



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

SEP 20 11 2009 -8 PM 2:38

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EPA REGION VIII  
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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Tracy King, President  
Fort Belknap Indian Community  
R.R. 1, Box 66  
Harlem, MT 59526

Margaret Nicholson, Director  
Prairie Mountain Utilities  
RR 1, Box 91  
Fort Belknap Agency, MT 59526

Re: Notice of Violation of Regulations, and  
Violation of Administrative Order  
Docket No. SDWA-08-2009-0004  
Agnes Leggins PWS #083090049

Dear President King and Ms. Nicholson:

This letter is to inform you officially that the Agnes Leggins Public Water System has had violations of the National Primary Drinking Water Regulations (NPDWRs), and of the Administrative Order, issued October 9, 2008. The Administrative Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq.

1. The Administrative Order, page 5, item 1 states:

“Upon the effective date of this Order, Respondents shall comply with the total coliform and acute total coliform maximum contaminant level (MCL). 40 CFR 141.63(a).

The Utility and EPA were notified by the lab on February 11, 2011 that a sample collected on February 7 in the Agnes Leggins Housing area tested positive for total coliform



bacteria. On February 11, Sienna Meredith called Scott Snow and reviewed the process for collecting repeat and source water samples. Four repeat samples were collected on February 14 in the distribution system, along with one source water sample from the pump house. On February 16, the lab notified the Tribe and EPA that the four distribution samples were negative for total coliform bacteria while the source water sample was positive. The regulations state that no more than one sample collected during the month may be positive for total coliform bacteria. These samples constitute an exceedance of the total coliform MCL for February, 2011. The system has therefore violated the regulations and the Administrative Order.

2. The Administrative Order, page 6, item 7 states:

“Upon the effective date of this Order, Respondents shall maintain temporary continuous disinfection for the System until such time as the compliance plan described in paragraph 8 (of the Order), is fully implemented and following written approval from EPA.

That plan has not been fully implemented nor approved by EPA. At the time of the original TC+ sample, the disinfection system was not functioning. The system has therefore violated the Administrative Order.

For this MCL exceedance episode, the following actions are/were required:

1. Notify the EPA of the violation no later than the end of the next business day after learning of the violation. Operator Scott Snow notified EPA by phone on February 16 that one of the repeat samples was TC+.
2. Notify your customers of the MCL exceedance by publishing a public notice in the newspaper, or by direct delivery, within 30 days of your knowledge of each exceedance. Operator Scott Snow posted a public notice in the community on February 18, 2011 and faxed a copy to EPA.
3. You must include this violation in this year's 2010 Consumer Confidence Report.
4. You are required to implement action to correct water system deficiencies which may have contributed to this contamination episode. The well was disinfected on February 18. The disinfection system is running but without constant attention it is likely the chlorine pump will again lose prime.

A special sample was collected on February 22 and the lab reported this sample was negative for total coliform bacteria. A chlorine residual was present.

5. You are required to collect **five routine** coliform samples for the month of March, 2011.

EPA is considering additional enforcement action as a result of the noncompliance with the Administrative Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction, ordering compliance.



If you have any questions or wish to have an informal conference with EPA, please contact me at (406) 457-5025, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,



Julie DalSoglio, Director  
EPA Region 8 Montana Office

cc: Scott Snow, Head Operator  
Andrew Werk, Councilman  
Catherine Aragon, Tribal Attorney  
Bum Stiffarm, Tribal CAO  
Tina Artemis, Regional Hearing Clerk, EPA Region 8