



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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December 16, 2020

December 17, 2020
2:47 PM

Ref: 8ENF-W-SD

Received by

EPA Region VIII

Hearing Clerk

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Mike Tatsey, Superintendent
Heart Butte School District
miket@heartbutte.k12.mt.us

Re: Third Administrative Order Addendum, Heart Butte School District, regarding
Heart Butte School District Public Water System, PWS ID # 083090009,
Docket # **SDWA-08-2018-0025**

Dear Mr. Tatsey:

This is the third Addendum to the Administrative Order (Order) issued to the Heart Butte School District (District) on July 18, 2018. The purpose of this letter is to approve the District's October 21, 2020, schedule (Schedule) extension request for coming into consistent compliance with the failure to filter and disinfect violation alleged in the Order by switching permanently to an alternate source of water, the Heart Butte Water System, PWS ID # 083090005. The Schedule is hereby incorporated into the Order pursuant to paragraph 19. Each milestone and deadline specified below is an enforceable provision of the Order.

Milestone

Deadline Date

Preliminary Engineering Report	August 2018 (completed)
Design Completion including Geotechnical Work for Storage Tank	June 30, 2020 (completed)
IHS Funding Obligated	June 30, 2020 (completed)
BOR Funding Obligated	June 30, 2021
Right of Way Secured	June 30, 2021
Invitation for Construction Bids	July 17, 2021
Construction Award	July 31, 2021
Begin Construction of Water Main to Heart Butte Water System and New Storage Tank	August 1, 2021
Project Completion including Water Main, New Storage Tank, and Connection to Heart Butte Water System	October 31, 2021
Compliance with 40 C.F.R. part 141, subparts H and T	October 31, 2021

Abandonment of Heart Butte School's Wells (WL03 and WL02) and Old Storage Tank (ST01) as a Drinking Water Supply.	November 21, 2021
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Within 10 calendar days of completing all steps included in the above Schedule, please notify the EPA of the project's completion as required by the Order. The Order also requires the District to achieve and maintain compliance with 40 C.F.R part 141, subparts H and T, by the final date specified in the approved Schedule. The EPA is authorized to seek penalties if these deadlines are not met. If the District has a reasonable basis to believe it may be unable to meet any deadline in the Schedule, it shall notify the EPA well in advance of the Schedule deadline to request an extension.

As a reminder, the District is required to provide the EPA with quarterly progress reports by the 10th day of the month following the relevant quarter, pursuant to paragraph 20 of the Order.

In addition, the EPA acknowledges that the COVID-19 pandemic also may impact construction projects. If the District has specific COVID-19 issues that would affect the timeframes listed herein, please contact Jill Minter via email at minter.jill@epa.gov or by phone at (800) 227-8917, extension 6084, or (303) 312-6084 as soon as possible. The EPA may, in its discretion, consider granting an extension.

If you have any questions concerning this Addendum, please contact Jill Minter via email at the email and phone number listed in the above paragraph. Any questions from the District's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at bearley.mia@epa.gov, or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

Sincerely,

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc: Chairman Timothy Davis, Blackfeet Tribe, (tdavis@blackfeetnation.com)
Mr. Terry Tatsey, Councilman, (ttatsey@blackfeetnation.com)
Mr. Gerald Wagner, Environmental Director, Blackfeet Utilities (gwagner@3rivers.net)
Ms. Dawn Gray, Tribal Attorney, (dgray@blackfeetnation.com)
Mr. Eric Day Rider, Operator, (ericd@heartbutte.k12.mt.us)
Mr. Quentin Allen, Indian Health Service, (quentin.allen@ihs.gov)
Mr. Jason Schneider, Indian Health Service, (jason.schneider@ihs.gov)
Mr. R. Mike Racine, Indian Health Service, (richard.racine@ihs.gov)
Ms. Melissa Haniewicz, EPA Regional Hearing Clerk