



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

JUN 12 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Tracy King, 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
Docket No. SDWA-08-2013-0036
Lodgepole Housing Public Water Supply System

Dear President King and Ms. Nicholson:

Recent total coliform and e. coli positive test results for the Lodgepole Housing Public Water System (System) necessitate that the U.S. Environmental Protection Agency (EPA) issue the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utility (Utility) as System owners/operators the enclosed Emergency Administrative Order (Order) to ensure that the persons served by the System are provided with safe water.

The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons. On June 7, 2013, the EPA was notified that a special Total Coliform Rule (TCR) sample had been taken in the System. The TCR sample came back positive for total coliform and e. coli. Two of the five additional TCR samples collected on June 7, 2013, tested positive for total coliform and e. coli. On June 6, 2013 a member of Montana Rural Water on site providing technical assistance verified that a septic drain field serving ten homes was less than 20 feet upslope of the well head. The ground was saturated due to flooding. The EPA is working with the System to confirm the source of contamination.

Total coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. If samples test positive for total coliform, this is a warning of potential water quality problems. Total coliform include a group of bacteria known as fecal coliforms, which in turn include a subgroup of bacteria known as e. coli bacteria. Fecal coliforms and e. coli are types of coliform bacteria whose presence indicates possible contamination with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea,

and associated headaches and fatigue. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

As you know, the System has a history of positive total coliform samples and e. coli contamination and been subject to past boil orders because the water was non-potable. The EPA applauds the FBIC's and Utility's efforts to permanently address this problem by agreeing in the recently signed drinking water settlement with the United States to consider whether to consolidate the Lodgepole Housing and Agnes Leggins Systems or to provide continuous disinfection at the System and either interconnect or initiate disinfection within a specified timeframe after the settlement document is fully-executed and filed. If interconnection is the selected option, the System's well and storage tank will be physically disconnected.

The enclosed Order sets forth the actions FBIC and the Utility must take to address the current emergency situation. Requirements of the Order including notifying the public in the affected area of the situation described in the Order and distributing a boil water advisory; providing an alternate potable water supply for drinking and cooking; increasing total coliform and chlorine residual sampling; and disinfecting.

The EPA appreciates all the work performed by the System operators and Utility to address the current contamination and ensure the provisioning of safe drinking water to its users. Please do not hesitate to contact me at (406) 457-5025 if you have any questions concerning the Order. 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,


Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosure:

Emergency Administrative Order

cc:

Tina Artemis, EPA 8 Regional Hearing Clerk
Ina Nez Perce, Fort Belknap Environmental Director, email
Scott Snow, FBIC Head Operator
Sherry Bishop, FBIC Compliance Officer
Catharine Aragon, FBIC Tribal Attorney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUN 12 PM 2:44

IN THE MATTER OF _____)
)
Prairie Mountain Utility, Operator, and) **EMERGENCY ADMINISTRATIVE**
Gros Ventre and Assiniboine Tribes of the) **ORDER**
Fort Belknap Indian Community, Owner.)
)
Lodgepole Housing Public Water Supply) Docket No. **SDWA-08-2013-0036**
PWS ID # 083090047,)
)
Respondents.) Proceeding under section 1431(a) of the
) Safe Drinking Water Act

FILED
EPA REGION VIII
HEARING CLERK

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the 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 \$16,500 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. Respondent Fort Belknap Indian Community (FBIC) is a federally recognized Indian tribe and is therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(10), (12), (14).
6. Respondent 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 Lodgepole Housing Public Water System (System) located near Lodgepole, Montana, that provides water to the public for human consumption. The System is supplied by one groundwater well, which serves 105 users through 23 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 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 June 7, 2013, the EPA was notified that a special Total Coliform Rule (TCR) sample had been taken in the System in response to a consumer complaint of cloudy water. The TCR sample came back positive for total coliform and *E. coli*. Two of the five additional TCR samples collected on June 7, 2013, tested positive for total coliform and *E. coli*. On June 6, 2013, the Governor of Montana declared a State of Emergency for the Fort Belknap Reservation because of recent flooding conditions. A member of Montana Rural Water providing the System technical assistance verified that a septic drain field serving ten homes was less than 20 feet upslope of the well head. The ground was saturated due to flooding. The EPA is working with the System to confirm the source of contamination, although the septic field is suspected as the primary source.

