



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

July 15, 2008

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia Doney, President
Fort Belknap Community Council
RR1, Box 91
Harlem, Montana 59526

Re: Emergency Administrative Order
Docket No. SDWA-08-2008-0076
Prairie Mountain Utilities/Ft. Belknap
Agnes Leggins Public Water System
PWS ID #083090049 and
Lodgepole Housing Public Water System
PWS ID #083090047

Dear President Doney:

Enclosed is an Emergency Administrative Order ("Order") issued to Prairie Mountain Utilities and the Fort Belknap Community Council under section 1431 of the Safe Drinking Water Act ("SDWA"), 40 U.S.C. § 300i. In its current state, the water supplies of Agnes Leggins and Lodgepole Housing Public Water Systems ("Systems") may present an imminent and substantial endangerment to the health of persons. The Order is based on a loss of pressure in the distribution pipes of the Systems, which can cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Such failures may carry with them a high potential that fecal contamination or other disease causing organisms could enter the distribution pipes.

The enclosed Order sets forth the actions that Prairie Mountain Utilities and the Fort Belknap Community Council must take immediately to ensure that the people served by the Systems are provided with safe drinking water. Penalties for failing to comply are set forth in the Order. The Order requires that Prairie Mountain Utilities and the Fort Belknap Community

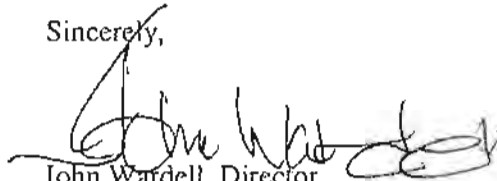


Council conduct the following activities: (1) within 24 hours, provide EPA a written statement of intent to comply with the EAO; (2) provide an alternate supply of potable water until adequate pressure is restored; (3) repair or replace the pump controls and telemetry system at Lodgepole Housing; (4) conduct increased monitoring for total coliform bacteria; (5) provide public notice within 24 hours; (6) provide an alternate source of water until normal pressure is restored; and (7) other requirements as specified in the Order.

If you have questions or comments regarding this action, please do not hesitate to call me at 406-457-5001. If your staff has questions specific to the elements of the Order, the most knowledgeable people regarding these issues are Barbara Burkland, Environmental Scientist, who can be reached at (406)457-5009, or Peggy Livingston, Enforcement Attorney, who can be reached at (800) 227-8917 ext 6858.

I urge your prompt attention to this matter.

Sincerely,



John Wardell, Director
EPA Region 8, Montana Office

Enclosure

cc: Scott Snow, Manager, Prairie Mountain Utilities, by certified mail
Robert Fox, Chair, Prairie Mountain Utility Commission

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JUL 16 AM 8:45

IN THE MATTER OF)
)
Prairie Mountain Utilities, Operator)
Fort Belknap Indian Community Council, Owner)
Fort Belknap Agency, Montana)
Respondents)
Agnes Leggins Public Water System)
PWS ID# 083090049 and)
Lodgepole Housing Public Water System)
PWS ID # 083090047)
)
)
)
Proceeding under section 1431(a))
of the Safe Drinking Water Act,)
42 U.S.C. § 300i(a))
)

EMERGENCY
ADMINISTRATIVE
ORDER

Docket No. SDWA-08-2008-0076

STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the EPA Montana Office and the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

JURISDICTION

1. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
2. EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Indian Reservation (the Reservation). No

other governmental authority has applied for and been approved to administer the program on the Reservation.

FINDINGS

1. Respondent Prairie Mountain Utilities (the Utility) is a Tribal agency under the laws of the Fort Belknap Indian Community Council. Respondent Fort Belknap Indian Community (FBIC) is a federally recognized tribal government/tribal agency consisting of the Assiniboine and Gros Ventre Tribes. The Utility and FBIC, collectively referenced as Respondents, are each a "person" as defined in 40 C.F.R. § 141.2 for purposes of federal enforcement of the Act.
2. The Agnes Leggins Public Water System (Agnes System) provides water for human consumption on the Fort Belknap Indian Reservation. The Agnes System serves approximately 45 year-round residents annually through 16 service connections. The FBIC and the Utility, respectively, own and operate the Agnes System.
3. The Lodgepole Housing Public Water System (Lodgepole System) provides water for human consumption on the Fort Belknap Indian Reservation. The Lodgepole System serves approximately 70 year-round residents annually through 15 service connections. The FBIC and the Utility, respectively, own and operate the Lodgepole System.
4. The Agnes System and the Lodgepole System (collectively, the "Systems") are

“public water systems” and “community water systems” as defined in section 1401 of the Act, 42 U.S.C. § 300f and 40 C.F.R. § 141.2.

