



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
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HELENA, MONTANA 59626

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SENT ELECTRONICALLY AND VIA CERTIFIED MAIL

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Donald Mackay, Service Manager
Roberts Water Technologies, Inc.,
A Unit of Roberts Filter Group,
214 N. Jackson Street
Media, PA 19063

Re: Compliance Update and Site Visit Request
Emergency Administrative Order
Docket No. SDWA-08-2011-0003
PWS ID #083090041

Dear Gentlemen:

This letter is a follow-up to the teleconference conducted on October 26, 2010, regarding the above-referenced Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Apollo Inc., Interstate Engineering, Inc., and Roberts Filter Group (collectively referred to as Respondents) on October 22, 2010. EPA issued the Order under section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300i, in response to a loss of pressure situation that existed or was about to exist at the Fort Belknap Agency Public Water System (system) because the newly constructed surface water plant was shut down and only approximately 350,000 gallons of water remained in the storage tank, presenting a potential imminent and substantial endangerment to human health. The purpose of this letter is to discuss the compliance status of the Order, request a status update within two weeks, and propose a site visit in early December.

EPA recognizes the progress the Respondents have made to address many of the issues set forth in the Order. EPA, however, is unable to close the Order at this time due to several compliance items that remain outstanding and existing conditions not in compliance with the Order. Please submit your response to Lisa Kahn regarding the following issues within two weeks of your receipt of this letter. EPA will review your response and reassess the conditions at the system to determine whether improved conditions warrant closure of the Order. The following additional work was required by paragraphs 16 and 17 of the Order and discussed on the October 26, 2010 conference call.

- Respondent Apollo Inc.'s letter dated October 24, 2010, responding to the Order pursuant to paragraph 15, references a water treatment plant other than Fort Belknap Agency's and is unsigned. Please submit to EPA a revised and signed copy of the letter.
- An evaluation of and repairs to the PLC board #1 problems, which led to the shut down of the plant, were not thoroughly resolved as of the conference call. Paragraphs 16 and 17, respectively, require that the Respondents evaluate the treatment plant and make necessary repairs to ensure that safe water is provided to the system's users, and submit to EPA an outline of actions taken and to be taken to repair the treatment plant. While the Summary of Events 10/20/2010 to 10/25/2010 prepared by Andre Razeek of Roberts Services, Inc. and submitted to EPA by Brian Milne of Interstate Engineering, partially satisfies the evaluation and repair requirements, EPA understood during the conference call that additional evaluation, repairs, and assessments were planned. For example, is the surge protection on the PLC board #1 adequate? Despite the Respondents committing during the call to look into whether the plant can be protected from rapid fluctuations in transient power during area-wide power outages, EPA has not received an update on this issue. Also, how exactly does Robert's Filter Group intend to handle future problems with the PLC? During the call, EPA asked if the operator was expected to be able to trouble shoot the PLC board and Roberts replied "no", that was something the operator should call Roberts for help with. Please provide a copy of the service agreement which covers this work between Roberts and the Tribe. If parts on the PLC board need to be replaced, as was the case in this instance, who will do that on a regular basis and how will the parts be provided?
- What are the results of the additional diagnostic evaluations that Andre Razeek of Roberts Filter Group requested? On the October 26, 2010 call, we understood this additional diagnostic work would identify reasons and/or conditions other than a power outage that could have caused the PLC board failure and subsequent lock-up of the plant, and whether any such conditions existed at the time the PLC board #1 locked up.
- Have the impeller and valves for Blower #2 been replaced? As of the conference call, these items had been ordered but not yet arrived. EPA believes it is critical prior to closing the Order that the Respondents install these items and test Blower #2 to ensure its safe operation.
- What evaluation, repairs, and assessment have the Respondents made to address the alarms that were sounding when the system locked up?

- What is the status of adjustments made to the turbidity recording device to allow turbidities >1.0 NTU (at least up to 5.0 NTU) to be recorded and reported? Additionally, what is the status of setting the recording device such that turbidities when the filter is not producing drinking water (e.g. during backwash, filter to waste, or off-line) are not recorded? Information regarding the regulatory reporting requirements for turbidity is attached to this letter.

Provided that the above-referenced items are performed to EPA's satisfaction, EPA is willing to consider closing the Order despite that the public notice required by paragraph 18 and the chlorine residual samples required by paragraph 23 were not performed. As discussed on the conference call, the requirements set forth in paragraphs 19 through 22, and 24 through 27, were not triggered as the system never lost pressure.

Although not included in the Order, the issue of additional training also requires attention from the Respondents. The Prairie Mountain Utility staff responsible for operating the new plant requires substantial training to ensure a successful transfer of the system and subsequent operation. During the conference call, participants discussed whether the tribal operators had received sufficient training. Regardless of how many training hours have already been logged, additional hands-on training is critical to the success of this new system. The training should consist of the operators (not the contractor), simulating a situation which necessitates the full manual operation of the plant. Relatedly, per the design plans, Respondents need to provide to the operators a training manual which outlines in clear steps, the procedures needed to operate the system in manual mode.

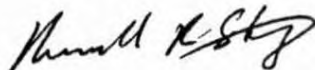
In addition, please describe the training the Respondents have provided to ensure the operator can interpret the system's alarms and use them to diagnose problems with the plant. Finally, how are adjustments made to the way data is being recorded? Please describe the training the Respondents have provided to show the operator how to make any necessary adjustments to the data collection system.

During the conference call, EPA proposed that the Tribes, Respondents, and federal funding agencies tour the new plant and discuss outstanding design and construction corrections needed prior to transferring the plant to the Tribe. Each party involved wants a properly operating plant turned over to the Tribe. However, given the number of past and continuing design and construction problems associated with the plant, EPA recommends against the Tribe accepting the plant until these problems are corrected and the plant is operated in accordance with the recommendations of the pilot testing and the American Water Works Association and can regularly meet all Safe Drinking Water Act requirements. EPA believes that the most fair, efficient, and economical way of getting to this point is for the parties to meet collectively and prepare a final corrections list of items the Respondents will address prior to final inspection. EPA is willing to engage a meeting facilitator to lead the meeting upon request.

EPA encourages the Respondents to address the outstanding compliance items, after which EPA may close the Order. Failure to address these conditions at the plant or perform all of the tasks outlined in the Order to EPA's satisfaction may result in the assessment of civil penalties. Please note that while the compliance actions described in the Order will address the imminent and substantial endangerment issues at the water system, these actions alone will not bring the site into full compliance with the regulatory requirements for public water systems in 40 C.F.R. Part 141. EPA encourages the Respondents to participate in a site visit and meeting as a means of addressing the full spectrum of issues at hand and working toward transferring the plant to the Tribe.

Please feel free to have your staff contact Lisa Kahn, Drinking Water Technical Enforcement Program, at (303) 312-6896 if you have any questions regarding the outstanding Order requirements or with your availability to participate in a meeting. If you have legal counsel, please have them contact Amy Swanson, Legal Enforcement Program, at (303) 312-6906.

Sincerely,



FOR Julie DalSoglio, Director
Montana Operations Office

cc:

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