



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
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Edward F. Parisian, Director  
Rocky Mountain Regional Bureau of Indian Affairs  
316 N 26th Street  
Billings, MT 59101

Re: 2<sup>nd</sup> Violation of Amended  
Administrative Order  
Docket No. SDWA-08-2011-0064  
Bureau of Indian Affairs  
Crow Agency (TP01)  
Public Water System  
PWS ID #083090011

Dear Regional Director Parisian:

On August 29, 2011, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2011-0064, ordering the Bureau of Indian Affairs (BIA or Respondent) to comply with various regulations issued by the EPA under the Safe Drinking Water Act (Act), 42 U.S.C. § 300f et seq. On April 18, 2012, the EPA issued an Amended Administrative Order requiring the Respondent, among other things, to provide the EPA with a written compliance plan on how the Respondent will return the system to compliance. On May 16, 2012, the EPA received a compliance plan letter from Vianna Stewart, BIA Superintendent, on behalf of the BIA. On July 18, 2012, the EPA issued an Administrative Order Addendum (Order) which incorporated the compliance plan into the Order, making it enforceable.

Our records indicate that the Respondent is not in compliance with the Order. The Order included the following requirements:

1. Operators will notify EPA within 24 hours if the water's chlorine residual is below 0.2 mg/L and it lasts more than 4 hours (this is a treatment technique violation). If the chlorine daily chart recording does not indicate that the plant was shut off during a recording of low chlorine residual, it shall be presumed that the low chlorine water was sent to the distribution system. (40 C.F.R. §§ 141.72(b)(2)).

Respondent failed to notify EPA within 24 hours when the chlorine residual was below 0.2 mg/L for more than four hours (from approximately 2:00 p.m. until 7:15 p.m.), on July 22, 2012.

2. Operators will record the lowest chlorine residual value each day and report it to EPA on the monthly SWTR report as the daily lowest value. (40 C.F.R. §§ 141.74 (c)(2)).

Respondent failed to correctly report the lowest chlorine residual on the July 2012, monthly Surface Water Treatment Rule report (specifically for July 22, 2012).

3. Respondent shall report any violation of the National Primary Drinking Water Regulations (Drinking Water Regulations) to EPA within 48 hours of the violation occurring as required by 40 C.F.R. §141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.

Respondent failed to report the above violations in items 1 and 2 to EPA within 48 hours of the violation occurring.

4. Respondent failed to accurately report several required actions in the Order regarding the individual filter turbidity (IFT) for filters 1 and 2, the combined filter effluent (CFE), and chlorine analyzer charts.

These Order requirements and violations are detailed in the attached Appendix A.

5. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in the Order, above as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

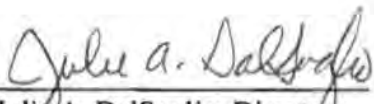
If public notice has not been completed, please do so immediately and submit a copy to EPA. If public notice has been conducted, please provide EPA a copy.

**EPA is considering additional enforcement action as a result of the non-compliance with the Order.** Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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, you may contact Sienna Meredith at 1-866-457-2690, extension 5026 or (406) 457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Jean Belille, Enforcement Attorney, at 1-800-227-8917, extension 6556 or (303) 312-6556 or at the following address:

Jean Belille  
Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

  
Julie A. DalSoglio, Director  
EPA Region 8 Montana Office

Enclosure: Appendix A: Violations of the Order

cc: Cedric Black Eagle, Chairman  
Leroy Cummins, Facility Manager, BIA Crow Agency  
Bruce Ward, Engineer, BIA Rocky Mountain Region  
Vianna Stewart, Superintendant, BIA  
Chris Dillon, Acting Manager Apsalooke Water and Wastewater Authority  
Jim Real Bird, Apsalooke Water and Wastewater Board  
John Doyle, Apsalooke Water and Wastewater Board  
Larry Kindness, Apsalooke Water and Wastewater Board  
Tina Artemis, EPA 8 Regional Hearing Clerk  
Karen Dunnigan, Department of Interior, Solicitor's Office (via email)

### Appendix A: Violations of the Order

Requirement	Filter 1 (IFT)	Filter 2 (IFT)	Finished Water (CFE)	Chlorine
<p>Operators will indicate on each daily chart whether the water was being sent to waste or the clearwell during a high turbidity event. If the chart recorded for that day does not clearly indicate when the water is being sent to waste, it shall be presumed that the high turbidity water was sent to the clearwell. If high turbidity water is sent to the clearwell, EPA must be notified in the monthly report.</p> <p>Respondent failed to clearly indicate on each daily chart whether the water was being sent to waste or the clearwell during a high turbidity event for these dates:</p>	<p>7-29-2012 7-30-2012 7-31-2012 8-6-2012 8-7-2012 8-8-2012 8-9-2012</p>	<p>7-31-2012</p>	<p>NA</p>	<p>NA</p>
<p>The Operators will clearly mark IFT charts to show the correlation with each filter's status as operating or not.</p> <p>Respondent failed to clearly mark the ITF charts to show each filter's status for the following dates:</p>	<p>7-21-2012 7-23-2012 7-24-2012 7-29-2012 7-30-2012 8-6-2012 8-7-2012 8-8-2012</p>	<p>7-23-2012 7-24-2012 7-28-2012 7-29-2012 7-30-2012 7-31-2012 8-8-2012 8-9-2012 8-10-2012</p>	<p>NA</p>	<p>NA</p>
<p>The Operators will clearly mark the IFT charts to show notes with exact times when backwashing, sending water to waste, or to the clear well by filter number.</p> <p>Respondent failed to clearly mark the IFT charts to show the exact times when each filter was backwashing, sending water to waste or sending water to the clearwell for the following dates:</p>	<p>7-21-2012 7-22-2012 7-24-2012 7-25-2012 7-26-2012 7-27-2012 7-28-2012 7-29-2012 7-30-2012 7-31-2012 8-1-2012 8-2-2012 8-3-2012 8-6-2012 8-7-2012 8-8-2012 8-9-2012 8-10-2012</p>	<p>7-22-2012 7-24-2012 7-25-2012 7-26-2012 7-28-2012 7-29-2012 7-30-2012 7-31-2012 8-1-2012 8-2-2012 8-3-2012 8-6-2012 8-7-2012 8-8-2012 8-9-2012 8-10-2012</p>	<p>NA</p>	<p>NA</p>

<p>The Operators will mark all charts to show plant start-up and shut off times.</p> <p>Respondent failed to clearly mark all charts to indicate plant start-up and shut off times on the following dates:</p>	NA	NA	July 10, 2012 through August 10, 2012	7-22-2012 7-25-2012 7-27-2012 7-29-2012 7-30-2012 8-8-2012 8-9-2012 8-10-2012
<p>The Operators will record the maximum (span) value on each chart.</p> <p>Respondent failed to record the maximum value on each chart on the following dates:</p>	July 10, 2012 through August 10, 2012	July 10, 2012 through August 10, 2012	July 10, 2012 through August 10, 2012	July 10, 2012 through August 10, 2012
<p>Operators will submit the continuous chlorine analyzer chart, both individual filter turbidity recording charts, and the combined effluent turbidity recording chart weekly to EPA until notified otherwise by EPA.</p>	EPA received the Filter 1 charts for each week from July 10, 2012 through August 10, 2012.	EPA received the Filter 2 charts for each week from July 10, 2012 through August 10, 2012.	EPA received the finished water (combined filter) charts for each week from July 10, 2012 through August 10, 2012.	8-6-2012 (chart submitted was not dated nor a daily chart)