



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

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tracy King, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

Margaret Nicholson, Director
Prairie Mountain Utilities
RR 1, Box 91
Fort Belknap Agency, MT 59526

Re: Notice of Violation of Regulations, and
Violation of Amended Administrative Order
Ft. Belknap Agency Public Water System
Docket No. SDWA-08-2007-0069
PWS #083090041

Dear President King and Ms. Nicholson:

This letter is to inform you officially that the Fort Belknap Agency Public Water System has had violations of the National Primary Drinking Water Regulations (NPDWRs), and of the Administrative Order, issued September 6, 2007, and amended April 8, 2008 (Amended Administrative Order). The Amended Administrative Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, *et seq.* Of great concern to EPA is the fact that the violations identified in this letter have occurred at the new Fort Belknap Agency water treatment plant (new plant) that the Tribe commenced operating on March 24, 2010.



1. The Amended Administrative Order, page 9, item 4 states:

Turbidity from the individual filters must be monitored continuously, and recorded at least once every 15 minutes (40 C.F.R. ' 141.560(c)). Report turbidity monitoring results to EPA within the first 10 days following the end of the monitoring period (40 C.F.R. ' 141.75 and 141.570(b)).

Beginning on March 27, 2010 and continuing for the entire month of April 2010, the new plant did have continuous monitoring of individual filter effluent turbidity, but did not record these individual filter effluent readings every 15 minutes. In addition, calibration of the turbidimeters must be performed using procedures specified by the manufacturer (40 C.F.R. ' 141.560(b)). The new, online individual filter turbidimeters were not calibrated until April 28, 2010; as a result, all individual filter effluent, and reported combined filter effluent, turbidity data collected prior to that date must be considered invalid.

2. The Amended Administrative Order, page 8 and 9, item 3 states:

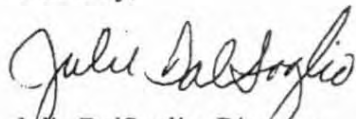
[Turbidity] measurements must continue to be taken as described in 40 C.F.R. ' 141.74(a) and (c), including but not limited to, reporting the turbidity of the combined and individual filter effluent water samples at least once every 4 hours.

No turbidity data from the new plant was recorded or reported to EPA on March 27 or 28, 2010.

EPA is considering additional enforcement action as a result of the noncompliance with the Amended Administrative Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction, ordering compliance.

It is imperative that the Tribe use all means available to complete start up of the new plant and correct the deficiencies identified during our April 27 & 28 Sanitary Survey. The current state of the new plant and its data collection system, combined with incomplete training of staff, are leading to very serious violations. I am concerned about the unknown quality of water being served to the public. I would appreciate the opportunity to speak with you about these violations at your earliest convenience. Please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. Your attorney may contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,



Julie DalSoglio, Director
EPA Region 8 Montana Office

cc: Bum Stiffarm, Tribal CAO
Andy Werk, Councilman
Carole Boerner, IHS
Steve Troendle, USDA Rural Development
Tina Artemis, EPA, Regional Hearing Clerk
Kate Kane, USDOJ