



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE

FEDERAL BUILDING, 10 West 15TH Street, Suite 3200

HELENA, MT 59626-0096

Phone 866-457-2690

www.epa.gov/region08

SEP 10 2015

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Mark L. Azure, President
Fort Belknap Indian Community Council
R.R.1, Box 66
Harlem, Montana 59526

Ms. Margaret Nicholson, Director
Prairie Mountain Utility
R.R. 1, Box 91
Fort Belknap Agency, Montana 59526

Re: Emergency Administrative Order, Hays White Cow Public Water Supply System,
Docket No. **SDWA-08-2015-0044**

Dear President Azure and Ms. Nicholson:

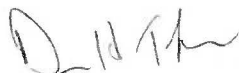
Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utility (Utility) pursuant to section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, in response to conditions at the Hays White Cow Public Water System (System) that may present an imminent and substantial endangerment to human health. The Order sets forth the actions the FBIC and the Utility must take to ensure that the people served by the water supply are provided with safe water.

On September 8, 2015, the System reported to the EPA a loss of pressure resulting in the Mission Housing Development served by the System being without water. An on-going investigation attributes a line break to the pressure loss. Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Back siphonage also is a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system, posing a potential imminent and substantial endangerment to human health.

The enclosed Order sets forth the actions FBIC and the Utility must take to address the current emergency situation. In addition to the action items set forth in the Preventative Measures section of the Order, requirements of the Order include notifying the affected public of the situation described in the Order, distributing a boil water advisory, flushing and disinfecting the distribution system, maintaining an alternate potable water supply, monitoring the pressure in the distribution system, and performing increased total coliform and chlorine residual monitoring and reporting.

The EPA appreciates the work performed by the System operators and Utility to find and restore the loss of pressure and voluntarily provide safe drinking water to its users. This Order is intended to support these efforts and further ensure that the necessary steps are taken to safely restore the System's water supply. If your staff has technical questions, they may contact Sienna Meredith (800) 457-2690, extension 5026, or (406) 457-5026. If you are represented by an attorney or have legal questions, please contact Amy Swanson, Enforcement Attorney, at (800) 227-8917, extension 6906, or at (303) 312-6906.

Sincerely,



Debra H. Thomas, Acting Director
Montana Office

Enclosures

1. Emergency Administrative Order
2. Public Notice template

cc: Ms. Ina Nez Perce, Environmental Director
Mr. Dennis Longknife, Compliance Officer
Ms. Catharine Aragon, Attorney
Fort Belknap Indian Community

Mr. Scott Snow, Head Operator
Prairie Mountain Utility

Jim White, Director of Sanitation Facilities Construction Program, Billings Area Health Service,
Indian Health Services

Rob Adams, Fort Belknap's Tribal Utility Consultant, Indian Health Services

Ms. Tina Artemis, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 8

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 SEP 10 AM 8:39

IN THE MATTER OF)
)
Prairie Mountain Utility, Operator, and)
Gros Ventre and Assiniboine Tribes of the)
Fort Belknap Indian Community, Owner,)
)
Hays White Cow Public Water Supply)
PWS ID # 083090044,)
)
Respondents.)
)

FILED
EPA REGION VIII
HEARING CLERK
**EMERGENCY ADMINISTRATIVE
ORDER**

Docket No. **SDWA-08-2015-0044**

Proceeding under section 1431(a) of the
Safe Drinking Water Act

AUTHORITY AND FINDINGS

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 Public Health Service Act (also known as the Safe Drinking Water Act or Act). 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$21,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.
3. The EPA may issue such Emergency Administrative Orders when conditions exist which may present an imminent and substantial endangerment to the health of persons, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Reservation. No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) are federally recognized Tribes governed by the Fort Belknap Indian Community Council and are therefore "persons" as that term is defined in the Act. 42 U.S.C. § 300f(10), (12), (14).
6. Prairie Mountain Utility (Utility) is a tribal agency organized under the laws of the FBIC and is therefore a "person" as that term is defined in the Act and its implementing regulations. 42 U.S.C. § 300f(12); 40 C.F.R. § 141.2.
7. Respondents, FBIC and Utility, own and/or operate the Hays White Cow Public Water System (System) located near Hays, Montana, that provides water to the public for human consumption. The System is supplied by two ground water wells, which serves 840 year round users through 139 service connections.

8. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are considered public water systems. 40 C.F.R. § 141.2. Public water systems are subject to the requirements of the Act at 42 U.S.C. § 300g and its implementing regulations (also known as the drinking water regulations) at 40 C.F.R. part 141.

9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons. On September 8, 2015, the EPA was notified that the System had a partial loss of pressure due to a line break causing the Mission Housing area of the Hays White Cow public water system to lose water pressure. Mission Housing serves 170 residents through 32 service connections. The leak has been located and isolated. The soil surrounding the 300-400 feet of distribution is gravelly and excavation will need to take place to fix the leak. Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Back siphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution systems.

