



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

2013 JUN 11 AM 9:43

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JUN 11 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Greg Norgaard, Mayor
City of Poplar
406 2nd Avenue West
Poplar, Montana 59255

The Honorable Floyd Azure, Chairman
Assiniboine & Sioux Tribes
P.O. Box 1027
Poplar, Montana 59255-1027

Re: Emergency Administrative Order
Docket No. SDWA-08-2013-0035
City of Poplar and Assiniboine and Sioux Rural
Water Supply Systems

Dear Mayor Norgaard and Chairman Azure:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the City of Poplar and the Assiniboine and Sioux Rural Water Supply System (A&SRWSS) pursuant to section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, in response to the Poplar Public Water System (Poplar System) and A&SRWSS, losing pressure on or about June 7, 2013. The Order sets forth the actions both parties must take to ensure that the people served by the water supplies are provided with safe water.

Loss of pressure 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. Back siphonage also is 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 the distribution system, posing a potential imminent and substantial endangerment to human health.

The Poplar System distributes drinking water to its customers purchased from the A&SRWSS System. The Poplar System experienced a loss of pressure when the A&SRWSS System was unable to produce finished water due to high turbidity in its source water.

The Order requires the Systems to provide a public notice instructing water users to boil their water and continue to provide alternate water supplies until further notice. Once water service and pressure are restored, the Systems must flush and disinfect the distribution systems, collect daily total coliform

samples, collect daily chlorine residuals, and provide daily reports to the EPA until notified otherwise by the EPA. A&SRWSS is required by the Order to submit daily records of continuous turbidity data from the combined filter effluent. The Order also requires that A&SRWSS report turbidity exceedances of 1.0 NTU or greater to the EPA within 24 hours and that both A&SRWSS and Poplar provide EPA with a written explanation of the physical, chemical, communication, and/or operational problems that contributed to the Poplar System's loss of pressure situation. The Order further requires Poplar and A&SRWSS to develop a communication plan to notify each other of emergency situations which may impact the other System's water quality or quantity.

The EPA is committed to working with the City of Poplar and the Assiniboine and Sioux Tribes to ensure the provisioning of safe drinking water. The EPA appreciates greatly the Tribes' and City's response to the emergency situation thus far. Please do not hesitate to contact me at (406) 457-5025 if you have any questions concerning the Order. 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.

Sincerely,



Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosures:

Emergency Administrative Order
Public Notice

cc:

Tina Artemis, EPA 8 Regional Hearing Clerk
Deb Madison, Fort Peck Tribes Environmental Director, email
Shane Halverson, City of Poplar Public Works Director

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF:)
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)
Assiniboine and Sioux Rural Water Supply System)
PWS ID# 083090050)
)
and)
)
City of Poplar)
PWS ID# 083090051)
)
Respondents.)
)

**EMERGENCY ADMINISTRATIVE
ORDER**

Docket No. SDWA-08-2013-0035

Proceeding under section 1431(a) of
the Safe Drinking Water Act

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) 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. 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.
3. The EPA may issue Emergency Administrative Orders when certain conditions exist which may present an imminent and substantial endangerment to the health of persons, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Ft. Peck Indian Reservation (the Reservation). No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. Respondent Assiniboine and Sioux Rural Water Supply System (A&SRWSS) is a Tribal agency organized under the laws of the Assiniboine and Sioux Tribal Government and is therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. A&SRWSS owns and/or operates the A&SRWSS public water system (A&SRWSS System). The A&SRWSS System provides water for human consumption and is therefore a public water system. The A&SRWSS serves at least 25 persons through one service connection and is therefore a "public water system" as defined in the Act.

