



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Darryl LaCounte, Regional Director
Bureau of Indian Affairs, Rocky Mountain Region
2021 4th Avenue North
Billings, Montana 59101

Re: Violation of Administrative Order, In the Matter of the U.S. Department of the Interior, Bureau of Indian Affairs, Crow Agency (TP01) Public Water System, Docket No. SDWA-08-2015-0045

Dear Mr. LaCounte:

The U.S. Department of the Interior, Bureau of Indian Affairs (BIA), is in violation of the Administrative Order (Order) issued by the U.S. Environmental Protection Agency on September 14, 2015, under the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., concerning the Crow Agency (TP01) Public Water System (System).

Our records indicate that the BIA is in violation of the following requirements included in the Order (summarized from items 18 and 19 on page 3 of the Order):

1. Within 5 days of receipt of the Order, the Respondent shall provide the EPA a status update with a revised deadline for obtaining a certified operator at the appropriate distribution and treatment levels for the System. Options for obtaining appropriate System operator certification include (1) successful passage by the System's operators of the MT 1B treatment and MT 3A distribution operator certification exams; (2) successful passage of the Treatment Level 2 and Distribution Level 1 exams provided by an EPA-approved certification program; or (3) hiring a contract operator with current certification at levels appropriate for the System. The Respondent is required to have a properly certified operator for the System within 60 days of receipt of this Order (by November 14, 2015).

On September 23, 2015, the EPA received the BIA's response to the EPA's Order which included a plan and schedule for obtaining a certified operator. The plan stated that the Crow Agency facility manager and two plant operators would attend training and take their exams on October 1, 2015. If the operators failed to pass the exam, BIA agreed to contract with a water treatment operator with current certification to operate the System by the November 14, 2015 deadline. To the EPA's knowledge, the BIA has not obtained a properly certified operator for the System and therefore is in noncompliance with the Order.

2. Within 30 days after receipt of the Order, the Respondent shall notify the public of the violation cited in paragraph 17 of the Order, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the Drinking Water Regulations, the Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, the Respondent shall submit a copy of the notice to the EPA.

The BIA's response to the EPA's Order also indicated that the 2014 Consumer Confidence Report (CCR) included the required public notice for the significant deficiency violation. On October 14, 2015, the EPA emailed BIA a reminder that the public notice must be reposted every 90 days that the violation continues. The CCR was provided to all customers in their water bills on July 6, 2015. The violation continued and therefore, the public notice should have been reposted no later than October 6, 2015. The EPA has not received validation that the public notice has been adequately reissued and therefore the BIA is in noncompliance with the Order.

The EPA is considering additional enforcement action as a result of the BIA's noncompliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$32,500 per day per violation of the order and/or (2) a court injunction ordering compliance.

If the EPA's information is incorrect and/or you have any questions, please contact Sienna Meredith at 1-800-457-2690 or (406) 457-5026. If the BIA is represented by an attorney who has questions, please ask the attorney to contact Amy Swanson, Senior Enforcement Attorney, by phone at (303) 312-6906 or email at swanson.amy@epa.gov. We urge your prompt attention to this matter.

Sincerely,



Debra H. Thomas
Acting Director, Montana Operations Office

cc: Chairman Old Coyote, Crow Tribe
Mr. Leroy Cummins, Facility Manager, BIA Crow Agency
Mr. Bruce Ward, Engineer, BIA Rocky Mountain Region
Ms. Vianna Stewart, Crow Agency Superintendent, BIA
Ms Beverly Stiller, Administrative Manager, BIA
Ms. Tina Artemis, EPA 8 Regional Hearing Clerk
Ms. Connie Howe, Environmental Director, Crow Tribe