



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

JUL 30 2012

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gerald Gray, Sr., Superintendent
Heart Butte K-12 Schools School District
P.O. Box 259
Heart Butte, MT 59417

Re: Administrative Order
Docket No. SDWA-08-2012-0040
Heart Butte School Public Water System
PWS ID #083090009

Dear Mr. Gray Sr.:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that the Heart Butte K-12 Schools School District (Respondent) has violated the National Primary Drinking Water Regulations (drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Heart Butte K-12 Schools School District complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties.


The Order requires you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

If you would like additional information, please feel free to contact me directly at (800) 457-2690, extension 5025, or (406) 457-5025. If your staff has technical questions, they may contact Sienna Meredith at (800) 457-2690, extension 5026, or (406) 457-5026. If you are represented by an attorney or

have legal questions, please contact Amy Swanson, Enforcement Attorney, at (800) 227-8917, extension 6906, or at (303) 312-6906.

I urge your prompt attention to this matter.

Sincerely,


Julie A. DalSoglio, Director
EPA Region 8 Montana Office

cc:

Tina Artemis, EPA 8 Regional Hearing Clerk
Dick Richardson, Principal
The Honorable T.J. Show, Chairman Blackfeet Tribal Business Council
Gerald Wagner, Environmental Director, Blackfeet Environmental Office, by email

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 2012 JUL 30 PM 3:23

FILED
EPA REGION VIII
FRIDAY, JUL 27 2012

IN THE MATTER OF:)
)
Heart Butte K-12 Schools School District,)
)
Respondent.)

Docket No. SDWA-08-2012-0040

ADMINISTRATIVE ORDER

- 1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
- 2. Heart Butte K-12 Schools School District (Respondent) is a school district and a municipality which owns and/or operates the Heart Butte School public water supply system (the System), which provides piped water to the public in Pondera County, Montana, for human consumption.
- 3. The System is supplied by a ground water source consisting of two wells. The water is treated with sodium hypochlorite before entering the distribution system.
- 4. The System has 21 service connections and/or regularly serves at least 240 individuals daily at least 60 days out of the year. Therefore, the System is a "public water system" as defined in Section 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The System is also a "community water system" as defined in 40 C.F.R. § 141.2.
- 5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in Section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
- 6. The drinking water regulations include monitoring requirements. EPA has sent Respondent notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

- 7. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a) (2). During October 2009, two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement. Respondent is also required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the EPA of the October 2009 MCL violation and, therefore, violated this requirement.
- 8. Respondent is required to monitor the residual disinfectant level in the System's distribution system at the same time and place as total coliforms are to be sampled 40 C.F.R. § 141.132(c)(1). Respondent failed to monitor the System's water for residual disinfectant during January and July of 2008, October of 2009, and June of 2011 and, therefore, violated this requirement.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the months of June 2008, October 2008, and April 2011, and, therefore, violated this requirement.

10. Within 24 hours of being notified that any routine sample of the System's water is positive for total coliform, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the System's water within 24 hours of being notified of the August 30, 2011 positive total coliform sample and, therefore, violated this requirement.

11. If the System has one or more sampling results that are positive for total coliform, Respondent is required to collect at least five routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on August 30, 2011 the Respondent failed to take at least five routine samples of the System's water in September 2011 and, therefore, violated this requirement.

12. Respondent is required to monitor the System's water annually for lead and copper and to collect at least 5 samples each time it monitors. 40 C.F.R. § 141.86(d). Respondent most recently monitored the System's water for lead and copper on December 31, 2008 and the next sampling was to be done between June 1, 2011 and September 30, 2011. Respondent failed to monitor the System's water for lead and copper during that period and, therefore, violated this requirement.

13. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the violations cited in paragraphs 7 through 9 and, therefore, violated this requirement. The violations for failure to collect a set of four repeat samples following the August 30, 2011 positive total coliform sample, failure to collect at least five routing samples during September 2011 and failure to monitor for lead and copper, as described in paragraphs 10, 11, and 12 above, are not yet overdue.