5. As the owner and operator, respectively, of both Systems, each Respondent is a “supplier of water” as that term is defined in section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. As provided in section 1411 of the Act, 42 U.S.C. § 300g, the Respondents are therefore required to comply with the Act and the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. part 141.
6. The Agnes System is supplied solely by ground water from two wells. The Lodgepole System is supplied solely by ground water from one well.
7. EPA has determined that conditions at the Systems may present an imminent and substantial endangerment to the health of persons. The current emergency condition began on approximately the morning of July 13, 2008, when the Agnes System’s water storage tank emptied due to termination of electrical power to the water pumps, and the Lodgepole System’s tank emptied due to failure to maintain pump controls and the on-site telemetry system.
8. As a result of the water storage tanks becoming empty, the Systems lost pressure. Because cracks, breaks, or joints are common in pipes and other components of distribution systems, loss of pressure can draw water from outside into the distribution system, presenting a high potential for fecal contamination or other

disease causing organisms to enter the water distribution pipes.

9. The Respondents notified EPA of the situation at each System on Monday, July 14, 2008. This is consistent with 40 C.F.R. §§ 141.202(b)(2) and 141.202(a)(9), which require Respondents to notify EPA as soon as practical upon learning of a situation with significant potential to have serious adverse effects on human health as a result of short-term exposure.
10. This Order is necessary to ensure adequate protection of public health.
11. Prior to issuing this Order, EPA consulted with local (Tribal) authorities to confirm the information on which this Order is based and to ascertain the actions which such authorities were taking. State and local authorities are not able to act to protect public health in this instance, because they are not authorized to take action under section 1431 of the Act.
12. On Monday, July 14, 2008, the manager of the Prairie Mountain Utility was advised verbally by EPA to immediately issue a boil order, and make a source of alternate drinking water available, to the users of both Systems.

EMERGENCY ADMINISTRATIVE ORDER

1. For each System, whenever pressure falls to less than normal during the term of this Emergency Order, continuing until normal pressure is restored, Respondent shall make available an alternative potable water supply, and notify all users of the Systems that an alternative potable water supply is available. The alternative

water supply shall be from an EPA-regulated drinking water supply that meets the NPDWRs, a licensed water distributor, or purchased bottled water, and must be made available at no cost as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent shall provide the alternative water at a central location that is accessible to all persons served by the System. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily per person served by the System.

2. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order. The written response shall include a general plan for compliance with each of the elements of this Order.
3. Upon restoration of a minimum pressure of 25 pounds per square inch (psi) in the distribution system in each System, Respondents shall disinfect and flush the water distribution pipes for that System.
4. Upon disinfecting and flushing the water distribution pipes, Respondents shall maintain a detectable disinfectant residual as measured at the far ends of the distribution pipes of each System. Respondents shall monitor the disinfectant residual at both Systems daily and report those results to EPA by email or FAX until notified otherwise by EPA.

5. Upon receipt of this Order, Respondents shall monitor the tank level at both Systems and report the levels to EPA daily by email or FAX until notified otherwise by EPA.
6. For each System, beginning no later than 24 hours after a minimum pressure of at least 25 pounds per square inch (psi) is maintained throughout the distribution pipes and the distribution system of that System is restored to service, Respondents shall collect two total coliform samples each day of the treated water in that System to determine compliance with the MCL for total coliform bacteria as set forth in 40 C.F.R. § 141.63. Respondents shall continue daily total coliform monitoring until receiving written notice from EPA that they may discontinue daily sampling. Respondents shall report daily total coliform sampling results to EPA by email or FAX immediately upon receiving the laboratory results.
7. For each System, after Respondents receive written notification from EPA allowing them to discontinue daily total coliform sampling, Respondents shall collect at least one total coliform sample from that System weekly to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondents shall report weekly total coliform sampling results to EPA by email or FAX immediately upon receiving the laboratory results. Prior to having the weekly samples analyzed, Respondents shall designate which sample is to be their monthly compliance sample required to determine compliance with the

total coliform MCL.

