



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

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia Doney, President
Fort Belknap Community Council
RR1, Box 61
Harlem, Montana 59526

Re: Administrative Order
Docket No. **SDWA-08-2007-0069**
Prairie Mountain Utilities
Fort Belknap Agency Public Water System
PWS ID #08309 0041

Dear President Doney:

On July 5, 2005, the U.S. Environmental Protection Agency (EPA) sent a draft Compliance Assistance Plan (CAP) to the Fort Belknap Indian Community (FBIC) and the Prairie Mountain Utilities (the Utility) as owner/operator of the Fort Belknap Agency drinking water treatment plant. The CAP included a list of the water system's violations of the National Primary Drinking Water Regulations (NPDWRs) since August 2004, compliance assistance tools to aid with compliance, and a list of actions to be completed by the FBIC and the Utility to return the water system to compliance. The CAP was finalized on August 29, 2005, and established an 18-month implementation period which ended on or about February 28, 2007.

On August 3, 2006, EPA issued a draft modified CAP based on subsequent violations of the NPDWRs. EPA did not receive a response from you, and has since documented additional violations. EPA has determined that the FBIC and the Utility did not comply with the actions outlined in the CAP and continue to incur violations of the NPDWRs.

Due to continued noncompliance, and to the potential for impacts to public health from drinking water which does not meet the NPDWR requirements, EPA is issuing the FBIC and the Utility an Administrative Order (Order) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. The Order requires the performance of specified action items in accordance with an enforceable schedule to return the system to compliance with the SDWA.

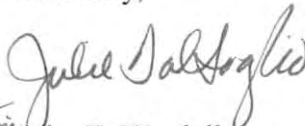


If the FBIC and the Utility comply with the Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

If you would like additional information, please feel free to contact me directly at (800) 457-2690, extension 5001, or (406) 457-5001. If your staff have technical questions, they may contact Barbara Burkland at (800) 457-2690, extension 5009, or (406) 457-5009. 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.

I urge your prompt attention to this matter.

Sincerely,


Acting John F. Wardell,
for Director

Enclosures

Order
Public Notice Template

cc: Scott Snow, Manager
Prairie Mountain Utilities

Robert Fox, Chairman
Prairie Mountain Utilities Board

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
 The Fort Belknap Indian Community, Owner,)
 and Prairie Mountain Utilities, Operator,)
 Fort Belknap Agency Public Water System)
 Harlem, MT 59526)
 PWS ID# 083090041)
)
 Respondents.)
)
 Proceedings under section 1414(g))
 of the Safe Drinking Water Act,)
 42 U.S.C. § 300g-3(g))
)

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0069**

The following findings are made and order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) in the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the Supervisors in the Legal Enforcement Program, Office of Enforcement, Compliance and Environmental Justice and the Montana Office, EPA Region 8.

AUTHORITY

1. Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), authorizes the Administrator to issue an administrative order requiring compliance and/or assessing a civil penalty for noncompliance with any applicable requirement.

2. EPA has primary enforcement responsibility for public water systems on Indian lands, pursuant to the regulations for implementation and enforcement of the National Primary Drinking Water Regulations (NPDWRs) set forth at 40 C.F.R. § 141.2.

FINDINGS

1. The Fort Belknap Indian Community (FBIC) is a federally-recognized tribal government/tribal agency comprised of the Assiniboine and Gros Ventre Tribes, and is a "person" within the meaning of 40 C.F.R. § 141.2 for purposes of federal enforcement.

2. The Prairie Mountain Utilities (the Utility) is a tribal agency under the laws of the Fort Belknap Indian Community Business Council and is therefore a "person" within the meaning of 40 C.F.R. § 141.2 for purposes of federal enforcement.

3. Respondent FBIC owns the Fort Belknap Agency Public Water System (System), located in the northwest portion of the Fort Belknap Indian Reservation, Montana, that provides water for human consumption.

