



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

The Honorable Alvin Not Afraid, Jr., Chairman
Crow Tribe
aj.notafraid@crow-nsn.gov

Mr. Cedric Black Eagle, Cabinet Head
Apsáalooke Water and Waste Water Authority
cedric.blackeagle@crow-nsn.gov

Re: Violation of Crow Tribe of Montana and Apsáalooke Water and Waste Water Authority
Administrative Order, Docket No. SDWA-08-2019-0043, Pryor Public Water System, PWS ID
#083090012

Dear Chairman Not Afraid, Jr. and Mr. Black Eagle:

On September 11, 2019, the EPA issued the above-referenced Administrative Order (Order), finding the Crow Tribe (Tribe) and the Apsáalooke Water and Waste Water Authority (AWWWA), to have violated the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.*, and directing the Tribe and the AWWWA to undertake certain corrective actions. Our records indicate that the Tribe and the AWWWA are in violation of the Order.

The Order included the following requirement (summarized from paragraph 15 on page 3 of the Order), which has not been fulfilled:

- Within 180 of days of receipt of this Order, the Tribe and the AWWWA shall complete the following corrective actions to address significant deficiencies (detailed in a May 9, 2017 letter referenced in paragraph 8 of the Order). The Tribe and the AWWWA shall also notify the EPA within 30 days after their completion.
 - The air vent on Tank ST01 must be at least 8 inches above the tank roof.
 - The air vent on Tank ST01 must have a solid cover to prevent rain and blown debris from entering the tank.
 - The overflow on Tank ST01 must be fitted with a #24-mesh non-corrodible screen, or a properly sealed flapper or duckbill valve.
 - The overflow on Tank ST01 must be piped to an elevation between 12 and 24 inches above the ground surface.
 - The overflow on Tank ST01 must discharge over a drainage inlet structure, splash plate, or engineered rip-rap.

The Tribe and AWWWA were required to correct the significant deficiencies by March 9, 2020. Our records indicate that the significant deficiencies have not been corrected.

Violation of any part of the Order may subject the Tribe and the AWWWA to a civil penalty, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

Please immediately address the outstanding violation and provide the EPA with notice of completed corrective action regarding the violation within 30 calendar days of receipt of this letter.

For assistance with actions necessary to come into compliance, please contact Olive Wittenberg, Environmental Protection Specialist, at (303) 312-6467 or (800) 227-8917 extension 312-6467. If the Tribe and AWWWA are represented by an attorney, please ask the attorney to direct any questions or comments to Peggy Livingston, Senior Assistant Regional Counsel, at (303) 312-6858 or at the following address:

Peggy Livingston, Senior Assistant Regional Counsel
U.S. EPA, Region 8 (8ORC-R)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

Enclosures

cc:

Ms. Melissa Walby, Chief of Staff, Crow Tribe
Ms. Connie Howe, Environmental Director, Crow Tribe
Ms. Miranda Rowland, Water Quality Coordinator, Crow Tribe
Mr. Dion Killsback, Tribal Counsel, Crow Tribe
Ms. Katherine Gray, CFO, Crow Tribe
Mr. Brewster Pretty on Top, operator, AWWWA
Mr. James Courtney, Utility Consultant, IHS
Mr. Jason Schneider, Utility Consultant, IHS
Mr. Quentin Allen, Acting Director, SFC, IHS
Ms. Susan Messerly, Acting Director Montana Office, BIA
Mr. Mike Black, Great Plains Regional Director, BOR
Ms. Melissa Haniewicz, EPA Regional Hearing Clerk