14. Respondent is required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 9, 10 and 11 above, to the EPA and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any other drinking water regulation to the EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8, 12 and 13 above, to the EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order:



16. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the EPA with a compliance plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

17. Respondent shall monitor the residual disinfectant level in the distribution system at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.132(c)(1). No later than 10 days after the end of each quarter, Respondent shall report residual disinfectant sample results to the EPA, as required by 40 C.F.R. § 141.134(c).

18. Respondent shall monitor the System's water monthly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to the EPA within the first 10 days following the month in which Respondent receives sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

19. Between June 1, 2012 and September 30, 2012, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to the EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

20. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 12, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA.

21. Respondent shall report any violation of the drinking water regulations to EPA within 48 hours of the violation occurring as required by 40 C.F.R. §141.31(b). However, if a different time period for reporting is specified in this Order or the drinking water regulations, Respondent shall report within that different period.

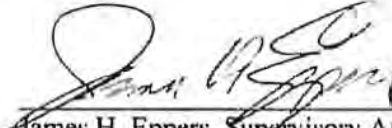
GENERAL PROVISIONS

22. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

23. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$32,500 per

23. Violation of any part of this Order may subject Respondent to a civil penalty of up to \$32,500 per day of violation (as adjusted for inflation). Violation of the Act or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 per day per violation (as adjusted for inflation). 42 U.S.C. §§300g-3, 300j-6, 300j-8; 40 C.F.R. part 19.

Issued: July 30, 2012.


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


Julie A. DalSoglio, Director
EPA Region 8 Montana Office



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Show Coliform Bacteria in Heart Butte School Water

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what actions we are taking to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took four samples for coliform bacteria during October 2009. All four of those samples showed the presence of coliform bacteria. The standard is that no more than two samples may contain coliform.

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are/care for the elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliform bacteria are generally not harmful themselves.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves but a sign that there could be a problem with the treatment or distribution system (pipes). *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.** If we had, we would have notified you immediately.

We are taking/have taken the following corrective actions:

If you have any questions, please contact _____ at _____ or
(Name of water system contact) (Phone)

(Mailing address of PWS contact)

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.

PWS Operator/Responsible Party:

You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation. [40 CFR 141.201(b)] You must issue a repeat notice every three months for as long as the violation persists.

Community Systems must use one of the following methods [40 CFR 141.203(c)]:

- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:

- posting in conspicuous locations
- hand delivery
- mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, you may print the notice on your system's letterhead.

Corrective Action

In your notice, describe corrective actions you are taking/have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are increasing sampling for coliform bacteria.
- We are investigating the source of contamination.
- We are repairing the wellhead seal (or storage tank).
- We will inform you when additional samples show no coliform bacteria.

Please mail this statement of certification **and** a copy of the printed notice with your PWS ID# clearly written on it, along with the dates the notice was posted to:

Breann Bockstahler
US EPA Region 8
Drinking Water Program (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

Or you can fax a copy to: Attn: Bre Bockstahler at **1-877-876-9101**. If you have questions about your total coliform violation call Bre Bockstahler at 1-800-227-8917, ext. 312-6034 or (303) 312-6034.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)
from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

TIER 3 PUBLIC NOTICE TEMPLATE

Instructions for Monitoring Violations Notice

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- X Hand or direct delivery
- X Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- X Posting in conspicuous locations
- X Hand delivery
- X Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- X We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- X We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- X We plan to take the required samples soon, as described in the last column of the table above.

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)).

NOTICE:

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Were Not Met for Heart Butte School

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During _____ we did not complete monitoring or testing for _____ (compliance period) _____ and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for them, and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Residual Disinfectant	Once Monthly	None	January and July 2008, October 2009, and June 2011	
Total Coliform	Monthly	None	June 2008, October 2008, and April 2011	
Total Coliform	Four Repeats	None	Within 24 hours of the positive taken on August 30, 2011	
Total Coliform	Five Routine Samples	One	September 2011	
Lead and Copper	Five samples every 6 months	None	June 1, 2011 to September 30, 2011	

What happened? What is being done?

We took the following action to correct the situation (describe):

For more information, please contact _____ at _____ or
(Name) (Telephone)

(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 was prepared by _____
(Name of preparer)