



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

JUN 19 2018

Ref: 8ENF-W-SDW

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

and VIA EMAIL at andrew.werk@ftbelknap.org, ray.king@ftbelknap.org

The Honorable Andrew Werk, Jr., President
Fort Belknap Indian Community Council
656 Agency Main Street
Harlem, Montana 59526

Mr. Ray King, Director
Prairie Mountain Utilities
164 Agency Main Street
Harlem, Montana 59526

Re: Emergency Administrative Order, Lodgepole Housing Public Water System,
PWS ID #083090047, Docket No. **SDWA-08-2018-0018**

Dear President Werk and Mr. King:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utilities (Utilities) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Lodgepole Housing Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on notification from the Utilities on June 18, 2018, that the System lost pressure due to a pump failure.

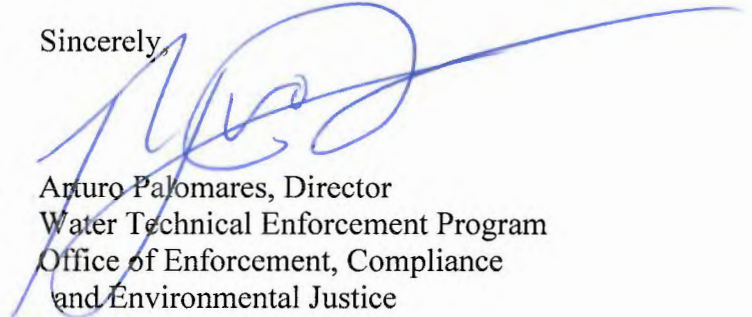
Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System.

The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the FBIC and the Utilities to: provide an alternate water supply to customers; repair or replace the failed pump; disinfect and flush the System; and take additional total coliform bacteria samples, among other steps. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917 extension 6481 or (303) 312-6481, or by email at brainich.kathelene@epa.gov. Any questions from counsel for the FBIC or the Utilities should be directed to Abigail Dean, Enforcement Attorney, at the above 800 number, extension 6106, or at (303) 312-6106, or by email at dean.abigail@epa.gov.

Thank you for your attention to this matter.

Sincerely,



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

Enclosures

Emergency Administrative Order
Boil Order Advisory

cc: Ina Nez Perce, Fort Belknap Environmental Director (inperce@ftbelknap.org)
Scott Snow, FBIC Head Operator (fbwaterplant@yahoo.com)
Catharine Aragon, FBIC Tribal Attorney (Cataragon51@aol.com)
Jim White, Indian Health Service (jim.white@ihs.gov)
Jason Schneider, Indian Health Service (jason.schneider@ihs.gov)
James Courtney, Indian Health Service (James.Courtney@ihs.gov)
Rob Adams, Indian Health Service (Robert.adams@email.ihs.gov)
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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IN THE MATTER OF)
)
Prairie Mountain Utilities and)
Gros Ventre and Assiniboine Tribes of the)
Fort Belknap Indian Community) EMERGENCY ADMINISTRATIVE ORDER
)
(Lodgepole Housing Public Water System)) Docket No. **SDWA-08-2018-0018**.
PWS ID # 083090047,)
)
Respondents.)

FILED
EPA REGION VIII
HEARING CLERK

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (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 \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Indian Reservation (Reservation). No other governmental authority has applied for or 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(12) and 40 C.F.R. § 141.2 for purposes of federal enforcement under the Act.
6. Prairie Mountain Utilities (Utilities) 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 Utilities own and/or operate the Lodgepole Housing Public Water System (System) located near Lodgepole, Montana, that provides water to the public for human

human consumption. The System is supplied by one ground water well under the direct influence of a surface water well.

8. The System has approximately 14 service connections used by year-round residents and/or regularly serves an average of approximately 70 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

9. Prior to issuing this Order, the EPA consulted with the FBIC, the Utilities and Indian Health Services to confirm the facts stated in this Order and to confirm that the FBIC is unable to act to protect public health in this instance.

10. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated below. The EPA has determined that this Order is necessary to protect human health.