4. Respondent Utility operates the System.

5. The System serves approximately 2,000 residents annually through 420 service connections.

6. The System is a "public water system" within the meaning of 40 C.F.R. § 141.2.

7. The System serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "community water system" within the meaning of 40 C.F.R. § 141.2.

8. Respondents FBIC and Utility own and/or operate the System and therefore are "suppliers of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondents therefore are required to comply with the Act and its implementing regulations, 40 C.F.R. part 141.

9. The System is supplied solely by surface water from the Milk River.
10. On August 29, 2005, EPA issued a final Compliance Assistance Plan (CAP) to the Fort Belknap Water System. The CAP listed the violations that had occurred, described the assistance EPA had provided to the Respondent to facilitate compliance with the Act, and explained the actions which would enable the System to return to compliance. During the approximately one and one-half years since the CAP was issued, EPA has documented additional continuing violations, many of which are the same kind as those listed in the CAP.

FINDINGS OF VIOLATION

1. The regulations require that a system conduct monthly monitoring for disinfection byproduct precursors, including "paired samples" of total organic carbon (TOC) in source water and treated water, and alkalinity in the source water. More specifically, a system must collect one paired sample of TOC and one source water alkalinity sample per month per plant (40 C.F.R. § 141.132(d)). The System failed to collect such samples during August 2004, November 2004, January 2005 - January 2006, and April - December 2006, and, therefore, violated the Act and the regulations for a total of 24 months.

2. The regulations require that information from the monthly monitoring samples stated above be reported to EPA each quarter. (See 40 C.F.R. § 141.134(a)). The System failed to report such information for all 4 quarters of 2005 and the last 3 quarters of 2006, and, therefore, violated the Act and the regulations for a total of 7 quarters.

3. The regulations (see 40 C.F.R. § 141.132(b)) require the collection of one water sample from the distribution system during each quarter to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts (see 40 C.F.R. § 141.64). The System failed to take such samples during the 1st, 2nd, and 3rd quarters of 2005, and the 2nd and 3rd quarters of 2006, and, therefore, violated the Act and the regulations for a total of 5 quarters.

4. The regulations require systems to report information including the number of disinfection byproducts samples taken during the quarter; locations, date, and results of samples taken; the arithmetic average of the results; and whether the MCL for disinfection byproducts was violated, to EPA within 10 days after the end of each quarter. (40 C.F.R. § 141.134). The System failed to report such information for the 3rd quarter of 2004, and 2nd quarter of 2005, and reported results late for the 1st quarter of 2005, 1st quarter of 2007 and 2nd quarter of 2007 and, therefore, violated the Act and the regulations for a total of 5 quarters.

5. The regulations require that the Combined Filter Effluent (CFE) turbidity of a system using a surface water source and conventional filtration must be less than or equal to 0.3 Nephelometric Turbidity Units ("NTU") in at least 95 percent of the measurements taken each month after January 1, 2005 (40 C.F.R. § 141.551(a)). Monitoring results show that this turbidity limit was exceeded during February and March 2005 and during June, July, and August 2006, and, therefore, violated the Act and the regulations for a total of 5 months.

6. The regulations require that the maximum CFE turbidity of systems using a surface water source and conventional filtration never exceed 1 NTU during any month after January 1, 2005 (40 C.F.R. § 141.551(b)). The System exceeded 1 NTU 3 times during the month of

February 2005, and 20 times during the month of March 2005, and, therefore, violated the Act and the regulations a total of 23 times.

7. Whenever turbidity exceeds 2 NTU during 2 consecutive 15-minute readings in 2 consecutive months, the regulations require that systems arrange to have a Comprehensive Performance Evaluation (CPE) performed by EPA or by a third party approved by EPA within 60 days of the second month's exceedance UNLESS the system has had a CPE within the prior 12 months OR the system and EPA are participating in an ongoing Comprehensive Technical Assistance (CTA) project (40 C.F.R. § 141.563(c)).

