



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

OCT 16 2018

2018 OCT 16 AM 10:19

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Alvin Not Afraid, Jr., Chairman
Crow Tribe
P.O. Box 159
Crow Agency, Montana 59022

Mr. Cedric Black Eagle, Director
Crow Tribe Water Resources Department
P.O. Box 159
Crow Agency, Montana 59022

Re: Violation of Administrative Order on Consent, In the Matter of the Crow Tribe (Tribe) and the Apsáalooke Water and Waste Water Authority (AWWWA), Crow Agency (TP02) Public Water System, Docket No. SDWA-08-2015-0046

Dear Chairman Not Afraid, Jr. and Mr. Black Eagle:

On September 22, 2015, the EPA, the Crow Tribe (Tribe) and the Apsáalooke Water and Waste Water Authority (AWWWA) entered into an Administrative Order on Consent ordering the Crow Agency (TP02) public water system to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. part 141.

Our records indicate that the Tribe and AWWWA are in violation of the following requirement included in the Order (summarized from item 30 on page 6 of the Order):

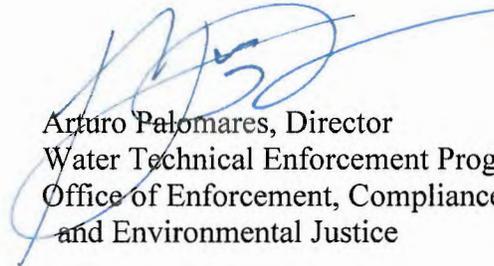
1. Beginning with the reporting period for the 2nd quarter of 2015 and for each consecutive quarter thereafter, Respondents shall monitor the System's water each month for DBP precursors as required by 40 C.F.R §132(d). Within the first 10 days after the end of each quarter, Respondents shall report analytical results, including its calculation of the TOC removal percentage and all other information required by 40 C.F.R. § 141.134(d), to the EPA as required by 40 C.F.R §132(d).

The Respondents failed to monitor the System's water for DBP precursors during February 2017, and February, March, April and June 2018. The Respondents failed to report analytical results and removal calculations for the 1st quarter of 2017, and the 1st and 2nd quarters of 2018.

The EPA is considering additional enforcement action as a result of the Tribe and AWWWA's noncompliance with the Order. Violating an administrative order on consent may lead to (1) a penalty of up to \$55,907 per day per violation of the order and/or (2) a court injunction ordering compliance.

To submit information or to request an informal conference with the EPA, please contact Olive Hofstader at hofstader.olive@epa.gov or by phone at (800) 227-8917, extension 6467 or (303) 312-6467. Any questions from your attorney should be directed to Amy Swanson, Chief, Regulatory Enforcement Unit, who may be reached at (303) 312-6906 or swanson.amy@epa.gov. Timely and complete reporting is critical to show the Tribe and AWWWA are committed to compliance with NPDWRs and protection of public health. We urge your prompt attention to this matter.

Sincerely,



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

cc: Crow Tribe:
Ms. Melissa Walby, Chief of Staff, Chairman Not Afraid, Jr.
Mr. Dennis Bear Dont Walk, Chief Executive Counsel
Ms. Connie Howe, Environmental Director, Crow Tribe
Ms. Julee Amyotte, Finance Director, Crow Tribe

Crow Tribe Water Resources Department:
Mr. Dion Killsback, Attorney
Mr. Tanner Black Eagle, Operator, AWWWA

Ms. Melissa Haniewicz, EPA Regional Hearing Clerk