

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF)	
)	Docket No. SDWA-08-2026-0031
Northern Cheyenne Utility Commission,)	
)	EMERGENCY
Respondent.)	ADMINISTRATIVE ORDER
)	
Lame Deer Public Water System)	
Public Water System)	
PWS ID#083090064)	



AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a). The undersigned official has been properly delegated this authority.
2. The EPA may issue an order under section 1431(a) of the Act, 42 U.S.C. § 300i(a), when a contaminant that is present in or is likely to enter a public water system or an underground source of drinking water may present an imminent and substantial endangerment to the health of persons, and appropriate state and local authorities have not acted to protect the health of such persons.

FINDINGS

3. The Northern Cheyenne Utility Commission (Respondent) is a tribal agency organized under the laws of the Northern Cheyenne Tribe (Tribe) and therefore is a “person,” as that term is defined in the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2, for purposes of federal enforcement under the Act.
4. The Respondent operates the Lame Deer Public Water System (System) located within the exterior boundaries of the Northern Cheyenne Indian Reservation of Montana on behalf of the Northern Cheyenne Tribe. The System provides water to the public for human consumption through pipes or other constructed conveyances.
5. The System is supplied by a groundwater source accessed via five wells. The water is treated with sodium hypochlorite. The System is operated year-round.
6. The System has approximately 844 service connections used by year-round residents and regularly serves an average of approximately 2,605 year-round residents. Therefore, the System is a “public water system” and a “community water

system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

7. On January 9, 2026, EPA communicated with appropriate tribal and/or local authorities regarding actions such authorities have taken in this matter to protect the health of individuals served by the System; to confirm the correctness of the information on which this Order is based; and to ascertain the actions which tribal and/or local authorities are or will be taking.
8. The EPA is responsible for direct implementation of the Act on the Northern Cheyenne Indian Reservation as no other governmental entity has received delegated authority to implement the Act on the Reservation. The EPA has determined that tribal and/or local authorities have not acted to protect the health of persons in this instance.
9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated in paragraphs 10 and 11, and that this Order is necessary to protect the health of such persons.
10. On January 8, 2026, the EPA was notified that a portion of the System lost pressure on January 7, 2026, due to a water line break in the distribution system. After repairs to the broken water line were completed on January 8, 2026, the System was unable to restore the lost pressure by refilling the East Storage Tank (ST01) and reported the discovery that the Well #1 (WL01) pump had failed.
11. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside of a pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential for fecal contamination or other disease-causing organisms to enter a distribution system.
12. On January 8, 2026, the EPA provided Respondent with a public notice template for a boil water advisory, and Respondent notified persons served by the System of the pressure loss on January 8 and 9, 2026.

ORDER

INTENT TO COMPLY

13. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of their intent to comply with this Order. Notification by e-mail to the EPA point of contact identified below is acceptable.

BOIL WATER ADVISORY PUBLIC NOTICE

14. The boil water advisory referenced in paragraph 12, above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.
15. Respondent must carry out the public notice and other notice requirements as required by 40 C.F.R. part 141, subpart Q.

ALTERNATE WATER SUPPLY

16. If the system has not already done so, using the public notice template referenced in paragraph 12, above, Respondent shall, no later than 24 hours after receipt of this Order, notify the public that an alternative potable water supply is available at no cost to all users of the System as needed for drinking, cooking, maintaining oral hygiene, and dish washing. Respondent shall provide at least one gallon of potable water daily per person at a central location that is accessible to all persons served by the System. The alternate water supply shall be made available until Respondent receives written notification from the EPA that it is no longer necessary to supply it.
17. No later than five days after the effective date of this Order (see paragraph 32, below), Respondent shall provide the EPA with a copy of its notification concerning an alternate water supply is available.

CORRECTIVE MEASURES

18. Within seven days after the effective date of this Order, Respondent shall provide the EPA with a plan and schedule that outlines corrective actions taken and/or to be taken to restore pressure and prevent future pressure loss at the System. The plan shall identify the cause of the pressure loss referenced in paragraph 10, if possible, and include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project. The proposed schedule shall include specific

milestone dates and a final completion date (to be within three months from the date of the EPA's approval of a schedule). The schedule must be approved by the EPA before construction or modifications may commence.

19. The schedule required by paragraph 18, above, will be incorporated into this Order as an enforceable requirement upon written approval by the EPA. If implementation of the plan fails to correct and/or prevent further pressure loss, the EPA may order further steps.
20. Respondent shall notify the EPA in writing within 24 hours after completing corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

21. Within 24 hours after completing corrective actions taken to address the cause of the pressure loss, Respondent shall disinfect and flush the System, with advisement from EPA as necessary.
22. After disinfecting and flushing the System, Respondent must take the following action beginning on the first date when chlorine levels return to normal: collect daily (two samples per day) "special" purpose total coliform samples (defined in 40 C.F.R. § 141.853(b)) from the System's distribution system until notified in writing by the EPA that consecutive daily sampling may be discontinued. These daily "special" samples should be collected at locations representative of the lowest chlorine residuals in the part of distribution that lost pressure. This is usually the furthest reaches in distribution near dead-ends and should include different locations each day of sampling. These daily samples should be labeled as "special" samples, not for determining compliance. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA immediately upon receipt of the analysis from the laboratory (*i.e.*, as soon as practicable, and in no event more than 24 hours after). Along with the total coliform sample collection, Respondent shall measure the chlorine residual indicating free or total, and provide these measurements along with the total coliform analysis from the laboratory.

23. After Respondent receives written notification from the EPA to discontinue “special” daily total coliform sampling, Respondent shall thereafter resume monthly routine total coliform sampling as required by 40 C.F.R. §§ 141.854-857 to determine compliance.
24. The EPA may require Respondent to increase sampling at any time while this Order is in effect.

REPORTING

25. Within 24 hours of receipt of this Order, Respondent must submit daily (Monday through Friday) updates on the progress of corrective actions, disinfecting and flushing the System, and monitoring for total coliform, *E. coli*, and chlorine residual to the EPA. The updates must continue daily until the EPA provides written notification to the Respondent that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.
26. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:

Christopher Brown

via e-mail: brown.christopher.t@epa.gov

Telephone (303) 312-6669

27. This Order does not relieve Respondent from the obligation to comply with any applicable federal, tribal or local law.
28. Failure to comply with this Order may result in civil penalties of up to \$29,911 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 90 Fed. Reg. at 1375 (January 8, 2025).
29. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. 300j-7(a).
30. The EPA may modify this Order. The EPA will communicate any modification(s) to Respondent in writing and they shall be incorporated into this Order.
31. The provisions of this Order shall be deemed satisfied upon Respondent’s receipt of written notice from the EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.

32. Issued and effective this 13th day of January, 2026.

Suzanne Bohan, Director
Enforcement and Compliance Assurance Division