



REGION 8

DENVER, CO 80202

FILED

Jun 12, 2026

1:31 pm

**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF)

The Gros Ventre and Assiniboine Tribes of)
the Fort Belknap Indian Community and)
Prairie Mountain Utilities,)

Respondents.)

Hays/White Cow Canyon Public Water)
System)
PWSID #083090044)

Docket No. SDWA-08-2026-0042

**EMERGENCY
ADMINISTRATIVE ORDER**

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 tribal and local authorities have not acted to protect the health of such persons.

FINDINGS

3. Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) are federally recognized Indian tribes (Tribes) and therefore “persons” within the meaning of 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2, for purposes of federal enforcement under the Act.
4. The Prairie Mountain Utilities is an entity chartered under the laws of the FBIC and therefore 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.

5. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community and Prairie Mountain Utilities (Respondents) own and operate the Hays/White Cow Canyon Public Water System (System) located within the exterior boundaries of the Fort Belknap Reservation of Montana. The System provides water to the public for human consumption through pipes or other constructed conveyances.
6. The System is supplied by a groundwater source accessed via two wells (the wells are referred to as WL01 and WL02). The water is treated with sodium hypochlorite.
7. The System has approximately 150 residential service connections used by year-round residents and regularly serves an average of approximately 840 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 and, therefore, is subject to the requirements of the Act and the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Part 141).
8. On June 12, 2026, EPA communicated with appropriate tribal and 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 local authorities are or will be taking.
9. The EPA is responsible for direct implementation of the Act on the Fort Belknap Reservation, as no other governmental entity has received delegated authority to implement the Act on the Fort Belknap Reservation. The EPA has determined that tribal and local authorities have not acted to protect the health of persons in this instance.
10. 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 paragraph 11 and that this Order is necessary to protect the health of such persons.
11. On June 5, 2026, the EPA was notified that a routine total coliform sample collected from the distribution system on June 3, 2026, was analyzed as positive for total coliform and negative for *E. coli*. On June 9, 2026, the EPA was notified that one

triggered source sample collected on June 8, 2026, from WL02, tested positive for total coliform and *E. coli*.

12. *E. coli* are bacteria whose presence indicates that the water may have been contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.
13. On June 9, 2026, the EPA provided Respondents with a public notice template for a boil water advisory. Respondents notified persons served by the System of the contamination on June 10, 2026.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondents must 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

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

ALTERNATE WATER SUPPLY

17. Using the public notice template referenced in paragraph 13, above, Respondents 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. Respondents 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 the Respondents receives written notification from the EPA that it is no longer necessary to supply alternative potable water.

18. No later than five days after the effective date of this Order (see paragraph 34, below), Respondents shall provide the EPA with a copy of their public notice to the public indicating that an alternate water supply is available.

CORRECTIVE MEASURES

19. Within 30 days after the effective date of this Order, Respondents shall provide the EPA with a plan and schedule that outlines corrective action taken and/or to be taken to prevent future *E. coli* contamination at the System. The plan shall identify the cause of the contamination referenced in this Order, 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. The schedule must be approved by the EPA before construction or modifications may commence.
20. The schedule required by paragraph 19, 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 prevent *E. coli* contamination, the EPA may order further steps.
21. Respondents shall notify the EPA in writing within 24 hours after completing any corrective action or milestone in the schedule required by paragraph 19.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after providing the notification required by paragraph 21, above, Respondents shall disinfect and flush the System unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
23. After disinfecting and flushing the System, Respondents must take the following action beginning on the first date when chlorine levels return to normal: collect consecutive daily (one sample 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 samples should be labeled as “special” samples, not for determining compliance. Respondents 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, Respondents shall measure the chlorine residual indicating free or total, and provide these measurements along with the total coliform analysis from the laboratory.

24. After Respondents receives written notification from the EPA to discontinue consecutive daily “special” total coliform sampling, Respondents shall collect weekly “special” total coliform samples (one sample per week).
25. After Respondents receives written notification from the EPA to discontinue daily “special” total coliform sampling, Respondents shall thereafter also resume monthly routine total coliform sampling as required by 40 C.F.R. §§ 141.854-857 to determine compliance.
26. The EPA may require Respondents to increase sampling at any time while this Order is in effect.

REPORTING

27. Within 24 hours of receipt of this Order, Respondents 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 Respondents that reports may be submitted less frequently or discontinued. These reports may be submitted via e-mail.
28. Any notices, reports, or updates required by this Order to be submitted to the EPA shall be submitted to:

Jessica Moore
email: Moore.Jessica@epa.gov
telephone: (303) 312-6441
29. This Order does not relieve Respondents from the obligation to comply with any applicable federal, tribal, or local law.
30. 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).

31. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. 300j-7(a).
32. The EPA may modify this Order. The EPA will communicate any modifications to Respondents in writing, and they shall be incorporated into this Order.
33. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from the EPA that Respondents have demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.
34. Issued and effective this 12th day of June, 2026.

for Suzanne Bohan, Director
Enforcement and Compliance Assurance Division