



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

SEP 30 2016

Ref: 8ENFL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Darrin Old Coyote, Chairman
Crow Tribe
P.O. Box 159
Crow Agency, Montana 59022

Mr. Shawn Backbone, Sr., Vice Secretary
Crow Tribe
P.O. Box 159
Crow Agency, Montana 59022

Re: Emergency Administrative Order, Crow Agency (TP02) Public Water Supply System,
Docket No. SDWA-08-2016-0037

Dear Chairman Old Coyote and Mr. Backbone:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Apsáalooke Water and Waste Water Authority (AWWWA) and the Crow Tribe (Tribe) pursuant to section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, in response to conditions at the Crow Agency Public Water System (System) that may present an imminent and substantial endangerment to human health. The Order sets forth the actions the AWWWA and the Tribe must take to ensure that the people served by the System are provided with safe water.

On September 6, 2016 an EPA contractor performed a routine sanitary survey and identified that the turbidimeter for the produced water in the Tribally-owned water plant was not operational and data being recorded was not accurate. Consequently, there can be no assurance that the water has been adequately treated to meet the standards of the Safe Drinking Water Act and therefore, the consumers of the water have the potential to be exposed to pathogens which are confirmed present in the source water (*E. Coli and Cryptosporidium*). During a follow up site visit from EPA staff on September 21, 2016, the chlorine analyzer for the produced water was not operational. While the display was stuck at a constant reading of 0.84 mg/L 3 separate grab samples taken around the same time and location showed a chlorine residual of 0 mg/L. This means that the surface water coming into the System's treatment plant was not being chlorinated for an unknown period of time. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons.

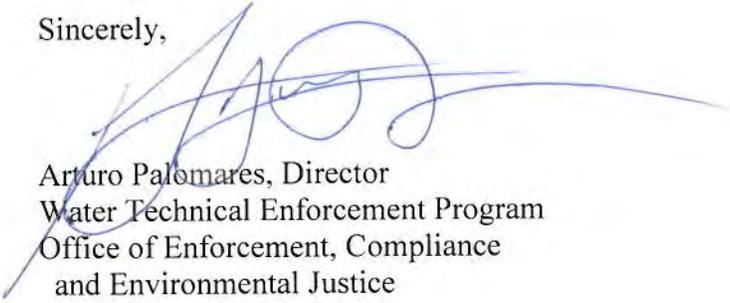
The enclosed Order sets forth the actions AWWWA and the Tribe must take to address the current emergency situation, including notifying the affected public of the situation described in the Order,

distributing a boil water advisory, and calibrating and ensuring that the equipment is fully functional. This latter requirement includes programming the control system to alarm if stagnant turbidity or chlorine residual conditions occur and performing increased reporting of the chlorine residual and turbidity to the EPA.

Before issuing this Order, the EPA attempted to consult with the Tribe and other governmental authorities to confirm the facts and determined that this Order is necessary to protect human health. Beginning Wednesday, September 28, 2016, the EPA left several messages with the Tribal Chairman's Office regarding this matter. In addition, the EPA informed the Tribe's environmental director and legal counsel of the Order and the underlying circumstances. The EPA also informed representatives of the AWWWA and Indian Health Service of the Order. The EPA will continue to contact Tribal leadership to schedule a conference call to discuss the Order, its purpose and requirements.

This Order is intended to ensure that the quality of the System's water is known and safe to drink. 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,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

1. Emergency Administrative Order
2. Public Notice template

cc: Ms. Connie Howe, Crown Environmental Protection Director
Ms. Melissa Holds the Enemy, Attorney
Crow Tribe

Mr. John Doyle
Apsaalooke Water and Waste Water Authority

Ms. Vianna Stewart, Crow Agency Superintendent
Bureau of Indian Affairs

Mr. Joe Amiotte, Associate Area Director
Office of Environmental Health and Engineering
Billings Area Office Indian Health Service

Ms. Melissa Haniewicz, Regional Hearing Clerk
U.S. EPA Region 8

bcc: Sienna Meredith, 8MO
Amy Swanson, 8ENF-L
Art Palomares, 8ENF-W
Jennifer Wintersteen, 8MO
Barb Burkland, 8MO
Mindy Mohr, 8P-W-DW
Gwen Campbell, 8P-W-DW
Natasha Davis, 8P-TA
Ben Bahk, OECA
Jonathan Binder, OECA
John Mackey, 8ENF-PJ
Lee Michalsky, RATES
Reading File

cc address:

