



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

December 11, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 11 2008

Julia doney, President
Fort Belknap Indian Community
R.R. 1, Box 66
Harlem, MT 59526

Re: Violation of Amended Administrative Order
Docket No. SDWA-08-2007-0069
PWS #083090041

Dear President doney:

This letter is to inform you officially that the Fort Belknap Public Water System has had violations of the National Primary Drinking Water Regulations (NPDWR), and of the Administrative Order, issued on September 6, 2007, and amended on April 8, 2008. The Amended Administrative Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f *et seq.*

1. The Amended Administrative Order, page 8, item 3 states:

"Upon the effective date of this order, ensure that the turbidity of produced water remains at less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month (40 C.F.R. § 141.73(a)(1)); and ensure that the turbidity of produced water never exceeds 1 NTU (40 C.F.R. § 141.551(b)). Please submit copies of the CFE strip chart recorders monthly, with the system's turbidity report. EPA will determine your compliance with these requirements using the monitoring results required by 40 C.F.R. § 141.551. Measurements must continue to be taken as described in 40 C.F.R. § 141.74(a) and (c), including but not limited to, reporting the turbidity of the combined and individual filter effluent water samples at least once every 4 hours. Should produced water turbidity exceed 1.0 NTU, report to EPA the date and values of the exceedance(s) by the 10th of the following month (40 C.F.R. § 141.570(a)(3))."



The Tribe and Utility failed to monitor turbidity at least every four hours on at least one day during the months of September through December, 2007, January through April, 2008, July 2008, August 2008, and October 2008.

2. The Amended Administrative Order, item 8, page 10 states:

"Upon the effective date of this Order, monitor disinfectant residual at the entry point of the distribution system continuously and record the lowest value each day (40 C.F.R. 141.74(c)(2)); and report those values to EPA within 10 days after the end of the month the System serves water to the public (40 C.F.R. § 141.75(b)(2))."

The Tribe and Utility failed to report the lowest disinfectant residual at the entry point of the distribution system from September 6, 2007 through September 30, 2008.

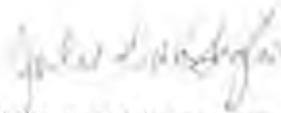
3. Item 4 of the Administrative Order/Item 5 of the Amended Administrative Order requires that the Tribe and Utility provide EPA with a schedule to implement the improvements recommended in the primary Comprehensive Technical Assistance visit of June 6-8, 2007 and the Comprehensive Performance Evaluation conducted August 21-23, 2000. Within 30 days of receiving the schedule, EPA provided comments to the Tribe. Within 30 days of receiving EPA's comments, the Tribe was to make necessary changes and resubmit the final schedule to EPA with a letter from the Tribal President, stating the Tribe's intent to implement the schedule. The Utility Manager has provided various drafts and EPA has provided feedback by letter on 11/7/07 and 12/9/07; by email on 12/9/08, 9/12/08, 10/30/08, 10/23/08, 1/11/08; and via phone and in person on numerous occasions. A final schedule and letter of intent to implement should be submitted as soon as possible, and should include a statement that the plan will be updated as necessary to reflect changes in operation and administration of the system. This final schedule will be incorporated into this Order upon approval by EPA.

These monitoring violations for disinfectant residual and turbidity monitoring reporting require Tier 3 public notice (PN) within 12 months of learning of the violation, or may be included in the System's 2008 Consumer Confidence Report (which must be mailed out no later than July 1, 2009 and a copy sent to EPA). A copy of a PN template and instructions is enclosed with this letter. If you issue a separate PN, please fill out and return the certification statement within 10 days of the notice.

EPA is considering additional enforcement action as a result of the noncompliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction, ordering compliance.

If you have any questions or wish to have an informal conference with EPA, please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,


John Wardell, Director
EPA Region 8 Montana Office

cc: Scott Snow, Manager
Prairie Mountain Utilities

Robert Fox, Chairman
Prairie Mountain Utilities Board