The July 5, 2005 CAP encouraged the System to initiate a third-party CTA project within 30 days. Respondent arranged for a CTA visit by Midwest Assistance Project on June 6th, 7th, and 8th, 2007, almost two years after the deadline recommended in the CAP. The CAP also specified that the Respondent should state its intent to implement the changes recommended in the CTA; no such statement has been provided. No CPE has been conducted at the System since 2000, more than one year prior to the date the System exceeded 2 NTU for the 2nd consecutive month. Therefore, since the date the System exceeded 2 NTU for the 2nd consecutive month in March 2005, the System has neither arranged for the required CPE nor fully participated in an ongoing CTA, it is in violation of the Act and its regulations.

8. Whenever 2 consecutive individual turbidity readings exceed 1 NTU, the regulations require systems to report those values, the filter number, the date, and the cause (if known) to EPA by the 10th of the following month (40 C.F.R § 141.570(b)(2)). The System reported a possible cause for the exceedances of February and March 2005, but failed to report the

individual filter values, numbers, and dates, and, therefore, violated the Act and its regulations 6 times for this requirement.

9. The regulations require that systems using chlorine to monitor residual disinfectant concentration in the distribution system at the same point and at the same time as total coliforms are sampled (40 C.F.R. § 141.132(c)(1)). The System failed to monitor for chlorine residual in October 2005, in violation of the Act and the regulations.

10. The regulations require systems using filtration to monitor disinfectant residual at the entry point to the distribution system continuously and record the lowest values each day (40 C.F.R. § 141.74(c)(2)). The System failed to record the lowest values on 3 of 31 days during the month of December 2005, and therefore violated the Act and its regulations a total of 3 times.

11. The regulations require systems that provide filtration to maintain the residual disinfectant concentration at the entry point to the distribution system at a level which does not fall below 0.2 mg/l for more than 4 hours (40 C.F.R. § 141.72(b)(2)). The System allowed the residual to fall below 0.2 mg/l for more than 4 hours on February 9, 2005, in violation of the Act and its regulations.

12. The regulations impose and define the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria (40 C.F.R. § 141.63(a)(2)). The System exceeded the MCL for total coliform bacteria in November and December 2005, and, therefore, violated the Act and the regulations for a total of 2 times.

13. The regulations require systems that have exceeded the MCL for total coliform to

report the violation to EPA no later than the end of the next business day after it learns of the violation (40 C.F.R. § 141.21(g)(1)). The System failed to report to EPA the total coliform MCL violations of November and December 2005 within 24 hours, in violation of the Act and the regulations.

14. The regulations require a system to report any failure to comply with a coliform monitoring requirement to EPA within 10 days, and report other NPDWR violations to EPA within 48 hours. (40 C.F.R. §§ 141.21(g)(2) and 141.31(b)). Although the System reported most of the above violations to EPA, none were reported within the required time periods. The System violated the Act and the regulations a total of 83 times

15. The regulations require a system to notify the public of any violations of the NPDWRs (40 C.F.R. Part 141 Subpart Q, §§ 141.201 et. seq.). The System issued a public notice within the required time periods for 17 of the above violations, and public notice is not yet due for an additional 10 violations. The System violated the Act and regulations a total of 56 times.

ORDER

Based on the findings of violations above, the Respondents are ordered to do the following:

1. Upon the effective date of this order, monitor monthly for disinfection byproduct precursors, including "paired samples" of total organic carbon (TOC) in source water and treated water, and alkalinity in the source water (40 C.F.R. § 141.132(d)); and report analytical results

and compliance calculations to EPA within the first 10 days of the end of the monitoring period [40 C.F.R. §§ 141.134(a) and (d)].

2. Upon the effective date of this order, monitor quarterly for disinfection byproducts in the distribution system (40 C.F.R. § 141.132(b)) to determine compliance with the disinfection byproducts MCL (40 C.F.R. § 141.64); and report analytical results and compliance calculations to EPA within the first 10 days of the end of the monitoring period (40 C.F.R. §§ 141.134(a) and (b)).

