

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2017 MAY 19 PM 2:54

FILED  
EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Boys and Girls Club Northern )  
Cheyenne, and )  
 )  
Northern Cheyenne Utility )  
Commission, )  
PWS ID 083090064 )  
 )  
Respondents. )  
\_\_\_\_\_ )

Docket No. **SDWA-08-2017-0018**

**EMERGENCY ADMINISTRATIVE ORDER**

**AUTHORITY**

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$22,906 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 82 Fed. Reg. 3633.
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Northern Cheyenne Reservation (Reservation). No other governmental authority has applied for or been approved to administer the program on the Reservation.
5. Respondent Boys and Girls Club Northern Cheyenne (BGC) is a nonprofit corporation (dissolved) that owns the water service line that broke and caused the loss of pressure in the water distribution system.
6. Respondent Northern Cheyenne Utility Commission (NCUC) is an organization authorized under the laws of the Northern Cheyenne Tribe to provide water and wastewater services to predominantly tribal communities. Respondent is a "municipality" and "person" as those terms are defined in the Act. 42 U.S.C. § 300f(10) and § 300f(12), respectively.
7. Respondent, NCUC, owns and/or operates the Lame Deer Public Water System (System) located in the Town of Lame Deer, Montana (Town). The System provides water to the public for human consumption through pipes or other constructed conveyances.

8. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are “public water systems” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141.

9. The System has approximately 638 service connections used by year-round residents and/or regularly serves an average of approximately 2558 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

10. Prior to issuing this Order, the EPA consulted with the System, Indian Health Services and the Northern Cheyenne Tribal Government to confirm the facts stated in this Order and to confirm that the Tribe is unable to act to protect public health in this instance.

11. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated below. The EPA has determined that this Order is necessary to protect human health.

12. The NCUC notified the EPA on May 18, 2017, that the System lost pressure due to a water line break. A portion of the Town was without water. The NCUC water operator thought the break was from a main water line made of asbestos cement pipe and therefore, the NCUC General Manager has hired a contractor experienced in asbestos management to remove and replace the broken water line. After further investigation, the water line break occurred under the BGC building in a 2-inch copper service line maintained by BGC. The NCUC water operator found a shut off valve at the BGC building and isolated the building from the water distribution system. The water and pressure was restored for the Town. Currently, the NCUC is working as the contractor for BGC to locate and repair the leak.

13. Loss of pressure in a drinking water distribution system may 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. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter a distribution system.

14. On May 18, 2017, the EPA provided Respondents with a template for a boil water advisory. The EPA has been advised that Respondents have issued an advisory to the homes impacted by the pressure loss.

## **ORDER**

### **INTENT TO COMPLY**

15. Within 24 hours of receipt of this Order, Respondents shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

### **BOIL ORDER AND PUBLIC NOTICE**

16. Upon receipt of this Order, Respondents shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect.

The boil water advisory will continue until the System's repairs are completed and monitoring of the water is conducted. Respondents shall submit a copy of the notice to the EPA within 24 hours of receipt of this Order. Respondents shall continue providing the public notice until the EPA provides written notice that public notice may be discontinued.

### **ALTERNATE WATER SUPPLY**

17. Upon receipt of this Order, Respondents shall notify the public that an alternate potable water supply is available. Respondents shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the System. Respondents may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets the requirements of the NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until water service is restored to affected users of the System.

### **DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS**

18. Within 24 hours of repairing the water line break, Respondents shall properly disinfect and flush the System's distribution system and return pressure to normal.

19. Within 24 hours after flushing and disinfecting the System as required by paragraph 18, above, Respondents shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's distribution system. Respondents shall ensure that each sample is analyzed for total coliform and *E.coli*.

20. After Respondents receive written notification from the EPA that it may discontinue daily total coliform sampling, Respondents must collect weekly bacteriological samples (one sample per week) to determine compliance with the *E.coli* MCL as stated in 40 C.F.R. § 141.860.

21. After Respondents receive written notification from the EPA that it may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. §§ 141.857.
22. Respondents shall monitor and report the System's chlorine residual at the same time and same location as all special and routine total coliform samples.
23. Respondents shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141 including, but not limited to, the requirements in 40 C.F.R. § 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondents shall consult with the EPA for further compliance requirements.
24. Respondents shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by the Respondents. Additionally, Respondents shall report all sampling results to the EPA by telephone, email or fax immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.
25. The EPA may require Respondents to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

### **CORRECTIVE MEASURES**

26. Within 15 days of the effective date of this Order, Respondents shall provide the EPA with a written explanation identifying the cause of the line break, which shall include verification that the line break was repaired.

### **REPORTING**

27. Respondents must give weekly updates to the EPA on the progress of repairing the water line break, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

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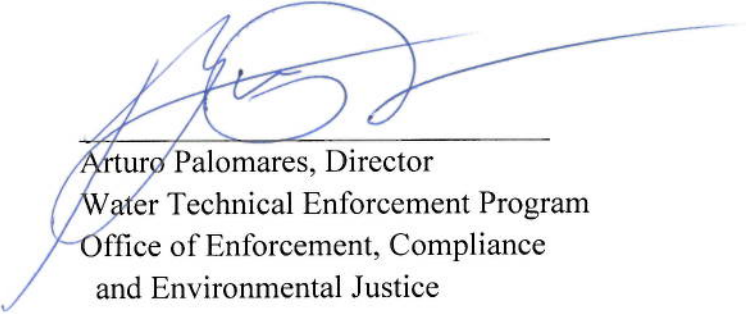
28. Any notices or reports required by this Order to be submitted to the EPA shall be submitted to:

Metea Wright, 8ENF-W-SDW  
US Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone (800)227-8917, ext. 6023, or (303) 312-6023  
Fax (303) 312-7518  
e-mail: wright.metea@epa.gov

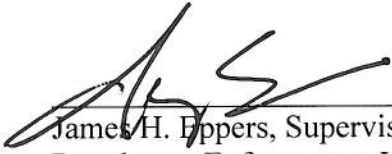
29. This Order does not relieve Respondents from complying with any applicable federal, tribal, state, or local law.

30. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a).

31. Issued and effective this 19<sup>th</sup> day of May, 2017.



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



James H. Eppers, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

# DRINKING WATER WARNING

\_\_\_\_\_ water system lost pressure in the distribution system

## BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

The \_\_\_\_\_ water system was shut down on \_\_\_\_\_ due to \_\_\_\_\_. This led to a loss of pressure in the distribution system, which may cause backpressure, backsiphonage, or 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. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

### What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a rolling boil for at least (3) three minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water. **ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.**
- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms 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.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

### What happened? What is being done?

[Give a description of what is being done, where consumers may get an alternate source of water, etc.]

We will inform you when you no longer need to boil your water. For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by \_\_\_\_\_

Water System ID#: \_\_\_\_\_

Date distributed: \_\_\_\_\_

## ATTENTION: PWS Operator/Responsible Party

You must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation or loss of pressure (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. This public notice shall be posted in conspicuous locations throughout the area served by the water system and hand delivered to persons served by the water system. Also, you should use radio or television to deliver the notice to consumers

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

### Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

### After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the your primacy agency within the time frame required, but no later than ten days from the time you issue the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

### After Issuing the Notice

**Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

### Certification of Public Notification

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_