



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

Ref: 8MO

JUN 29 2012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Leroy Spang, President  
Northern Cheyenne Tribe  
P.O. Box 128  
Lame Deer, MT 59043

Re: Emergency Administrative Order  
Docket No. SDWA-08-2012-0031  
Northern Cheyenne Utility Commission  
Ashland Water System, 083090061  
Birney Water System, 083090062

Dear President Spang:

As you know, the Ash Creek fire has impacted water service in the communities of Ashland and Birney. In cases such as this, the United States Environmental Protection Agency, Region 8 (EPA) issues an Emergency Administrative Order (Order) to protect public health when water service is restored. I tried to reach you this morning to discuss the Order but you were understandably too busy to speak. The EPA's authority for such an order is found in section 1431 of the Safe Drinking Water Act (SDWA), 40 U.S.C. § 300i. EPA recognizes that fire, and not any negligence on the part of the Northern Cheyenne Tribe (Tribe) or Northern Cheyenne Utility Commission (NCUC), has created these conditions. Issuance of this Order is an example of the EPA's commitment to partner with the Tribe to protect public health and the environment on the Northern Cheyenne Indian Reservation. We appreciate all the hard work of the NCUC staff to restore water service as soon as it is safe and possible to do so.

When water service is restored, the water supplied by the Ashland and Birney water systems may present an imminent and substantial endangerment to the health of persons. The Order is based on an anticipated loss of pressure in the distribution systems, which can cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints common in all water systems. Because the systems currently are idle and water in the tanks and pipes is stagnant due to the loss of electrical service and community evacuations, the systems are further at risk for bacteriological contamination. In addition, components of the Ashland system may have been damaged by the fire, allowing contaminants to enter the system. Such a system failure may carry with it a high potential that fecal contamination or other disease causing organisms could enter the distribution system. It is imperative for the safety of the consumers that the preventative steps set forth in the Order be followed in preparation for restoring service to the communities.



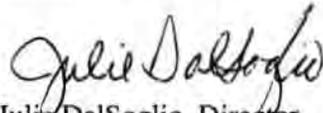
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The enclosed Order sets forth the actions that you must take to ensure that the people served by the water supply are provided with safe drinking water. The Order requires that NCUC conduct the following activities: (1) within 24 hours, provide a written intent to EPA to comply with the EAO; (2) provide public notice; (3) provide alternative water to all users of the system; (3) provide EPA with a list of damage to the Ashland water system; and (4) conduct increased monitoring for total coliform bacteria

The EPA is committed to working with you and the NCUC staff to ensure the safety of the Birney and Ashland public water systems. 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 Amy Swanson, Enforcement Attorney, who can be reached at (800) 227-8917 ext 6906.

Should you have time next week and would like to discuss the Order, please do not hesitate to call me at (406) 457-5025.

Sincerely,



Julie DalSoglio, Director  
EPA Region 8, Montana Office

Enclosure

cc: Winslow White Crane, Manager, Northern Cheyenne Utility Commission  
Charlene Alden, Director, Northern Cheyenne Environmental Department  
Carole Boerner, Associate Area Director, Environmental Health and Engineering, Indian Health Service  
Tina Artemis, Regional Hearing Clerk, EPA Region 8