



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
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EPA REGION VIII
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Darryl LaCounte, Acting Regional Director
Bureau of Indian Affairs, Rocky Mountain Region
2021 4th Avenue N.
Billings, MT 59101

Re: 5th Violation of Amended Administrative Order and Amended Administrative Order Addendum,
Docket No. SDWA-08-2011-0064, BIA Crow Agency (TP01) Public Water System,
PWS ID #083090011

Dear Mr. LaCounte:

On February 22, 2013, the U.S. Environmental Protection Agency (EPA) issued the Bureau of Indian Affairs (BIA) a 2nd Amendment to the Administrative Order (Order) and Amended Administrative Order Addendum (Addendum), Docket No. SDWA-08-2011-0064, requiring the BIA to comply with various regulations under the Safe Drinking Water Act (Act), 42 U.S.C. § 300f et seq. at the BIA owned and operated Crow Agency (TP01) Public Water System (System).

Our records indicate that the BIA is not in compliance with the Order. Specifically, the BIA is in violation of the following requirements (summarized from items 1, 2 and 8 of Appendix A of the Addendum):

1. Submit the Comma Separated Values (CSV) data in excel format weekly to the EPA. The report should include raw water intake, raw water pump status, effluent valve status on each individual filter, turbidity levels for each individual filter, backwash pump status, filter to waste status, combined filter effluent turbidity levels, and combined filter effluent chlorine levels weekly until notified otherwise by the EPA.

BIA failed to submit weekly CSV data to the EPA in a timely manner from January 1, 2014 to April 1, 2014.

2. BIA must monitor Individual Filter Effluent (IFE) turbidity and record results for each of the two filters at least once every 15 minutes, and keep these records for at least 3 years. Copies of each month's IFE records must be submitted to the EPA by the 10th of the following month using the Surface Water Treatment Rule (SWTR) report, until notified otherwise.

BIA failed to submit the monthly SWTR report in a timely manner for the months of July, September, and November 2013, and January 2014.

3. BIA must continuously monitor the residual disinfectant concentration of the water entering the System's distribution system. The lowest value each day must be recorded and reported to the EPA by the 10th of the following month using the SWTR report.

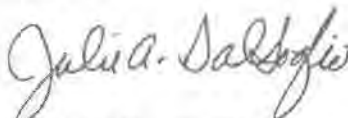
BIA failed to submit the monthly SWTR report in a timely manner for the months of July, September, and November 2013, and January 2014.

The EPA is discouraged by these continuing reporting violations, prompting a fifth violation letter of the administrative order issued in 2011, and subsequent amendments and addendums. While the BIA has made great strides to improve the safety of the Crow Agency water supply and otherwise comply with the order, the timeliness and consistency of the data reported to the EPA remains a problem. At this juncture, there is no additional assistance or incentive that the EPA can offer the BIA to improve its compliance with the monitoring requirements. In addition, the System failed to obtain a certified operator as planned by the end of March 2014. The next step to obtain compliance with the reporting requirements and outstanding significant deficiency and protect the health of those served by the system is to assess penalties or obtain a court injunction ordering compliance. The EPA will prepare to escalate enforcement over the next few months for recent reporting violations. The EPA may consider additional actions in the future, absent an immediate and sustained return to compliance with all requirements of the order.

If you have any questions or wish to have an informal conference with the EPA, you may contact Sienna Meredith at 1-866-457-2690, extension 5026 or (406) 457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906, (303) 312-6906 or swanson.amy@epa.gov.

We urge your prompt attention to this matter.

Sincerely,



Julie A. DalSoglio, Director
EPA Region 8 Montana Office

cc: Darrin Old Coyote, Chairman
Leroy Cummins, Lead Operator, BIA Crow Agency
Vianna Stewart, Superintendent, BIA
Christian Bends, Administrative Manager, BIA
Alvin Not Afraid, Cabinet Head, Apsalooke Water and Wastewater Board