3. Upon the effective date of this order, ensure that the turbidity of produced water remains at less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month (40 C.F.R. § 141.73(a)(1)); and ensure that the turbidity of produced water never exceeds 1 NTU (40 C.F.R. § 141.551(b)). Report turbidity monitoring results to EPA within the first 10 days following the end of the monitoring period (40 C.F.R. § 141.75). Should produced water turbidity exceed 1 NTU, report to EPA the values, the filter number, the date, and the cause (if known) to EPA by the 10th of the following month (40 C.F.R. § 141.570(b)(2)).

4. Within 30 days of the effective date of this order, provide EPA with a schedule to implement the improvements recommended in the primary Comprehensive Technical Assistance visit of June 6-8, 2007 and the Comprehensive Performance Evaluation conducted August 21-23, 2000. Within 30 days of receiving the Tribe's schedule, EPA will provide comments to the Tribe. Within 30 days of receiving EPA's comments, make necessary changes and resubmit the final schedule to EPA with a letter from the Tribal Chair stating the Tribes' intent to implement the schedule (40 C.F.R. § 141.563(c)).

5. Upon the effective date of this order, monitor for residual disinfectant concentration in the distribution system at the same point and time as total coliforms are sampled (40 C.F.R. §§ 141.132(c)(1) and 141.74(c)(3)(I)); and report the results and other required information to EPA within 10 days after the end of each month (40 C.F.R. § 141.75(b)(2)).

6. Upon the effective date of this Order, monitor disinfectant residual at the entry point of the distribution system continuously and record the lowest value each day (40 C.F.R. § 141.74(c)(2)); and report those values to EPA within 10 days after the end of the month the System serves water to the public (40 C.F.R. § 141.75(b)(2)).

7. Upon the effective date of this Order, maintain the residual disinfectant concentration at the entry point to the distribution system at a level which does not fall below 0.2 mg/l for more than 4 hours (40 C.F.R. § 141.72(b)(2)).

8. Upon the effective date of this order, comply with the total coliform MCL (40 C.F.R. § 141.63(a)); and report any exceedance of the MCL to EPA no later than the end of the next business day after it learns of the violation (40 C.F.R. § 141.21(g)(1)).

9. Continue the current boil order until such time as EPA provides written notice that it can be lifted.

10. Upon the effective date of this order, report any failure to comply with coliform monitoring requirements to EPA within 10 days (40 C.F.R. § 141.21(g)(2)).

11. Except where a different reporting period is specified above, upon the effective date of this order, report any failure to comply with any NPDWR to EPA within 48 hours (40 C.F.R. § 141.31(b)).

12. Upon the effective date of this order, provide public notice(s) in the manner specified in the regulations. Such notice is intended to ensure that the public has been notified of all violations and shall contain all of the information required by the regulations (40 C.F.R. §§ 141.201, 141.204 and 141.205). Templates and a table summarizing violations are enclosed to assist the Tribes. The public notice(s) should state that the boil order remains in effect. Submit a copy of the public notice(s) to EPA within 10 days of completion of the public notice (40 C.F.R. § 141.31(d)).

13. Send any reports to EPA required in this order by certified mail to:

Barbara Burkland
U.S. EPA Region 8, Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

GENERAL PROVISIONS

Issuance of this order does not constitute a waiver, suspension, or modification of any Federal law or regulation, nor is it an election by EPA to forgo any civil or criminal action otherwise authorized by law.

Violation of any term of this order may result in an administrative civil penalty of up to \$27,500, or a civil penalty of not more than \$32,500 per day of violation assessed by the U.S. District Court. (42 U.S.C. § 300g-3(g)(3)(B)or(C)).

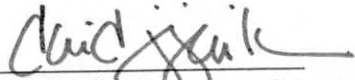
Violation of any requirement of the SDWA or its implementing regulations may subject

Fort Belknap Agency PWS
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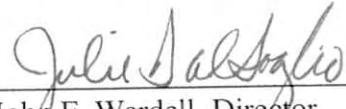
Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by the U.S.
District Court. (42 U.S.C. § 300g-3(b)).

This order is effective upon receipt.

Issued this 6th day of Sept., 2007.



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



John F. Wardell, Director
Montana Office

Instructions for Resolved Total Coliform Notice--Template 2-2

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all its requirements.

Community systems must use one of the following methods (141.203(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We have increased sampling for coliform bacteria to catch the problem early if it recurs.
- The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria.

After Issuing the Notice

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

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Tests Showed Coliform Bacteria in [System] Water

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took [number] samples to test for the presence of coliform bacteria during [month]. [Number/percentage] of our samples showed the presence of total coliform bacteria. The standard is that no more than [1 sample per month/5 percent of samples] may do so.

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**

What happened? What was done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 [system]. State Water System ID#: _____. Date distributed: _____

Instructions for SWTR Turbidity Exceedance Notice--Template 2-6

Template on Reverse

Since surface water treatment filtration treatment technique violations are included in Tier 2, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). This template may also be adapted for use with turbidity MCL violations.

<u>For Exceedances of Single Turbidity Limits</u>	<u>For Exceedances of Monthly Turbidity Limits</u>
<p>You must consult with your primacy agency as soon as practical but within 24 hours of learning of the violation. During the consultation, the agency may choose to elevate your turbidity exceedance to Tier 1. If consultation does not occur, the violation is automatically elevated to Tier 1 (use Template 1-5). For a Tier 2 notice, describe your violation as follows in the second paragraph of the notice:</p> <p>"Normal turbidity levels at our plant are [number] turbidity units. A water sample taken [date] showed levels of [number] turbidity units. This was above the standard of [standard] units. Because of these high levels of turbidity, there is an increased chance that the water may contain disease-causing organisms."</p>	<p>Use the following language to describe your violation and insert into the second paragraph of the template:</p> <p>"Water samples for [month] showed that [percentage] percent of turbidity measurements were over [standard] turbidity units – the standard is that no more than 5 percent of samples may exceed [standard] turbidity units per month. The turbidity levels are relatively low. However, their persistence is a concern. Normal turbidity levels at our plant are [number] units."</p>

Community systems must use one of the following methods (141.203(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with filtration treatment technique violations. Use one or more of the following actions, if appropriate, or develop your own:

- We added chemicals that reduce turbidity.
- We sampled both untreated and treated water for the presence of coliform bacteria.
- We monitored chlorine levels and adjusted them as needed to compensate for the filtration problems.
- We inspected and cleaned the filters.

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

SWTR Turbidity Exceedance Notice--Template 2-6

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER [System] Did Not Meet Treatment Requirements

Our water system recently violated a drinking water standard. Although this was not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct this situation.

We routinely monitor your water for turbidity (cloudiness). This tells us whether we are effectively filtering the water supply. [Insert appropriate description of the violation from instructions.]

What should I do?

- **You do not need to boil your water or take other actions.** We do not know of any contamination, and none of our testing has shown disease-causing organisms in the drinking water.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms 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.

What happened? What was done?

A problem occurred with the treatment system at the water plant. [Describe the reason for high turbidity, corrective actions, and when the system returned or expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 [system]. State Water System ID#: _____ Date distributed: _____

Instructions for SWTR Disinfection Treatment Notices--Template 2-7

Template on Reverse

Since surface water treatment disinfection treatment technique violations are included in Tier 2, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Some disinfection problems may be serious. Your primacy agency may have more stringent requirements. Check with your agency to be sure.

Community systems must use one of the following methods (141.203(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available. If you modify the notice, you must leave the mandatory health effects language in italics unchanged (141.205(d)).

Description of the Violation

Choose from the following descriptions of violations, and modify to fit your situation.

Contact Time - In order to ensure proper disinfection, water in the treatment plant must be in contact with chlorine or a similar disinfectant for a minimum amount of time. On [date], this did not occur.

