



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

JUN 19 2014

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Ms. Margaret Nicholson, Director
Prairie Mountain Utility
R.R. 1, Box 91
Fort Belknap Agency, Montana 59526

Re: Emergency Administrative Order, Lodgepole Housing Public Water Supply System,
Docket No. **SDWA-08-2014-0017**

Dear President King and Ms. Nicholson:

Recent total coliform, fecal coliform and *E. coli*-positive test results for the Lodgepole Housing Public Water System (System) necessitate that the U.S. Environmental Protection Agency (EPA) issue the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utility (Utility) as System owners/operators the enclosed Emergency Administrative Order (Order) to ensure that the persons served by the System are provided safe water.

The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to human health. On June 9, 2014, the EPA was notified that a routine Total Coliform Rule (TCR) sample had been taken in the System. The TCR sample came back positive for total coliform and fecal coliform. One of the five additional TCR samples collected on June 16, 2014, tested positive for total coliform and *E. coli*. The EPA has information that a septic drain field serving ten homes is less than 20 feet upslope of the well head and the ground was saturated due to flooding. The EPA is working with the System to confirm the source of contamination.

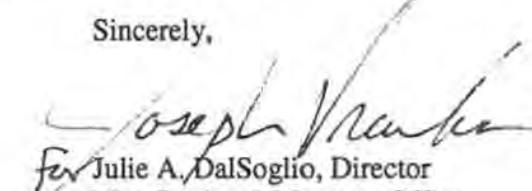
Total coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. If samples test positive for total coliform, this is a warning of potential water quality problems. Total coliform include a group of bacteria known as fecal coliforms, which in turn include a subgroup of bacteria known as *E. coli* bacteria. Fecal coliforms and *E. coli* are types of coliform bacteria whose presence indicates possible contamination with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, and associated headaches and fatigue. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

The System has a history of positive total coliform samples and *E. coli* contamination and been subject to past boil orders because the water was non-potable. The EPA commends the FBIC's and Utility's efforts to permanently address this problem by agreeing to provide continuous disinfection at the System and initiate disinfection within a specified timeframe. In light of the EPA providing the funding for this project, and the plans and specifications having been prepared for this project, the "Preventative Measures" section of the enclosed Order is focused, in part, on ensuring that the project is completed in an expeditious manner. Provided that continuous disinfection is installed properly and regular System maintenance is performed, including but not limited to cleaning the storage tank and sealing the well lid properly, the EPA anticipates that the System's risk of contamination will decline significantly if not be fully resolved.

The enclosed Order sets forth the actions FBIC and the Utility must take to address the current emergency situation. In addition to the action items set forth in the Preventative Measures section discussed above, requirements of the Order include notifying the public in the affected area of the situation described in the Order, distributing a boil water advisory, providing an alternate potable water supply, performing increased total coliform monitoring and reporting, and disinfecting.

The EPA appreciates the work performed by the System operators and Utility to address the current contamination and ensure the provisioning of safe drinking water to its users. 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 (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,


for Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosure

cc: Ina Nez Perce, Fort Belknap Environmental Director, email
Scott Snow, FBIC Head Operator
Sherry Bishop, FBIC Compliance Officer
Catharine Aragon, FBIC Tribal Attorney
Tina Artemis, EPA 8 Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 JUN 19 PM 3:39

IN THE MATTER OF)

Prairie Mountain Utility, Operator, and)
Gros Ventre and Assiniboine Tribes of the)
Fort Belknap Indian Community, Owner,)

Lodgepole Housing Public Water Supply)
PWS ID # 083090047,)

Respondents.)

**EMERGENCY ADMINISTRATIVE
ORDER**

Docket No. SDWA-08-2014-0017

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

FILED
EPA REGION VIII
HEARING CLERK

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 such Emergency Administrative Orders when 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 Fort Belknap Reservation. No other governmental authority has applied for and been approved to administer the program on the Reservation.

5. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) are federally recognized tribes governed by the Fort Belknap Indian Community Council and are therefore "persons" as that term is defined in the Act. 42 U.S.C. § 300f(10), (12), (14).

6. Prairie Mountain Utility (Utility) is a tribal agency organized under the laws of the FBIC and is therefore a "person" as that term is defined in the Act and its implementing regulations. 42 U.S.C. § 300f(12); 40 C.F.R. § 141.2.

7. Respondents FBIC and Utility own and/or operate the Lodgepole Housing Public Water System (System) located near Lodgepole, Montana, that provides water to the public for human consumption. The System is supplied by one ground water well, which serves 105 users through 23 service connections.

8. 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 considered public water systems. 40 C.F.R. § 141.2. Public water systems are subject to the requirements of the Act at 42 U.S.C. § 300g and its implementing regulations (also known as the drinking water regulations) at 40 C.F.R. part 141.

9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons. On June 9, 2014, the EPA was notified that a routine Total Coliform Rule (TCR) compliance sample of the drinking water had been taken for the System. The TCR sample came back positive for total coliform and fecal coliform. One of the four required repeat TCR samples collected on June 16, 2014, tested positive for total coliform and *E. coli*. This results in an acute violation of the TCR maximum contaminant level (MCL). 40 C.F.R. § 141.63(b). EPA understands that a septic drain field serving ten homes is located less than 20 feet upslope of the well head and that the ground is saturated due to flooding. The septic field is suspected as the primary source of contamination.

10. Before issuing this Order, the EPA consulted with the FBIC, the Utility, the System operator, and other governmental authorities to confirm the facts, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondents must notify the EPA in writing of their intent to comply with the terms of this Order. Email to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

12. Within 24 hours of receipt of this Order, Respondents must notify the public in the affected area of the situation described in this Order and distribute a boil water advisory. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondents must submit a copy of the notice to the EPA within 24 hours of its distribution. Respondents must continue providing the public notice until the EPA provides written notification to discontinue.

ALTERNATE WATER SUPPLY

13. Using the public notice required in paragraph 12 above, Respondents must notify the public that an alternate potable water supply is available. Respondents must provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the System. EPA understands that the Tribe has arranged for bottled water to be provided as

an alternate source of water as needed. Respondents may also opt to provide an alternate water supply that is 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. Any alternate water supply chosen must be made available at no cost to all users of the System as needed for drinking and cooking until Respondents receive written notification from the EPA that alternate water is no longer necessary.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. Once the source of contamination is identified and corrective action is completed, Respondents must clean and flush the System, including disinfecting the distribution system and any storage tanks that are part of the System.

15. Once the System has been flushed and disinfected, Respondents must collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution system

16. After Respondents collect a sufficient number of consecutive daily total coliform samples that are negative and receive written notification from the EPA to discontinue daily total coliform sampling, Respondents must collect weekly special purpose bacteriological samples (1 sample per week).

17. After Respondents collect a sufficient number of weekly total coliform samples that are negative and receive written notification from the EPA to discontinue weekly total coliform sampling, Respondents must resume monthly total coliform sampling. The Respondents must designate at least one sample as the monthly compliance sample to determine compliance with the maximum contaminant level for total coliform. 40 C.F.R. § 141.63.

18. If any one of the designated compliance sample results are total coliform-positive, Respondents must 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 must 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.

19. If any of the designated routine sample results is total coliform-positive, within 24 hours of being notified of those results Respondents must collect a "triggered" sample from the source to be analyzed for *E. coli*. 40 C.F.R. § 141.402. EPA can provide assistance to determine where the source sample should be collected.

20. Respondents must collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondents must report all sampling results to the EPA by telephone and by email or fax immediately upon receiving the results.

21. The EPA may require Respondents to increase or decrease total coliform sampling or chlorine residual sampling at any time while the Order is in effect.

PREVENTIVE MEASURES

22. Respondents shall, within five business days of receipt of this Order, provide the EPA with a written explanation of the likely cause of contamination in the distribution and a plan and schedule for eliminating future contamination. In light of the FBIC approving the installation of continuous disinfection for the System, EPA having provided the funding, and Indian Health Services preparing the plans and specifications, continuous disinfections for the System shall be installed and fully operational no later than August 1, 2014. Related improvements that are part of the continuous disinfection project and critical to reducing and responding to the threat of contamination including, but not limited to, installation of the telemetry system and installation of the source water tap at the pump house, shall be included in the plan and schedule required by this paragraph and completed no later than August 1, 2014. Respondents shall either provide the EPA with notification that the storage tank hatch has been properly sealed or, if not yet completed, include this repair in the plan and schedule.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS TO PUBLIC HEALTH

23. Respondents must notify EPA within 24 hours after learning 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

24. Respondents must submit all monitoring and reporting required above to the EPA by telephone and email or fax within 24 hours of receiving the results. These reports should also include daily updates on the System's status and progress towards restoring normal water service.

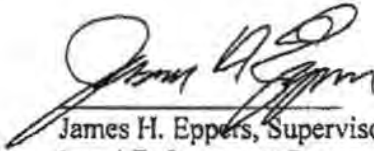
25. The point of contact for all communication with EPA in this matter is:

Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200
Helena, MT 59626
Phone (866) 457-5026 or (406) 457-5026
Fax (406)457-5055
Email: meredith.sienna@epa.gov

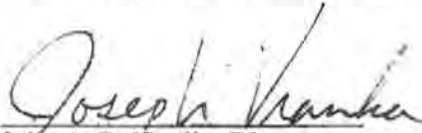
Emergency Administrative Order
Fort Belknap Indian Community and Prairie Mountain Utility
Lodgepole Public Water System
Page 5 of 5

26. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a), Respondents may seek federal judicial review of SDWA section 1431 emergency orders.

Issued and effective this 19th day of June, 2014.



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



For Julie A. DalSoglio, Director
EPA Region 8 Montana Office