

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)

Eagle Nest School District)

Respondent.)

Crazy Horse School)
Public Water System)
PWS ID#084690468)

Docket No. SDWA-08-2026-0025

**EMERGENCY
ADMINISTRATIVE ORDER**

FILED

Nov 17, 2025

4:18 pm

U.S. EPA REGION 8
HEARING CLERK

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

FINDINGS

3. The Eagle Nest School District (Respondent) is a public body that operates the Crazy Horse School Public Water System (System) located within the exterior boundaries of Pine Ridge Reservation (Reservation) of South Dakota. The System provides piped water to the public for human consumption through pipes or other constructed conveyances.
4. Respondent is a “person” as that term is defined in the Act. 42 U.S.C. § 300f(12).
5. The System is supplied by purchased surface water accessed via an interconnect to Wanblee East. The water is treated by conventional filtration followed by chloramination for secondary disinfection at the Mni Wiconi Water Treatment Plant (084690026), which passes through the Wanblee East Water System (084690021).
6. The System has approximately 33 service connections and regularly serves an average of approximately 360 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4)

of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that regularly serves at least 25 of the same persons over six months per year and, as such, is also a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.

7. On November 10, 2025, EPA consulted with appropriate tribal, federal, and/or 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, federal, and/or local authorities are or will be taking.
8. The EPA is responsible for direct implementation of the Act on the Reservation as no other governmental entity has received delegated authority to implement the Act on the Reservation. The EPA has determined that tribal, federal, and/or local authorities have not acted to protect the health of persons in this instance.
9. 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 10, and that this Order is necessary to protect the health of such persons.
10. On November 6, 2025, the EPA was notified that a routine total coliform sample collected from the distribution system that was collected on November 4, 2025, was *E. coli* positive. On November 8, 2025, EPA was notified that at least one repeat sample, collected on November 7, 2025, from the distribution system was also *E. coli* positive. This triggers an *E. coli* maximum contaminant level (MCL) violation. 40 C.F.R. § 141.860.
11. *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, some of the elderly, and people with severely compromised immune systems.
12. On November 8, 2025, the EPA provided Respondent with a public notice template for a boil water advisory.

ORDER

INTENT TO COMPLY

13. Within 24 hours of receipt of this Order, Respondent 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

14. If Respondent has not already done so, Respondent must, no later than 24 hours after receipt of this Order, notify persons served by the System using the public notice template referenced in paragraph 12 above.
15. The public notice referenced in paragraph 12 above, shall remain in place until the EPA provides written notification to Respondent that the boil water advisory is no longer needed.
16. Respondent 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 12 above, Respondent 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. Respondent 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 Respondent 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), Respondent 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, Respondent shall provide the EPA with a plan and schedule that outlines corrective actions 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 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/or prevent *E. coli* contamination, the EPA may order further steps.
21. Respondent shall notify the EPA in writing within 24 hours after completing any corrective action.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

22. Within 24 hours after providing the notification required by paragraph 21, above, Respondent shall disinfect and flush the System in consultation with an engineer or Indian Health Service unless EPA indicates other required monitoring is needed prior to disinfecting and flushing.
23. After disinfecting and flushing the System, Respondent must take the following action beginning on the first date when chlorine levels returned 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 use to determine regulatory compliance. Respondent 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, Respondent shall measure the total chlorine residual and provide these measurements along with the total coliform analysis from the laboratory.
24. After Respondent receives written notification from the EPA to discontinue daily “special” total coliform sampling, Respondent shall thereafter resume monthly

routine total coliform sampling as required by 40 C.F.R. §§ 141.854-857 to determine compliance

25. After Respondent receives written notification from the EPA to discontinue consecutive daily “special” total coliform sampling, Respondent shall collect weekly “special” total coliform samples (one sample per week).
26. The EPA may require Respondent to increase “special” purpose total coliform sampling at any time while this Order is in effect.

REPORTING

27. Within 24 hours of receipt of this Order, Respondent 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 Respondent 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:

Marlon Bell

via e-mail: Bell.marlon@epa.gov

Telephone (800) 227-8917, ext. 6539, or (303) 312-6539

29. This Order does not relieve Respondent from the obligation to comply with any applicable federal, 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. Respondent 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 modification(s) to Respondent in writing and they shall be incorporated into this Order.
33. The provisions of this Order shall be deemed satisfied upon Respondent’s receipt of written notice from the EPA that Respondent has demonstrated, to the satisfaction

of EPA, that the terms of this Order have been satisfactorily completed.

34. Issued and effective this 10th day of November, 2025.

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division