



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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August 5, 2021

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Received by
EPA Region VIII
Hearing Clerk

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

The Honorable Timothy Davis, Chairman
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
tdavis@blackfeetnation.com

Re: Administrative Order Addendum, Blackfeet Tribe of the Blackfeet Reservation of Montana regarding Heart Butte Public Water System, PWS ID # 083090005
Docket # SDWA-08-2021-0006; ECN: 600.0023.2018_BlackfeetPWS

Dear Chairman Davis:

This is an Addendum to the Administrative Order (Order) issued to the Blackfeet Tribe of the Blackfeet Reservation of Montana (Tribe) on January 15, 2021. The purpose of this letter is to approve the Tribe's June 7, 2021 schedule (Schedule) to correct significant deficiencies identified in the August 14, 2017 Sanitary Survey report regarding culverts near Wells WL01 and WL02 and potential contamination of the wells. The Schedule is hereby incorporated into the Order pursuant to paragraph 19. Each milestone and deadline specified below is an enforceable provision of the Order.

Milestone

Deadline

Propose design specifications for a new 12-inch culvert in the intermittent stream near WL02 (north well) of approximately 190 linear feet, so as to create a 100-foot offset from WL02, by working either with contractors or IHS.	June 15, 2021
Procure contractor for installation of 12-inch culvert in accordance with design specifications.	August 2, 2021
Obtain a 404-permit from the Army Corps of Engineers for the installation of the new culvert, if needed.	August 2, 2021
Complete installation of 12-inch culvert in accordance with design specifications.	September 17, 2021

Abandon WL01 in accordance with MDEQ ARM well abandonment procedures.	November 1, 2021
Make observations of culvert effectiveness and submit report to EPA regarding whether or not additional steps are needed to ensure no standing water is within 100 feet of WL02.	June 1, 2022
If necessary, repeat above steps with additional engineering solutions to address problem during summer of 2022.	November 1, 2022

Within 10 calendar days of completing all steps included in the above Schedule, please notify the EPA of the project's completion as required by the Order. The Order also requires the Tribe to correct the significant deficiency by the final date specified in the approved Schedule. The EPA is authorized to seek penalties if these deadlines are not met. If the Tribe has a reasonable basis to believe it may be unable to meet any deadline in the Schedule, it must notify the EPA well in advance of the Scheduled deadline to request an extension. The EPA may, in its discretion, consider granting an extension. For any deadline prior to the date the Addendum was issued, please notify the EPA within 14 days when the milestone was completed or if the deadline was not met, provide a new proposed deadline.

As a reminder, you are required to notify the public of violations quarterly until they are corrected. If not already accomplished, please provide the EPA with a copy of the most recent public notice that was due by July 10, 2021, and the certification that the Tribe delivered it.

In addition, the EPA acknowledges that the COVID-19 pandemic also may impact construction projects. If the Tribe has specific COVID-19 issues that would affect the timeframes listed herein, please contact Christina Carballal via email at carballal-broome.christina@epa.gov or by phone at (800) 227-8917, extension 6046, or (303) 312-6046 as soon as possible. The EPA may, in its discretion, consider granting an extension.

If you have any questions concerning this Addendum, please contact Christina Carballal at the email and phone number listed in the above paragraph. Any legal questions from the Tribe's attorney should be directed to Matthew Castelli, Senior Assistant Regional Counsel, via email at castelli.matthew@epa.gov or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

Sincerely,

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

cc:

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