Although chlorine quickly kills most bacteria, it is less effective against organisms such as viruses and parasites. For this reason, water needs to mix with chlorine for a longer time period to kill such organisms. The amount of time necessary, or the "contact time," depends on the amount of disinfectant in the water and the temperature of the water.

Disinfectant Residual - We routinely monitor for disinfectant residual in the distribution system. This measurement tells us whether we are effectively disinfecting the water supply. Disinfectant residual is the amount of chlorine or related disinfectant present in the pipes of the distribution system. If the amount of disinfectant is too low, organisms could grow in the pipes.

Monthly exceedance - During the months of _____, disinfectant residual was undetectable in more than 5% of samples. The standard is that disinfectant may be undetectable in no more than 5% of samples each month for two months in a row.

Single exceedance - On [date], disinfectant levels dropped below 0.2 milligrams per liter for ___ hours. The standard is that levels may not drop below 0.2 for more than four hours.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with disinfection treatment technique violations. Use one or more of the following actions, if appropriate, or develop your own:

- We are sampling/we sampled both untreated and treated water for the presence of coliform bacteria.
- We are sampling/we sampled disinfectant levels and will adjust/adjusted the amount of disinfectant added as necessary to maintain adequate levels.

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

SWTR Disinfection Treatment Notices—Template 2-7

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER [System] Does/Did Not Meet Treatment Requirements

Our water system recently violated a drinking water standard. Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

[Describe the violation - use descriptions from instructions on reverse.]

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

What does this mean?

This situation does not require that you take immediate action. If it had been, you would have been notified immediately. Tests taken during this same time period did not indicate the presence of bacteria in the water.

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 symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What happened? What is being done?

[Describe why the violation occurred and corrective action.]

[Disinfectant residual levels/contact times] so far this month have met all requirements.

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 [system]. State Water System ID#: _____ Date distributed: _____

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency 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)).

Monitoring Violations Annual Notice—Template 3-1

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER Monitoring Requirements Not Met for [System]

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we [did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
VOCs ¹ (example)	1 sample every three years	0	1996-1998	February 1999

What happened? What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 [system]. State Water System ID#: _____. Date distributed: _____

¹VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the VOCs. VOCs are commonly used in industrial and manufacturing processes. VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethylene, trans-dichloroethylene, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachloroethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.

Violations at Fort Belknap Agency Public Water System, PWS ID # 083090041

Violation	When	PN and Reporting Required	PN and Reporting Performed
<p>1. Failure to collect samples for Disinfection By-product Precursors (Total Organic Carbon and Alkalinity), as required by 40 CFR 141.132(d)(1).</p>	<p>August and November 2004</p>	<p>A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).</p>	
<p>2. Failure to maintain the turbidity of representative samples of the Combined Filter Effluent (CFE) at less than or equal to 0.3 NTU in a least 95 percent of the measurements each month (see 40 CFR. 141.551(a)).</p>	<p>February and March 2005</p>	<p>The System should have issued a Tier 2 public notice within 30 days of first learning of each violation (see 40 CFR 141.203(a)(1), and should have reported these violations to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).</p>	<p>The System issued a Tier 1 Public Notice during the week of April 11, 2005, requiring drinking water to be boiled before consumption. (Late PN.)</p>
<p>3. The maximum CFE turbidity limit of 1 NTU was exceeded several times during the month (see 40 CFR 141.551(b)). EPA was not consulted.</p>	<p>February and March 2005</p>	<p>EPA should have been consulted within 24 hours after the system learned of the violation, and Tier 1 public notice should have been issued within 24 hours after each event (see 40 CFR 141.202(a)(6)).</p>	<p>The System issued a Tier 1 Public Notice during the week of April 11, 2005, requiring drinking water to be boiled before consumption. (Late PN.)</p>
<p>4. Allowed the chlorine residual at point of entry to distribution system to fall below 0.2 mg/L for more than 4 hours (see 40 CFR. 141.72(b)(2)).</p>	<p>February 9, 2005</p>	<p>The System should have notified EPA within 24 hours (see 40 CFR. 141.75(a)(5)(iii)), and should have noted this low residual on the monthly LTIESWTR reporting form.</p>	