Ms. Connie Howe, Crow Tribe Environmental Director
Connie.howe@crow-nsn.gov

Ms. Melissa Holds the Enemy, Legal Office
melissa.holdsenemy@crow-nsn.gov

Mr. John Doyle, Apsalooke Water and Waste Water Authority
johndoyle91@gmail.com

Ms. Vianna Stewart, BIA Crow Agency Superintendent
Vianna.stewart@bia.gov

Mr. Joe Amiotte, OEHE Associate Area Director
Joseph.Amiotte@ihs.gov

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 September 6, 2016, an EPA contractor performed a routine sanitary survey and identified that the turbidimeter for the produced water was not operational and data being recorded was not accurate. Consequently, there can be no assurance that the water has been adequately treated to meet the standards of the Safe Drinking Water Act and therefore, the consumers of the water have the potential to be exposed to pathogens which are confirmed present in the source water (*E. Coli* and *Cryptosporidium*). During a follow up site visit from EPA staff on September 21, 2016, the chlorine analyzer for the produced water was not operational. While the display was stuck at a constant reading of 0.84 mg/L, 3 separate grab samples taken around the same time and location showed a chlorine residual of 0 mg/L. This means that the surface water coming into the System's treatment plant was not being chlorinated for an unknown period of time.

10. Before issuing this Order, the EPA attempted to consult with the Tribe and other governmental authorities to confirm the facts and determined that this Order is necessary to protect human health. Beginning Wednesday, September 28, 2016, the EPA left several messages with the Tribal Chairman's Office regarding this matter. In addition, the EPA informed the Tribe's environmental director and legal counsel of the Order and the underlying circumstances. The EPA also informed representatives of the AWWWA and Indian Health Service of the Order. The EPA will continue to contact Tribal leadership to schedule a conference call to discuss the Order, its purpose and requirements.

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 in paragraph 25 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 Drinking Water Warning containing a boil water advisory door-to-door as well as posting it in conspicuous locations. Directions on the required content and distribution of the public notice and boil water advisory

are included in the Drinking Water Warning as 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.

EMERGENCY ORDER

13. Immediately, but no later than 5 business days from receipt of the Order, Respondents shall ensure that all compliance monitoring devices (including but not limited to online turbidimeters and online chlorine analyzers), and plant data recording mechanisms are functioning properly. In addition, the monitoring device controllers must be set to display an operator input value when there are any errors. The control system must be programmed to alarm if stagnant turbidity or chlorine residual conditions occur (more than four 5-minute readings with identical values) while valid operating conditions are being met.

14. Respondents must ensure that a plant representative with 1 hour prior notice is on site to meet with an EPA contractor who will visit the plant WEEKLY to verify that all monitoring devices and recording mechanisms are functioning properly. Weekly site visits will continue until no issues with monitoring or recording are observed during a one month period.

15. At each weekly visit by the EPA's contractor, Respondents must provide SCADA output reports (4 hour reading report and detailed data logged at 5 minute intervals) in Excel csv format to the contractor and to EPA via email for the previous week until the Order is closed.

16. By the 10th day of the month following each monitoring period required by regulation, Respondents shall submit to EPA via email both the SCADA output reports not already provided to EPA (4 hour reading report and detailed data logged at 5 minute intervals – the detailed data should cover the entire month) along with the monthly compliance report until the Order is closed. The monthly report must report the individual filter effluent turbidity readings for compliance (not readings from the turbidimeter downstream of the clearwell).

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Respondents shall continuously monitor the residual disinfectant concentration of the water entering the System's distribution system. If the System's continuous monitoring equipment fails, Respondents must notify the EPA within 24 hours.

18. Respondents must ensure that the residual disinfectant concentration in the water entering the System's distribution system be at least 0.2 mg/l for every 4-hour period. If at any time it is less than 0.2 mg/l, the water treatment plant should not be in operation and the EPA must be notified within 24 hours.

19. Respondents must monitor the chlorine residual daily in the System's distribution in at least 3 locations that are representative of the entire distribution.
20. Respondents must monitor continuously the individual filter turbidity and record results for each filter at least once every 15 minutes.
21. Respondents must report the date, time, and the cause whenever 2 consecutive individual filter turbidity (IFT) turbidity readings (at 15 minute intervals) exceed 1.0 NTU to the EPA within 24 hours.
22. Respondents will ensure that the System's finished water will at no time exceed 1.0 NTU. Respondents will shut the plant down and report to the EPA within 24 hours if at any time the System's water exceeds 1.0 NTU.

