



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Mr. Clifford Serawop, Superintendent
Bureau of Indian Affairs
P.O. Box 69
Crow Agency, Montana 59022

Re: Violation of Bureau of Indian Affairs Emergency Administrative Order,
Docket No. SDWA-08-2019-0012, Crow Agency Public Water System, PWS ID #083090011

Dear Mr. Serawop,

On March 15, 2019, the U.S. Environmental Protection Agency issued the above-referenced Emergency Administrative Order (Order) to the Department of Interior Bureau of Indian Affairs (BIA). The Order was issued based on a finding that conditions at the Crow Agency Public Water System (System) may present an imminent and substantial endangerment to the health of persons. The Order directed the BIA to submit a schedule to the EPA for corrective actions.

Under an addendum to the Order dated April 26, 2019, the EPA issued an addendum incorporating a corrective action schedule. The schedule, which was incorporated into the Order as an enforceable requirement, included a final completion date of July 31, 2019. On August 9, 2019, the EPA issued a second addendum, which granted an extension to August 30, 2019.

Our records indicate that the BIA is in violation of the Order, including the subsequent addendums. Among other things, the second addendum to the Order included the following requirement, which has not been fulfilled:

- By August 30, 2019, BIA was required to repair the tank control and telemetry system to ensure that operators can see tank levels on the control screen at the System's two water plants and complete all other corrective actions.

On August 29, 2019, the BIA requested an extension of this deadline to October 31, 2019. The EPA authorized this extension on the same day of the request. The EPA has, however, received no indication from the BIA any of these repairs have been performed. Both addendums referenced above required the BIA to notify the EPA within 10 days of completing the tasks in the corrective action schedule.

The BIA is, therefore, in violation of the requirement to complete repairs by October 31, 2019, and/or the requirement to notify the EPA within 10 days of doing so.

In addition, both addendums stated that if BIA was unable to meet any of the deadlines in the schedule, it needed to notify the EPA well in advance of the scheduled deadline to request an extension. The August 29th request was not made well in advance of the August 30th deadline.

The Order also required the BIA to provide weekly reports to the EPA. The second addendum reduced the frequency to quarterly. The BIA has not, however, provided weekly or quarterly reports to the EPA and is, therefore, in violation of the reporting requirement.

If you have any questions, please contact Christina Carballal at (303) 312-6046 or (800) 227-8917, extension 312-6046. Any questions or comments from counsel for the BIA should be directed to Peggy Livingston, Enforcement Attorney in this matter, at (303) 312-6858 or at the following address:

Peggy Livingston, Enforcement Attorney
U.S. EPA, Region 8 (8ORC-R)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc:

Suzanne Bohan, ECAD DD
Melissa Haniewicz, EPA Regional Hearing Clerk
Alvin Not Afraid, Jr., Chairman, Crow Tribe
Cedric Black Eagle, Cabinet Head, Crow Tribe
Connie Howe, Environmental Director, Crow Tribe
Susan Messerly, Bureau of Indian Affairs
John Anevski, Bureau of Indian Affairs
Ronnie Fisher, Bureau of Indian Affairs
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