



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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JUL 22 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Cedric Black Eagle, Chairman
Crow Tribe
P.O. Box 400
Crow Agency, MT 59022

Vianna Stewart, Superintendent
Bureau of Indian Affairs
P.O. Box 69
Crow Agency, MT 59022

RE: **Emergency Administrative Order
Addendum**
Docket No. SDWA-08-2011-0045
Crow Agency Water System
PWS ID 083090011

Dear Chairman Black Eagle and Superintendant Stewart:

EPA issued an Emergency Administrative Order (EAO) to the Crow Tribe and Bureau of Indian Affairs (Respondents) on May 25, 2011 following intermittent episodes of low pressure and losses of water pressure in the community of Crow Agency, brought about by flooding. The water shortage created by flooding was overcome, and the water plants produced safe water, but on July 18, 2011, the tanks again ran out of water. In this most recent incident, the outage was caused by an insufficient number of qualified operators to staff the water plants. As a result, we find it necessary to amend this EAO to protect public health. The following requirements of the original May 25, 2011 EAO are reinstated:

Paragraph 14 of the EAO requires the Respondents to perform public notice and other notice requirements as directed by EPA. A draft public notice was sent from Barb Burkland of EPA by email to Jim Real Bird and Leroy Cummins on July 18, 2011, with a request to immediately post the public notice and boil water advisory throughout the community. Thank you for posting that notice on July 19 and sending a copy as well as a certification to EPA. EPA will notify you when the boil water advisory can again be lifted.

Paragraph 15 of the EAO requires that the public be notified that an alternate water supply is available. Effective immediately, residences and businesses currently without water must be provided with alternate water as described in the original EAO until EPA notifies you that the alternate water supply can be discontinued.

Paragraph 22 requires that Respondents shall collect one daily total coliform bacteria sample each day until notified otherwise by EPA. Please begin this sampling immediately and mark these samples as "special" on the lab slips. Please also record the chlorine residual and tap pressure with each sample as stated in Paragraphs 22 and 23.

Paragraph 23 requires that a detectable chlorine residual shall be maintained in all parts of the distribution system.

Paragraph 26 requires Respondents to report analytical results to EPA within 24 hours of receiving results from the lab via fax or email.

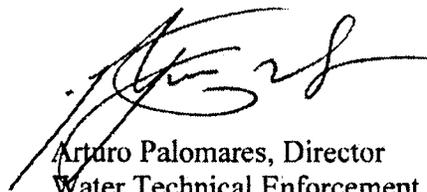
In order to prevent a future loss of water incident due to staffing shortages, EPA strongly recommends that the Respondents create and implement a staffing plan to ensure that adequate staffing is continuously maintained at the water treatment plants on an ongoing basis.

All other requirements of the EAO remain in effect. Again, many thanks to your staff. I am aware they have been working very long hours and are to be commended for their commitment to providing safe water to the residents of Crow Agency. Should you have any questions about these or other requirements of the EAO, you may contact Barbara Burkland in the EPA Montana Office, who can be reached at (406) 457-5009, or your attorney may contact Amy Swanson, Enforcement Attorney, who can be reached at (303) 312-6906.

Sincerely,



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



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Leroy Cummins, Facility Manager, BIA Crow Agency
Darrell Bright Wings & Eugene Bird in Ground, Tribal Operators, TP-01
Chris Dillon, Acting Manager, Apsalooke Water and Wastewater Authority, TP-02
Carole Boerner, IHS
Bruce Ward, BIA Facilities

Jim Real Bird, Apsalooke Water and Wastewater Board
John Doyle, Apsalooke Water and Wastewater Board
Larry Kindness, Apsalooke Water and Wastewater
Tina Artemis, EPA Region 8 Regional Hearing Clerk