8. For each System, Respondents shall continue weekly bacteriological monitoring until notified by EPA that they may discontinue weekly bacteriological sampling at that System. Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.21 to determine compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondents shall report analytical results to EPA within the first 10 days after the end of the month of sampling, as required by 40 C.F.R. § 141.31(a).
9. Respondents shall collect all total coliform samples from sites that are representative of water throughout the water distribution pipes.
10. If any one of the designated compliance sample results is total coliform-positive, Respondents shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b), including collecting at least (a) four repeat samples within 24 hours of being notified of the total coliform-positive sample and (b) five routine total coliform samples the month following a total coliform-positive sample result.
11. Within 90 days of receipt of this Order, Respondents shall repair or replace the non-working pump controls and telemetry system at the Lodgepole System.
12. If Respondents learn of a violation or situation at either System with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants, including any loss of pressure or water outage comparable to the

events described in the Findings section of this Order, or any other situation or violation determined to have such potential according to the NPDWRs or by EPA on a case-by-case basis, Respondents shall notify EPA as soon as practicable but in no event more than 24 hours later. 40 C.F.R. §§ 141.202(b)(2) and 141.202(a)(9).

13. Within 24 hours of receipt of this Order, Respondents shall post a public notice in conspicuous locations throughout the area served by each System and hand deliver it to persons served by the each System, including but not limited to any hospitals and schools. Upon the effective date of this Order, Respondents shall comply with applicable public notification requirements at 40 C.F.R. § 141.201 et seq. following any future National Primary Drinking Water Regulations (NPDWRs) violation. Respondents shall submit a copy of their public notice to EPA within 24 hours of completion of the public notice, as required by 40 C.F.R. § 141.31(d). The public notice shall include the following information:
 - a. All requirements as specified in 40 C.F.R. § 141.205 including:
 - (1) A description of the violation, including the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
 - (2) When the violation or situation occurred;
 - (3) Any potential adverse health effects from the violation or situation

(see section b. below);

- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
- (5) Whether alternative water supplies should be used (see section b. below);
- (6) What actions consumers should take, including when they should seek medical help, if known (see section b. below);
- (7) What each System is doing to correct the violation or situation;
- (8) When each System expects to return to compliance or resolve the situation;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of each System as a source of additional information concerning the notice;
- (10) A statement to encourage the notice recipients to distribute the public notice to other persons served by each System; and

b. The following language:

The Agnes Leggins and the Lodgepole Housing Public Water Systems experienced a loss of pressure in the water distribution system, which can cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Such a system failure carries with it a high potential that fecal contamination or other disease causing organisms could enter the distribution system.

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. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.

ALL WATER USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., SHALL BE BOILED UNTIL FURTHER NOTIFICATION FOR AT LEAST THREE (3) MINUTES, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

14. Respondents shall continue providing the public notice as set forth in paragraph 13 above at least once per week at each System until EPA Region 8 provides written notification to discontinue public notice at either or both Systems.
15. All reports and notifications herein required shall be submitted to:

Barbara Burkland
U. S. EPA Region 8 Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626
burkland.barbara@epa.gov
phone: (406) 457-5009 or 1-866-457-2690, ext. 5009
FAX: (406) 457-5055

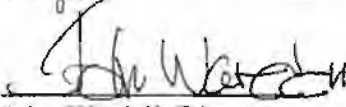
GENERAL PROVISIONS

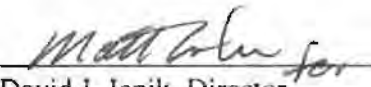
1. This Order does not constitute a waiver, suspension, or modification of the

requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondents to a civil penalty not to exceed \$16,500 (adjusted for inflation according to 40 C.F.R. part 19) for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
3. Violation of any requirement of the NPDWRs may subject the Respondents to a civil penalty of not more than \$32,500 (adjusted for inflation according to 40 C.F.R. part 19) per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance.

Issued this 16th day of July, 2008.


John Wardell, Director
EPA Region 8 Montana Office


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