10. Before issuing this Order, the EPA consulted with the FBIC, the Utility, the System operator, and other governmental authorities to confirm the facts, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondents must notify the EPA in writing of their intent to comply with the terms of this Order. Email to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

12. Within 24 hours of receipt of this Order, Respondents must notify the public in the affected area of the situation described in this Order and distribute a boil water advisory. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondents must submit a copy of the notice to the EPA within 24 hours of its distribution. Respondents must continue providing the public notice until the EPA provides written notification to discontinue.

ALTERNATE WATER SUPPLY

13. Using the public notice required in paragraph 12 above, Respondents must notify the public that an alternate potable water supply is available. Respondents must provide at least two (2) liters of potable water per person per day at a central location that is accessible to all persons served by the System. The EPA understands that the Utility is arranging for water to be provided as an alternate source of water as needed. Respondents may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of the drinking water regulations. Any alternate water supply chosen must be made available at no cost to all users of the System as needed for drinking and cooking until Respondents receive written notification from the EPA that alternate water is no longer necessary.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. Once the System has located and repaired the leak, and a pressure of at least 20 pounds per square inch (psi) is regained in the distribution system, the Respondents must clean and flush the System, including disinfecting the distribution system.

15. Once the System has been flushed and disinfected, Respondents must collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution system.

16. After Respondents collect a sufficient number of consecutive daily total coliform samples that are negative and receive written notification from the EPA to discontinue daily total coliform sampling, Respondents must collect weekly special purpose bacteriological samples (1 sample per week).

17. After Respondents collect a sufficient number of weekly total coliform samples that are negative and receive written notification from the EPA to discontinue weekly total coliform sampling, Respondents must resume monthly total coliform sampling. The Respondents must designate at least one sample as the monthly compliance sample to determine compliance with the maximum contaminant level for total coliform. 40 C.F.R. § 141.63.

18. If any of the designated compliance sample results are total coliform-positive, Respondents must conduct repeat sampling as required by 40 C.F.R. § 141.21(b) by collecting a minimum of four (4) repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondents must comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of five (5) routine total coliform samples the month following a total coliform-positive compliance sample result.

19. If any of the designated routine sample results is total coliform-positive, within 24 hours of being notified of those results Respondents must collect a “triggered” sample from the source to be analyzed for *E. coli*. 40 C.F.R. § 141.402. The EPA can provide assistance to determine

where the source sample should be collected.

20. Respondents must collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondents must report all sampling results to the EPA by telephone and by email or fax immediately upon receiving the results.

21. Respondents shall monitor the chlorine residual at the same time and same location as the total coliform samples until Respondents receives notification from the EPA to discontinue chlorine residual monitoring.

22. The EPA may require Respondents to increase or decrease total coliform sampling, pressure monitoring, or chlorine residual sampling at any time while the Order is in effect.

PREVENTIVE MEASURES

23. Respondents shall, within five (5) business days of receipt of this Order, provide the EPA with a written explanation of the likely cause of loss of pressure in the distribution and a plan for eliminating future incidences.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS TO PUBLIC HEALTH

24. Respondents must notify EPA within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants. 40 C.F.R. § 141.202(b)(2).

REPORTING

25. Respondents must submit all monitoring and reporting required above to the EPA by telephone and email or fax within 24 hours of receiving the results. These reports should also include daily updates on the System's status and progress towards restoring normal water service.

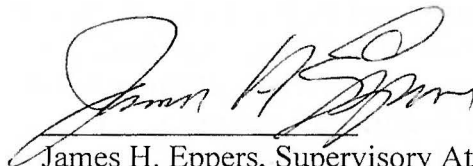
26. The point of contact for all communication with EPA in this matter is:

Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200
Helena, MT 59626
Phone (866) 457-5026 or (406) 457-5026
Fax (406)457-5055
Email: meredith.sienna@epa.gov

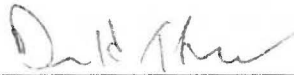
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27. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes a final agency action. Under section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a), Respondents may seek federal judicial review of SDWA section 1431 emergency orders.

Issued and effective this 10 day of September, 2015.



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Debra H. Thomas, Acting Director
Montana Office

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be issued by broadcast media [*where applicable*] and posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Hays White Cow water system. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 *et seq.* following any future National Primary Drinking Water Regulations (“NPDWRs”) violations. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R. § 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING

After Issuing the Notice

Make sure to send EPA a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the pressure loss. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water. It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

Please send a copy of your notice and dates posted to:

Sienna Meredith
US EPA
10 West 15th St., Suite 3200
Helena, MT 59626
FAX: (406)457-5055
Meredith.sienna@epa.gov

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____.
(Date) (Date)

The attached notice was issued by _____.
(Method of delivery)

Signature _____ Date _____

For more information, please contact _____ at _____. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the Hays White Cow public water supply.

Water System ID#: 083090044.

Date distributed: _____.