSIBOINE & SIOUX TRIBES OF THE FORT PECK RESERVATION; DOCKET NO.: SDWA-08-2007-0082** was filed with the Regional Hearing Clerk on September 30, 2010.

Further, the undersigned certifies that a true and correct copy of the documents were delivered James H. Eppers, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on September 30, 2010, to:

Douglas W. Wolf, Esq.
Sonosky, Chambers, Sachse, Endreson & Perry, LLP
1425 K Street, N.W., Suite 600
Washington, DC 20005

September 30, 2010



Tina Artemis
Paralegal/Regional Hearing Clerk