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 liters of potable water daily per person at a central location that is accessible to all persons served

by the System. EPA understands that the tribal Disaster Emergency Services (DES) department is currently providing bottled water, and that a water supplier from Chinook has been contracted to provide an alternative source of water as needed. This water may constitute an "alternate water supply" for this purpose, but Respondents must remind residents using this water that the do-not-use instructions apply. 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 source of contamination is identified and corrective action is completed, Respondents must clean and flush the System, including disinfecting the distribution system and any storage tanks that are part of the 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 one 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 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 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. EPA can provide assistance to determine where the source sample should be collected.

20. Respondents must monitor the chlorine residual at the same time and same location as the total coliform samples (as required in paragraphs 15 through 18 above) until Respondents receive notification from the EPA to discontinue chlorine residual monitoring.
21. 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.
22. The EPA may require Respondents to increase or decrease total coliform sampling or chlorine residual sampling at any time while the Order is in effect.

COMPLIANCE MEASURES

23. Respondents must implement the agreed-upon resolution to address the *E. coli* contamination according to the timeframes specified in the F/BIC's and Utility's Consent Decree with the United States, recently approved by the F/BIC Council and signed by President King. The Consent Decree states that within 60 days of the date of entry, the Board must consider whether to consolidate the Lodgepole Housing and Agnes Leggins systems or to provide continuous disinfection at the Lodgepole Housing system and present a plan for the preferred option to the Council for approval. Interconnection or initiation of disinfection must be completed within 90 days of presentation to the Council. If interconnection is the selected option, the Lodgepole Housing well must be physically disconnected from the system within 30 days of the interconnection.

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:

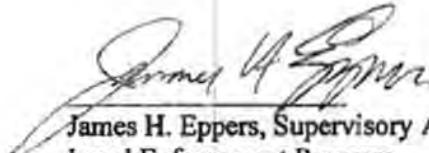
Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200

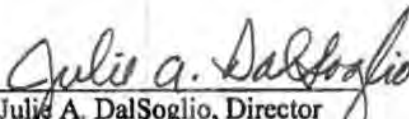
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Fort Belknap Indian Community and Prairie Mountain Utility
Lodgepole Public Water System
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Helena, MT 59626
Phone (866) 457-5026 or (406) 457-5026
Fax (406)457-5055
Email: meredith.sienna@epa.gov

27. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes 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 12th day of June, 2013.


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


Julie A. DalSoglio, Director
EPA Region 8 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 Lodgepole Housing water system. Upon the effective date of this Order, Respondents 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. Respondents 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 DISHES, OR USED FOR HUMAN CONSUMPTION, ETC.,

SHALL BE BOILED FOR AT LEAST ONE (1) MINUTE, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

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 violation. 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 EPA 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 _____

DRINKING WATER WARNING

The Lodgepole Housing water system had *E. coli* present in its distribution

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

On June 7, 2013, the EPA was notified that a special Total Coliform Rule (TCR) sample had been taken in the System. The TCR sample came back positive for total coliform and *E. coli*. Two of the five additional TCR samples collected on June 7, 2013, tested positive for total coliform and *E. coli*. On June 6, 2013 a member of Montana Rural Water on site providing technical assistance verified that a septic drain field serving ten homes was less than 20 feet upslope of the well head. The ground was saturated due to flooding. The EPA is working with the System to confirm the source of contamination.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for one minute**, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- Bacteria and other organisms can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

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 Lodgepole Housing PWS.

Water System ID#: 083090047.

Date distributed: _____.