



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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HEARING CLERK

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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

The Honorable Darrin Old Coyote, Chairman  
Crow Tribe  
P.O. Box 159  
Crow Agency, Montana 59022

Mr. Shawn Backbone, Sr., Vice Secretary  
Crow Tribe  
P.O. Box 159  
Crow Agency, Montana 59022

Re: Amended Emergency Administrative Order, Crow Agency (TP02) Public Water Supply System, Docket No. SDWA-08-2016-0037

Dear Chairman Old Coyote and Mr. Backbone:

The U.S. Environmental Protection Agency (EPA) is amending the Boil Order and Public Notice section of the Emergency Administrative Order (Order) issued to the Apsáalooke Water and Waste Water Authority (AWWWA) and the Crow Tribe (Tribe) on September 30, 2016, following a discussion with representatives of the Tribe and AWWWA on October 3, 2016.

Specifically, the EPA is staying the boil order and public notice required by the Order until the EPA and its contractor visit the Crow Agency (TP02) Public Water System on October 7, 2016, to assess the configuration of the Tribally-owned water plant and confirm that the equipment is operating properly and the data is recording accurately. This decision is based on representations by the AWWWA that the Tribal water plant currently is shut-down while undergoing preventative maintenance and will not be providing water to consumers until authorized by the EPA. During this time period, all compliance monitoring devices and plant recording mechanisms will be tested to ensure that they are functioning properly.

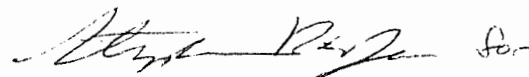
In addition, the boil order and public notice requirements of the Order are stayed until the EPA is provided with the full set of SCADA data for April 2016 to present at 5 minute time intervals for the Tribal water plant's finished water. Despite the EPA requesting this data previously and the regulations requiring the data be available on site during inspections, this information was not available during site visits on September 6 and 21, 2016, and has not been subsequently submitted. The Head Operator for the System, Mr. Chris Dillon, committed on October 3, 2016, to providing the EPA with this information during the site visit on October 7, 2016.

Following the site visit and the EPA's review of the outstanding 5 minute interval data, the EPA will issue a Second Amended Order by close of business Tuesday, October 11, 2016, cancelling or re-instating the boil order and/or public notice depending on the equipment and data review. Failure to provide the EPA with the SCADA output reports (4 hour reading report and detailed data logged at 5 minute intervals) for the timeframe requested will likely result in the boil order being imposed until such time as the EPA can verify the quality of the drinking water. **Please be advised that all other requirements of the Order remain in full force and effect.**

The EPA issued the Order under section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, based on a finding that the turbidimeter and chlorine analyzer for the produced water were not operational and that the data being recorded was not accurate. Timely, complete and accurate compliance monitoring data is critical to ensuring that the water is being adequately treated to meet the standards of the SDWA and that the consumers of the water are not at risk to pathogens confirmed present in the source water (*E. Coli and Cryptosporidium*). Timely consultation regarding public health issues is equally important. The EPA attempted several times to consult with the Tribe and other governmental authorities regarding the potential health threat prior to issuing the Order, but ultimately determined to issue the Order to protect public health absent a response from Tribal leadership. Based on our government-to-government relationship and mutual concern with providing tribal communities safe drinking water, the EPA encourages the Tribe to be timelier in responding to the EPA's requests to discuss potential emergency situations in the future.

Please do not hesitate to contact me at (303) 312-6053 if you have any questions regarding this Amended Order or its impact on the Order issued on September 30, 2016. 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 Amy Swanson, Enforcement Attorney, at (800) 227-8917, extension 6906, or at (303) 312-6906.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Ms. Connie Howe, Crown Environmental Protection Director  
Ms. Melissa Holds the Enemy, Attorney  
Crow Tribe

Mr. Chris Dillon, Head Operator  
Mr. John Doyle  
Apsaalooke Water and Waste Water Authority

Ms. Vianna Stewart, Crow Agency Superintendent  
Bureau of Indian Affairs

Mr. Joe Amiotte, Associate Area Director  
Office of Environmental Health and Engineering  
Billings Area Office Indian Health Service

Ms. Melissa Haniewicz, Regional Hearing Clerk  
U.S. EPA Region 8