7. The A&SRWSS System treats source water to produce finished water and then delivers for profit some or all of the finished water to another public water system and therefore is defined as a wholesaler.
8. Respondent City of Poplar (Poplar) is a municipality and therefore a "person" as that term is defined in the Act. 42 U.S.C. § 300f(12).
9. Poplar owns and/or operates the Poplar public water system (Poplar System) located on the Reservation. The Poplar System provides water for human consumption and is therefore a public water system. The Poplar System serves approximately 2900 residents annually through 970 commercial and residential service connections and is therefore a "public water system" as defined in the Act.
10. The Poplar System receives some or all of its finished water from one or more wholesale systems and is therefore defined as a consecutive system
11. 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).
12. The EPA has determined that conditions exist at the Poplar and A&SRWSS Systems (Systems) that may present an imminent and substantial endangerment to the health of persons. The current emergency conditions were initiated on June 7, 2013 when the Poplar System lost water pressure after the A&SRWSS System was unable to produce water at its surface water treatment plant. The City of Poplar does not have a back-up source of water. Loss of pressure 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. Back siphonage 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 the distribution systems.
13. Prior to issuing this Order, the EPA consulted with Poplar's Public Works Director and the Tribal Chairman to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondents shall notify the EPA in writing of their intent to comply with the terms of this Order. Email is acceptable.

BOIL ORDER AND PUBLIC NOTICE

15. Upon receipt of this Order, Respondents shall notify the public (Poplar) and employees (A&SRWSS) of the situation described in this Order by delivering a boil water advisory to all customers, posting it in conspicuous locations in each community, in the water plant and announcing it on local radio. Directions on the required content and distribution of the public notice and advisory are included in Attachment A of this Order. Respondents shall submit a copy of the notices to EPA within 24 hours of their distribution. Respondents shall continue providing public notice until EPA provides written notification to discontinue.

ALTERNATE WATER SUPPLY

16. Using the public notice required in paragraph 15 above, Respondents shall notify the public that an alternate potable water supply is available. The alternate water supply must be 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 drinking water regulations and shall be made available at no cost to all users of the Systems as needed for drinking and cooking until Respondents receives written notification from the EPA that alternate water is no longer necessary. 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 Systems.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Once water service is restored, Respondents shall flush and disinfect the Systems, including disinfection of both distribution systems, within 24 hours of achieving a distribution system pressure of at least 20 psi.

18. Poplar shall initiate booster chlorination at the entry point to the distribution system upon restoration of service from A&SRWSS and notify EPA when a residual of at least 0.2 mg/L can be detected in all parts of the distribution system. Booster chlorination shall be continued until notified otherwise by EPA.

19. Once the Systems have been flushed and disinfected, Respondents shall collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution systems.

20. After Respondents receive written notification from the EPA that Respondents may discontinue daily total coliform sampling, based on the EPA's determination that a sufficient number of daily total coliform sample results from the Systems have been negative, Respondents shall collect weekly special purpose bacteriological samples (1 sample per week).

21. Respondents shall monitor the chlorine residual at the same time and location as the Systems' special purpose total coliform samples (as required in paragraphs 18 and 19 above). Respondents shall maintain a detectable disinfectant residual as measured at the far end of the distribution systems.
22. After Respondents receive written notification from the EPA that Respondents may discontinue weekly total coliform sampling based on the EPA's determination that a sufficient number of weekly total coliform sample results from the Systems 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.
23. Respondents shall conduct all total coliform sampling at sites which are representative of water throughout the distribution systems.
24. For the total coliform sampling in paragraph 21 above, Respondent shall, before having these samples analyzed, designate samples as the monthly compliance sample(s) to determine compliance with the MCL for total coliform. 40 C.F.R. §§ 141.21 and 141.63.
25. If any one of the designated compliance sample results are total coliform-positive, Respondents shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b) by collecting a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondents shall comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of 5 routine total coliform samples the month following a total coliform-positive compliance sample result.
26. EPA may require Respondents to increase and/or decrease total coliform sampling or chlorine residual sampling at any time while the Order is in effect.