**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

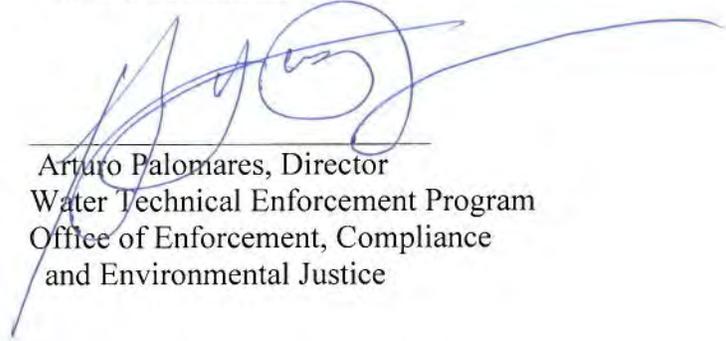
26. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under section 1448(a) of the SDWA, 42 U.S.C. 300j-7(a), Respondents may seek federal judicial review of SDWA section 1431 emergency orders.

Emergency Administrative Order
Crow Tribe and AWWA
Crow Agency(TP02) Public Water System
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Issued and effective this 30th day of September 2016.



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



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

DRINKING WATER WARNING

The Tribally-owned water plant in Crow Agency has unknown turbidity and chlorine residual levels

BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

We routinely monitor your water for turbidity (cloudiness) and chlorine residual (chemical that kills bacteria). This tells us whether we are effectively treating the river water. During several regulatory site visits, problems were observed with our monitoring equipment that indicated that they were not functioning properly. This means that water with high turbidity and low or no chlorine residual may have been sent out for public consumption. Because of the unknown turbidity and chlorine residual levels in the water, there is an increased chance that the water may contain disease-causing organisms.

What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a rolling boil for at least (3) three minutes, 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. **ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALLSHOULD? BE DISCARDED.**
- Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites, which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. In addition, lack of an adequate chlorine residual results in little or no disinfection of these microorganisms. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice from their health care providers about the drinking water.
- 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. 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.

What is being done? (Describe corrective action and when the system expects to return to compliance) and where consumers can get an alternate source of water.)

We will inform you when turbidity returns to appropriate levels and when you no longer need to boil your water.

For more information, please contact _____ at _____ or
(Name of PWS contact) (Phone number)

(Mailing address of PWS contact)

ATTENTION: PWS Operator/Responsible Party

If EPA Region 8 has designated this turbidity single exceedance as a Tier 1 violation [40 CFR 141.202(a)] you must provide public notice to persons served within 24 hours after it has been designated Tier 1. If you did not consult with EPA within 24 hours of learning of this exceedance, it automatically becomes Tier 1. **In such cases, you must issue a notice within the next 24 hours.** You may elevate the violation to Tier 1 yourself. You should also coordinate with your local health department.

You must use **one or more** of the following methods to deliver the notice to consumers [40 CFR 141.202(c)]:

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, you may print the notice on your system's letterhead.

This public notice is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you modify the notice, you must leave the distribution and health effects language in italics unchanged. The language in italics is mandatory.

Population Served

Make sure it is clear who is served by your water system - you may need to list the areas you serve.

Corrective Action

In your notice, describe the corrective actions you are taking. Corrective actions should include work on the monitoring equipment and recording devices to ensure accurate and valid readings are being taken.

Source of the Problem

If you know why the turbidity is high, explain it in your notice. For instance, unusual conditions, such as heavy rains and flooding, can overburden the water plant, and treated water may therefore not meet the standards. In addition, run-off from parts of the watershed could contain increased concentrations of sediment and animal waste.

After Issuing the Notice

Within the time frame required by EPA, but no later than ten days after issuing the notice, you must send to EPA a copy of the notice, along with certification that you have met all the public notice requirements. Mail copies to:

Sienna Meredith
US EPA Region 8, Montana Office
10 15th Street West, Suite 3200
Helena, MT 59626

Or you can fax a copy to: Attn: Sienna Meredith at 1-406-457-5055. If you have questions about your turbidity exceedance call Jake Crosby at 1-800-227-8917, ext. 312-6389 or (303) 312-6389.

You should notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. Additionally, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator/Responsible Party)
_____ to _____. The attached notice was issued by _____
(Date) (Date) (Method of delivery)

Signature _____ Date _____