Violation	When	PN and Reporting Required	PN and Reporting Performed
5. Failure to report individual 15 minute CFE readings which were greater than 1 and 2 NTU on the monthly LTIESWTR reporting forms, see 40 CFR 141.570(b).	February and March 2005	The System should have reported individual 15 minute CFE readings which were greater than 1 and 2 NTU on the monthly LTIESWTR reporting forms,	
6. Failure to collect samples for Disinfection By-products (total trihalomethanes and haloacetic acids), as required by 40 CFR 141.132.	First quarter of 2005	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	Violation included in CCR for calendar year 2005 (adequate PN).
7. Failure to collect samples for Disinfection By-product Precursors (total organic carbon and alkalinity), as required by 40 CFR 141.132(d)(1).	Jan, Feb, Mar 2005	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	Violation included in CCR for calendar year 2005 (adequate PN).
8. Failure to monitor and report Disinfection By-Product Precursors (total organic carbon and alkalinity), as required by 40 CFR 141.132(d)(1).	April through July 2005	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	Violation included in CCR for calendar year 2005 (adequate PN).
9. Failure to monitor and report Disinfection By-Products (total trihalomethanes and haloacetic acids) as required by 40 CFR 141.132.	Second quarter of 2005.	A Tier 3 public notice must be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	

Violation	When	PN and Reporting Required	PN and Reporting Performed
10. Failure to monitor and report residual disinfectant levels at the time and place of total coliform samples, as required by 40 CFR 141.132(c)(1).	October 2005	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	Violation included in CCR for calendar year 2005 (adequate PN).
11. Failure to report point of entry disinfectant concentration for 3 of 31 days, as required by 40 CFR 141.74(c)(2).	December 2005	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)).	Violation included in CCR for calendar year 2005 (adequate PN).
12. Failure to monitor and report Disinfection By-Product Precursors (total organic carbon and alkalinity), as required by 40 CFR 141.132(d)(1).	August through December 2005. Jan, Apr, May, Jun, Jul, Aug, Sep, Oct 2006.	A Tier 3 public notice should be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	2005 violations included in CCR for calendar year 2005 (adequate PN). CCR for CY 2006 not due yet.
13. Failure to monitor and report Disinfection By-Products (total trihalomethanes and haloacetic acids), as required by 40 CFR 141.132.	Third quarter of 2005. Second and third quarters of 2006.	A Tier 3 public notice must be issued within 1 year of when the System learned of the violation (see 40 CFR 141.204(a)(1)). The violations should have been reported to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	2005 violations included in CCR for calendar year 2005 (adequate PN). CCR for CY 2006 not due yet.
14. Failure to maintain the turbidity of representative samples of the Combined Filter Effluent (CFE) at less than or equal to 0.3 NTU in at least 95 percent of the measurements taken (see 40 CFR. 141.551(a)).	June, July, and August 2006	The System should issue a Tier 2 public notice within 30 days of first learning of each violation (see 40 CFR 141.203(a)(1), and should have reported these violations to EPA within 48 hours of their occurrence (see 40 CFR 141.31(b)).	The System issued a PN for the June violation on Aug 3 (late), and for the July violation on Aug 2 (within the time limit).

Violation	When	PN and Reporting Required	PN and Reporting Performed
15. Coliform MCL violations.	November and December 2005	The System should have issued a Tier 2 public notice within 30 days (see 40 CFR 141.203(a)(1)), and should have notified EPA within 24 hours (40 CFR 141.31(b)), of first learning of the violation.	2005 violations included in CCR for calendar year 2005 (Not adequate PN).
16. Late and inadequate reporting of Disinfection By-Products (total trihalomethanes and haloacetic acids) and disinfection by product precursors	First quarter 2005, first quarter 2007, and second quarter of 2007.	The system should have reported these results to EPA within 10 days following the end of each quarter. Notification may be provided in the CCR for the year in which violations occurred.	