11. On June 13, 2018, the Utilities Director notified the EPA of a pump failure, which occurred the previous day and resulted in reduced pressure. The System was temporarily provided potable water through an interconnection to the Agnes Leggins Water System. However, due to a loss of water pressure at the Agnes Leggins System on June 18, 2018, the interconnection to the Lodgepole Housing System was closed and the System no longer has potable water.

12. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential for fecal contamination or other disease-causing organisms to enter a distribution system.

13. On June 18, 2018, the EPA provided Respondents with a template for a boil water advisory. The EPA has been advised that Respondents issued an advisory and are providing bottled water to the System’s customers.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondents shall notify the EPA in writing of their intention to comply with the terms of this Order. Notification by e-mail is acceptable.

ALTERNATE WATER SUPPLY

15. Upon receipt of this Order, Respondents shall notify the public that an alternate potable water supply is available. Respondents shall 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. 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 NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until the System receives written notification from the EPA to discontinue.

16. Respondents must provide daily updates to the EPA on the status of the availability of the alternate water supply cited in paragraph 15, above, until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

BOIL ORDER AND PUBLIC NOTICE

17. Upon receipt of this Order, Respondents shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect. The boil water advisory will continue until the System's repairs are completed and monitoring of the water is conducted. Respondents shall fill-out and submit a copy of the notice to the EPA within 24 hours of receipt of this Order. The notice shall include the location where an alternate source of water can be obtained. Respondents shall continue providing the public notice until the EPA provides written notice that public notice may be discontinued.

CORRECTIVE MEASURES

18. Respondents shall provide the EPA with written verification within 5 days of when the failed pump has been replaced (expected to be Wednesday, June 20, 2018).

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

19. Within 24 hours of restoring water to the System, Respondents shall properly disinfect and flush the System's distribution system and return pressure to normal.

20. Following flushing and disinfection of the System as required by paragraph 19, above, Respondents shall monitor the chlorine residual daily in the distribution system. When no chlorine residual is detected, Respondents shall collect consecutive daily (one sample per day) samples from the System and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and

E. coli and shall email or fax each result to the EPA upon receipt of the analysis from the laboratory.

21. After Respondents receive written notification from the EPA that it may discontinue daily total coliform sampling, Respondents must collect weekly bacteriological samples (one sample per week) and mark them as “special purpose” samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E. coli*.

22. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.

23. Respondents shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141 including, but not limited to, the requirements in 40 C.F.R. § 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondents shall consult with the EPA for further compliance requirements.

24. Respondents shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by the Respondents. Additionally, Respondents shall report all sampling results to the EPA by telephone, email or fax immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.

25. The EPA may require Respondents to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

REPORTING

26. Respondents must give weekly updates to the EPA on the progress of replacing the pump, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

27. Any notices or reports required by this Order to be submitted to:

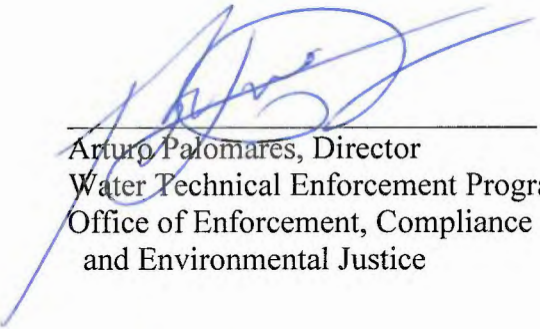
Kathelene Brainich at (800) 227-8917, ext. 6481, or (303) 312-6481, by email at brainich.kathelene@epa.gov, or fax at (303) 312-7518.

Emergency Administrative Order
Prairie Mountain Utilities, Gros Ventre and
Assiniboine Tribes of the Fort Belknap Indian Community
Lodgepole Housing Public Water System
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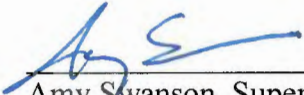
28. This Order does not relieve Respondents from complying with any applicable federal, tribal, state, or local law.

29. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a).

30. Issued and effective this 19th day of June, 2018.



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



Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice