



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

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ENVIRONMENTAL PROTECTION AGENCY
REGION 8 OFFICE
HELENA, MONTANA

May 29, 2009

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia doney, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

Margaret Nicholson, Director
Prairie Mountain Utilities
RR 1, Box 91
Fort Belknap Agency, MT 59526

Re: Notice of Violation of Regulations, and
Violation of Administrative Order
Docket No. SDWA-08-2009-0006
PWS #083090044

Dear President doney and Ms. Nicholson:

This letter is to inform you officially that the Hays/WhiteCowWater System has had violations of the National Primary Drinking Water Regulations (NPDWRs), and of the Administrative Order, issued October 9, 2008. The Administrative Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq.

I. The Administrative Order, page 4, item 1 states:

“Upon the effective date of this Order, Respondents shall comply with the total coliform maximum contaminant level (MCL). 40 CFR 141.63(a).



The Utility and EPA were notified by the lab on May 25 that a sample collected on May 19 in Hays/WhiteCow tested positive for total coliform bacteria. On May 26, Barbara Burkland called Scott Snow and Margaret Nicholson and reviewed the process for collecting repeat samples. Four repeat samples were collected on May 26. On May 29, the lab notified the Tribe and EPA that one of those four samples also was positive for total coliform bacteria. The regulations state that no more than one sample collected during the month may be positive for total coliform bacteria. These samples constitute an exceedance of the total coliform MCL for May, 2009. The system has therefore violated the regulations and the Administrative Order.

2. The Administrative Order, page 5, item 4 states:

Upon the effective date of this Order, Respondents shall report any total coliform MCL violations to EPA by the end of the next business day. 40 C.F.R. 141.21(g)(1).

The total coliform MCL violation has not been reported to EPA.

For this MCL exceedance episode, the following actions are required:

1. Notify the EPA of the violation no later than the end of the next business day after learning of the violation. This notification has not occurred.
2. Notify your customers of the MCL exceedance by publishing a public notice in the newspaper, or by direct delivery, within 30 days of your knowledge of each exceedance.

A copy of a public notice template is attached. Please provide this office with a copy of the notice and information about when and where the notice was posted, by close of business Monday, June 29, 2009

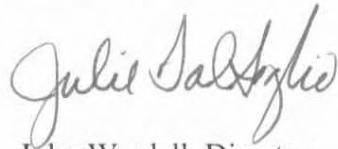
3. You must include this violation in next year's 2009 Consumer Confidence Report.
4. You are required to implement action to correct water system deficiencies which may have contributed to this contamination episode.
5. You are required to collect **five routine** coliform samples for the month of June, 2009.

EPA is considering additional enforcement action as a result of the noncompliance with the Administrative Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction, ordering compliance.

If you have any questions or wish to have an informal conference with EPA, please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.



Sincerely,



John Wardell, Director
EPA Region 8 Montana Office



cc: Scott Snow, Head Operator
Prairie Mountain Utilities

Robert Fox, Chairman
Prairie Mountain Utilities Board

Bum Stiffarm, CEO
Ft. Belknap Indian Community

Brian Wing, Councilman
Ft. Belknap Indian Community

Tina Artemis, Regional Hearing Clerk
EPA Region 8