



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

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Ref: 8ENF-W-SD

SENT VIA EMAIL  
DIGITAL READ RECEIPT REQUESTED

The Honorable Rynalea Whiteman Pena, President  
Northern Cheyenne Tribe  
[rynalea.pena@cheyennenation.com](mailto:rynalea.pena@cheyennenation.com)

Re: Violation of Northern Cheyenne Tribe and Northern Cheyenne Utilities Commission  
Emergency Administrative Order, Docket No. SDWA-08-2019-0037, Busby Community Public  
Water System, PWS ID #083090063.

Dear President Pena,

On August 6, 2019, the U.S. Environmental Protection Agency issued the above-referenced Emergency Administrative Order (Order) to the Northern Cheyenne Tribe (Tribe) and Northern Cheyenne Utilities Commission (NCUC). The Order was issued based on a finding that conditions at the Busby Community Public Water System (System) may present an imminent and substantial endangerment to the health of persons. The Order directed the Tribe and NCUC to submit a schedule to the EPA for corrective actions.

Under an addendum to the Order dated September 18, 2019, the EPA incorporated a corrective action schedule. The schedule, which was incorporated into the Order as an enforceable requirement, included a final completion date of December 31, 2019.

Our records indicate that the Tribe and NCUC are in violation of the Order, including the subsequent addendum. Among other things, the addendum to the Order included the following requirements, which have not been fulfilled:

- By October 31, 2019, the Tribe and NCUC were required to clean the wells. Our records indicate that the cleaning of the East Well has been completed. The cleaning West Well has not yet been completed.
- By December 31, 2019, the Tribe and NCUC were required to determine work needed to restore the iron curtain system to remove iron and manganese from the water and restart use of treatment system and maintain they system per manufacturer's instructions.

On November 19, 2019, the Tribe and NCUC requested a six-month extension of the December 31, 2019 deadline. On January 23, 2020, the EPA granted the extension and requested that the Tribe and NCUC submit a revised plan and schedule. The EPA has, however, received no revised plan and schedule from the Tribe or NCUC.

The addendum referenced above required the Tribe and NCUC to notify the EPA within 10 days of completing the tasks in the corrective action schedule.

The Tribe and NCUC are, therefore, in violation of the requirement to complete repairs by December 31, 2019, and/or the requirement to notify the EPA within 10 days of doing so.

In addition, the addendum stated that if the Tribe and NCUC were 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 Tribe and NCUC have not submitted the requested plan and schedule extension granted on January 23, 2020.

Violation of any part of this Order may subject Respondents to a civil administrative penalty of up to \$24,386 (as adjusted for inflation) per day of violation in the appropriate United States district court. See 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

Please note that the EPA may choose not to file a complaint seeking civil penalty if you provide the EPA with notice of completed corrective action or request an extension regarding the above-referenced violations within 30 calendar days.

If you have any questions, please contact Steven Latino at (303) 312-6440 or (800) 227-8917, extension 312-6440. Any questions or comments from counsel for the Tribe and NCUC should be directed to Amy Swanson, Regulatory Enforcement Section Chief, at (303) 312-6906 or at [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov):

We urge your prompt attention to this matter.

Sincerely,

Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division

Cc: Adam Spang, Manager, Northern Cheyenne Utility Commission  
Charlene Alden, Environmental Director  
Donita Sioux, Finance Director  
Ethelyn Shoulderblade, Acting Manager  
Quentin Allen, IHS  
Jason Schneider, IHS