



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

April 6, 2009

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia doney, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

Scott Snow, 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
Docket No. SDWA-08-2007-0069
PWS #083090041

Dear President doney and Mr. Snow:

This letter is to inform you officially that the Fort Belknap 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.

1. The Amended Administrative Order, page 8, item 2 states:

“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)).”



As we mentioned in a February 25, 2009 letter, disinfection byproduct results for the fourth quarter of 2008 were submitted on February 17, 2009, five weeks late.

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

“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)). Please submit copies of the CFE strip chart recorders monthly, with the system’s turbidity report. EPA will determine your compliance with these requirements using the monitoring results required by 40 C.F.R. § 141.551. 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. Should produced water turbidity exceed 1.0 NTU, report to EPA the date and values of the exceedance(s) by the 10th of the following month (40 C.F.R. § 141.570(a)(3)).”

The Tribe and Utility failed to report turbidity at least every four hours on January 6, January 14, and January 26, 2009. In addition, finished water turbidity exceeded 1 NTU on January 8 & 9, 2009. These turbidity violations were reported to EPA.

EPA is using the Combined Filter Effluent turbidity meter, which analyzes water from the clearwell, to determine compliance with turbidity requirements.

3. The Amended Administrative Order, page 11, item 14 states:

“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).”

The Tribe and Utility failed to provide public notice for the turbidity violation which occurred on January 8 & 9, 2009.

The treatment technique violations for produced water turbidity exceeding 1 NTU requires Tier 2 PN. A template for this public notice is attached; it must be issued within 30 days of receipt of this letter. Please fill out and return a copy and certification statement within 10 days of this notice.

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.

If you have any questions or wish to have an informal conference with EPA, please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Wardell", with the initials "JW" written to the right of the signature.

John Wardell, Director
EPA Region 8 Montana Office

cc: Scott Snow, Manager
Prairie Mountain Utilities

Robert Fox, Chairman
Prairie Mountain Utilities Board

Bum Stiffarm, CEO
Ft. Belknap Indian Community

Brian Wing, Councilman
Ft. Belknap Indian Community

Tina Artemis, Regional Hearing Clerk
EPA Region 8