PREVENTIVE MEASURES

27. Respondent A&SRWSS shall submit daily records of continuous turbidity data from the combined filter effluent (CFE) from June 3, 2013 until notified otherwise by EPA within 24 hours of receiving this Order.
28. Respondent A&SRWSS shall report individual CFE or individual filter turbidity (IFE) turbidity exceedances of 1.0 NTU or greater to EPA within 24 hours.
29. Respondents shall, within 5 business days of receipt of this Order, provide EPA with a written explanation of the circumstances which caused loss of pressure in the distribution systems and what will be done to prevent a future loss of pressure. This includes but is not limited to physical, chemical, operational and communication problems.

30. Respondents shall, within 10 business days of receipt of this Order, provide EPA with a written communication plan which explains how each will notify the other of conditions in their Systems which may cause water quality problems or the potential for pressure loss in the other system. EPA will review and comment on the plan within 10 business days of receipt.

**NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS
TO PUBLIC HEALTH**

31. Respondents shall notify EPA within 24 hours after either Respondent learns of a violation or situation with the potential to have serious adverse effects on human health as a result of short term exposure to contaminants. 40 C.F.R. § 141.202(b)(2).

REPORTING

32. Respondents shall report all coliform and chlorine residual sampling results, as required above, to the EPA by telephone or fax within 24 hours of receiving the results.

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

Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street
Helena, MT 59626
Phone: (406) 457-5026 or 1-866-457-2690
Fax: (406) 457-5055
E-mail: meredith.sienna@epa.gov

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Poplar and A&SRWSS Public Water Systems
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34. 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 11th day of June, 2013.



Julie DalSoglio, Director
EPA Region 8 Montana Office



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

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be issued by broadcast media [*where applicable*] and posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Birney and Muddy Cluster water systems. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 *et seq.* following any future National Primary Drinking Water Regulations (“NPDWRs”) violations. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R. § 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM THE PUBLIC WATER SYSTEM USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING

DISHES, OR USED FOR HUMAN CONSUMPTION, ETC.,
SHALL BE BOILED FOR AT LEAST THREE (1) MINUTE,
AT A ROLLING BOIL, BEFORE USE, ALL STORED
WATER, DRINK OR ICE MADE RECENTLY FROM THIS
SUPPLY SHALL BE DISCARDED.

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)).

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. It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

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

Sienna Meredith
US EPA
10 West 15th St., Suite 3200
Helena, MT 59626
FAX: (406)457-5055
Meredith.sienna@epa.gov

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 _____

DRINKING WATER WARNING

The Poplar water system lost pressure in the distribution system

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

The Poplar water system ran out of water on June 7, 2013. This led to a loss of pressure in the distribution system, which 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. Water service was restored on June 10, 2013. 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 boil, **let it boil for one minute**, 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.
- A loss of pressure in the 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 contamination or other disease causing organisms could enter the distribution system.
- Bacteria and other organisms can cause 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?

The A&S Rural Water Supply System was unable to produce enough water to meet the needs of Poplar. Problems at the plant were corrected on Sunday, June 9 and Poplar began receiving water from the plant on Monday, June 10.

For more information, please contact Shane Halverson at 768-3483. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

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 the City of Poplar.

Water System ID#: 083090051.

Date distributed: _____.

DRINKING WATER WARNING

The Wambdi Wahachanka water treatment plant lost pressure in the distribution system

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

The water treatment plant ran out of water on June 7, 2013. This led to a loss of pressure in the distribution system, which 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. Water service was restored on June 9, 2013. These conditions may pose an imminent and substantial health endangerment to employees and other persons served by the system.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for one minute**, 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.
- A loss of pressure in the 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. Back siphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that contamination or other disease causing organisms could enter the distribution system.
- Bacteria and other organisms can cause 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?

The water treatment plant was unable to produce enough water to serve taps in the building. Problems with the plant were taken care of by Sunday June 9, 2013 and normal water pressure was restored.

For more information, please contact Tom Escarcega at 768-5719 . General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

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 the A&S RWSS,
Water System ID#: 083090050.
Date distributed: _____.