



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W

APR - 7 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Tracy King, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

Margaret Nicholson, Director
Prairie Mountain Utilities
R.R. 1, Box 91
Fort Belknap Agency, MT 59526

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2011-0035**
Agnes Leggins Public Water
System
PWS ID #083090049

Dear President King and Ms. Nicholson:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. On March 28, 2011, EPA was notified that the Agnes Leggins water system (the "system") ran out of water on March 27, 2011 and has experienced low and varying water pressure in the distribution system along with a line break that cannot be located due to snow cover and wet ground.

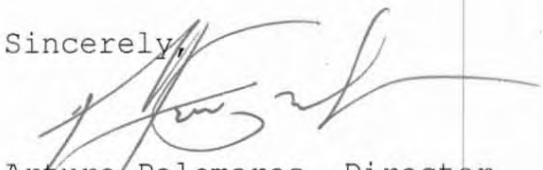
Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions as are necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility under the Act on the Fort Belknap Reservation.

The enclosed Order sets forth the compliance actions that must be taken to ensure that the people served by the system are provided with safe drinking water. The Order requires, in part, that the system: post a Boil Order and public notice until notified by EPA to discontinue; take additional total coliform

bacteria samples, collect and report daily chlorine residual and water pressure results, and repair the line break and chlorinator to ensure proper pressure is achieved in the distribution system. The penalties for failing to comply are set forth in the Order.

EPA thanks the Prairie Mountain Utilities for promptly notifying the EPA of the water outage that occurred at the system, and for its initial efforts to address the situation. If you or your staff have any questions or wish to discuss this Order, please contact Barbara Burkland at 406-457-5009 or Kimberly Pardue Welch at (800) 227-8917 extension 6983 or 303-312-6983. If the tribal attorney has any legal questions, please ask the attorney to contact Legal Enforcement Attorney Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



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

Enclosures:

Emergency Administrative Order

cc: Tina Artemis, EPA Regional Hearing Clerk
Scott Snow, Head Operator
Catherine Aragon, Tribal Attorney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 APR -7 AM 8:08

IN THE MATTER OF)
) **EMERGENCY**
Prairie Mountain Utilities, Operator)
Fort Belknap Indian Community Council,) **ADMINISTRATIVE**
Owner)
) **ORDER**
Respondents.)
)
Agnes Leggins Public Water System) Docket No. **SDWA-08-2011-0035**
PWSID# 083090049)

FILED
EPA REGION VIII
HEARING CLERK

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the Safe Drinking Water Act or Act). 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.

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.

3. Failure to comply with this Order may result in civil penalties of up to \$16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.

4. EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health. 42 U.S.C. § 300i(a). No other state or local authorities have the authority to act in Indian Country.

5. 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 referred to as "Respondents," are each a "person" as that term is defined in the Act, 42 U.S.C. § 300f(12), and in 40 C.F.R § 141.2 for purposes of enforcement of the Act.

6. Respondents own and/or operate the Agnes Leggins drinking water system (the system), located on the Fort Belknap Reservation, which provides water to the public for human consumption.

7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act and its implementing regulations, 40 C.F.R. part 141 (also known as the drinking water regulations).

8. The system serves approximately 45 persons daily throughout the year, and therefore is a "public water system" as defined in the Act. 42 U.S.C. § 300f and 40 C.F.R. § 141.2.

9. On March 28, 2011, the system's operator notified EPA that the system ran out of water over the previous weekend. The operator determined that the pump was not operating in the automatic setting and speculated that the telemetry system which controls the automatic pump setting had been knocked off-line due to a power surge the previous night. The operator returned water flow to the distribution system using the manual setting; however, he could not send water to the storage tank due to three feet of ice build-up in the tank. The operator reported that the chlorinator is operating; however, it needs repairs. The operator flushed the distribution system and collected a special total coliform sample, which was negative. A chlorine residual of 0.12 mg/L was present at the time the special sample was collected. On April 5, 2011, EPA contacted the operator for an update and was informed that there is a line break in the distribution system which the operator is unable to locate due to the snow and wet ground. Due to the water line break and the storage tank being bypassed, water pressure in the system has been low and varying. To increase the pressure in the system, the storage tank has been valved off. Because of the above mentioned events, EPA has determined that conditions exist at the system that may present an imminent and substantial endangerment to human health. Loss of pressure or low pressure may cause 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 system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system.

10. The Respondents notified EPA of the situation at the system on March 28, 2011. 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.

11. Prior to issuing this Order, EPA consulted with the system and tribal governmental authorities to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

12. 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.

BOIL ORDER AND PUBLIC NOTICE

13. Respondent shall continue to notify the public of the problem described in this Order in the affected area and distribute a boil water advisory until notified otherwise by EPA. Respondent must carry out the public notice and other notice requirements that EPA directs.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. The Respondents shall repair the line break and chlorinator and ensure a pressure of 20 pounds per square inch (psi) is achieved in the distribution system.

15. Once the break in the distribution system is repaired, disinfection is consistently restored to service, and a pressure of at least 20 psi is regained, within 24 hours Respondents shall clean and flush the system including disinfection of the distribution system and any storage tanks that are part of the system.

16. Once the system has been flushed and disinfected, Respondents shall collect consecutive daily special purpose total coliform samples from sites that are representative of water throughout the distribution system. Respondents shall collect a minimum of 1 sample per day until notified otherwise.

17. After Respondents receive written notification from EPA that Respondents may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of consecutive daily total coliform sample results from the system have been negative, Respondent shall collect 1 weekly special purpose bacteriological sample until otherwise notified.

18. Respondents shall monitor the chlorine residual at the same time and same location as the system's special purpose total coliform samples (as required in paragraphs 16 and 17 above). Respondents shall maintain a detectable disinfectant residual as measured at the far end of the system's distribution system.

19. Respondents shall monitor the water pressure in the distribution system daily and report those results to EPA as required below. Respondents shall monitor the system's water pressure until otherwise notified.

20. After Respondents receive written notification from EPA that Respondents may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of weekly total coliform sample results from the system have been negative, Respondents shall resume monthly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.

21. Respondents shall report all total coliform, chlorine residual sampling results and water pressure results to EPA by telephone, e-mail or fax immediately upon receiving the results.

22. For the total coliform sampling in paragraph 17 above, Respondents shall, before having that sample analyzed, designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

23. EPA may require Respondents to increase and/or decrease total coliform sampling at any time while the Order is in effect.

REPORTING

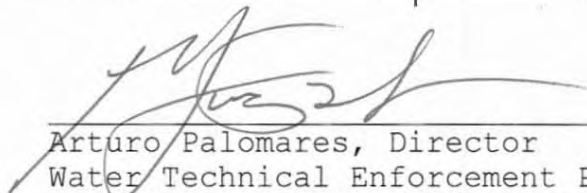
24. Respondents shall give daily updates to EPA on the progress of returning the system to compliance. Daily updates must be submitted to EPA until EPA notifies the Respondents that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

25. All contact with EPA on this matter shall be to:

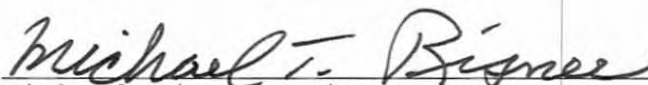
Barbara A. Burkland
U.S. EPA, Region 8
10 West 15th St, Suite 3200
Helena, MT 59626
Phone: (406)457-5009
FAX: (406)457-5055
Toll free: (866)457-2690
e-mail: Burkland.Barbara@epa.gov

26. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

Issued and effective this 7th day of April, 2011.



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



Michael Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice