



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region8>

January 7, 2021

1:31 PM

Received by

EPA Region VIII

Hearing Clerk

January 7, 2021

Ref: 8ENF-W-SD

**SENT VIA EMAIL**  
**DIGITAL READ RECEIPT REQUESTED**

The Honorable Frank White Clay, Chairman  
Crow Tribe  
[Frank.Whiteclay@crow-nsn.gov](mailto:Frank.Whiteclay@crow-nsn.gov)

Mr. Emery Three Irons  
Apsáalooke Water and Waste Water Authority  
[bad\\_war\\_deed@outlook.com](mailto:bad_war_deed@outlook.com)

Re: Violation of Administrative Order, Docket No. SDWA-08-2019-0044, Wyola Public Water System, PWS ID #083090014, Crow Tribe of Montana and Apsáalooke Water and Waste Water Authority

Dear Chairman White Clay and Mr. Three Irons:

On September 11, 2019, the U.S. Environmental Protection Agency issued the above-referenced Administrative Order (Order), directing the Crow Tribe (Tribe) and the Apsáalooke Water and Waste Water Authority (AWWWA) to comply with certain requirements of the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f *et seq.* Our records indicate that the Tribe and AWWWA are in violation of the Order.

Among other things, the Order included the following requirements (summarized from paragraphs 14 and 16 on page 3 of the Order), which have not been fulfilled:

- Monthly monitoring for total coliform bacteria, in accordance with 40 C.F.R. § 141.853-858 and reporting within the first 10 days of the following month, in accordance with 40 C.F.R. § 141.31(a). **Not completed: No monitoring or reporting for April of 2020.**
- Reporting failure to monitor within 10 days after discovering the violation, in accordance with 40 C.F.R. § 141.861(a)(4). **Not completed: No report of the April of 2020 failure to monitor.**

Violation of any part of the Order, the Act, or Part 141 may subject the Tribe and the AWWWA to a civil penalty of up to \$59,017 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 83821 (December 23, 2020).

EPA acknowledges that the COVID-19 pandemic may be impacting your operations. If the Wyola Public Water System has specific COVID-19 issues that would affect its ability to respond to this letter, please contact Steven Latino, whose contact information is provided below, within 10 days of receipt of this letter. We will consider nationwide public health developments and your specific circumstances in determining an appropriate timeline for responding to this letter, while still pursuing regulatory compliance with the Safe Drinking Water Act and the National Primary Drinking Water Regulations as expeditiously as possible.

For assistance with actions necessary to come into compliance, please contact Mr. Latino via email at latino.steven@epa.gov, or by phone at (800) 227-8917, extension 6440, or (303) 312-6440. Any questions from counsel for the Tribe or the AWWWA should be directed to Peggy Livingston, Senior Assistant Regional Counsel, via email at livingston.peggy@epa.gov or by phone at (800) 227-8917, extension 6858, or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division

cc: Mr. Lawrence Decrane , Vice-Chairman  
Ms. Kathleen Adams, Crow Tribe  
Mr. Clinton Sowden, Crow Tribe  
Mr. Isaiah Hugs, Crow Tribe  
Ms. Clarice Denny, Crow Tribe  
Mr. Brewster Pretty on Top, Operator, AWWWA  
Mr. James Courtney, Utility Consultant, IHS  
Mr. Jason Schneider, Utility Consultant, IHS  
Mr. Quentin Allen, Acting Director, SFC, IHS  
Ms. Susan Messerly, Acting Director Montana Office, BIA  
Mr. Mike Black, Great Plains Regional Director, BOR  
Ms. Melissa Haniewicz, EPA Regional Hearing Clerk