



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

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**JUL 19 2018**

Ref: 8ENF-W-SDW

SENT VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

and VIA EMAIL at [andrew.werk@ftbelknap.org](mailto:andrew.werk@ftbelknap.org), [ray.king@ftbelknap.org](mailto:ray.king@ftbelknap.org)

The Honorable Andrew Werk, Jr., President  
Fort Belknap Indian Community Council  
656 Agency Main Street  
Harlem, Montana 59526

Mr. Ray King, Director  
Prairie Mountain Utilities  
164 Agency Main Street  
Harlem, Montana 59526

Re: Emergency Administrative Order, Agnes Leggins Public Water System,  
PWS ID#083090049, Docket No. **SDWA-08-2018-0027**

Dear President Werk and Mr. King:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utilities (Utilities) under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Agnes Leggins Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on notification from the Utilities on July 18, 2018, that the System lost pressure due to a pump failure.

Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System.

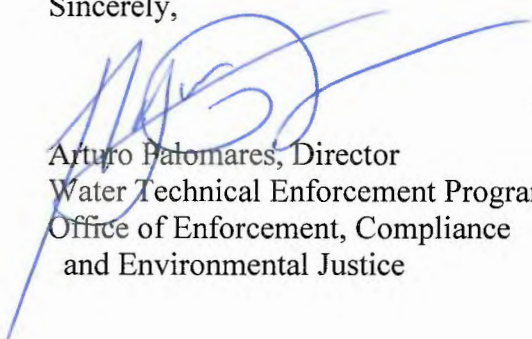
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires the FBIC and the Utilities to: provide an alternate water supply to customers; repair or replace the failed pump; disinfect and flush the System; and take additional total coliform bacteria samples, among other steps. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Jill Minter at (800) 227-8917 extension 6084 or (303) 312-6084, or by email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov). Any questions from counsel for

the FBIC or the Utilities should be directed to Abigail Dean, Enforcement Attorney, at the above 800 number, extension 6106, or at (303) 312-6106, or by email at [dean.abigail@epa.gov](mailto:dean.abigail@epa.gov).

Thank you for your attention to this matter.

Sincerely,



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

Enclosures

Emergency Administrative Order  
Boil Order Advisory

cc: Ina Nez Perce, Fort Belknap Environmental Director, ([inperce@ftbelknap.org](mailto:inperce@ftbelknap.org))  
Scott Snow, FBIC Head Operator, ([fbwaterplant@yahoo.com](mailto:fbwaterplant@yahoo.com))  
Catharine Aragon, FBIC Tribal Attorney, ([Cataragon51@aol.com](mailto:Cataragon51@aol.com))  
Jim White, Indian Health Service, ([jim.white@ihs.gov](mailto:jim.white@ihs.gov))  
Jason Schneider, Indian Health Service, ([jason.schneider@ihs.gov](mailto:jason.schneider@ihs.gov))  
James Courtney, Indian Health Service, ([james.courtney@ihs.gov](mailto:james.courtney@ihs.gov))  
Rob Adams, Indian Health Service, ([robert.adams@ihs.gov](mailto:robert.adams@ihs.gov))  
Melissa Haniewicz, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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IN THE MATTER OF )  
)  
Prairie Mountain Utilities and )  
Gros Ventre and Assiniboine Tribes of the )  
Fort Belknap Indian Community ) EMERGENCY ADMINISTRATIVE ORDER  
)  
(Agnes Leggins Public Water System) ) Docket No. **SDWA-08-2018-0027**  
PWS ID # 083090049, )  
)  
Respondents. )

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**AUTHORITY**

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i(a). The undersigned officials have been properly delegated this authority.
2. Failure to comply with this Order may result in civil penalties of up to \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Indian Reservation (Reservation). No other governmental authority has applied for or been approved to administer the program on the Reservation.
5. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (FBIC) are federally recognized tribes governed by the Fort Belknap Indian Community Council and are therefore "persons" as that term is defined in the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2, for purposes of federal enforcement under the Act.
6. Prairie Mountain Utilities (Utilities) is a tribal agency organized under the laws of the FBIC and is therefore a "person" as that term is defined in the Act and its implementing regulations. 42 U.S.C. § 300f(12); 40 C.F.R. § 141.2.
7. Respondents, FBIC and Utilities, own and/or operate the Agnes Leggins Public Water System (System) located near Lodgepole, Montana, that provides water to the public for human consumption. The System is supplied by a ground water source accessed via two wells. The water is treated by sodium hypochlorite disinfection.

8. The System has approximately 30 service connections used by year-round residents and/or regularly serves an average of approximately 100 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
9. Prior to issuing this Order, the EPA consulted with the FBIC, the Utilities, and Indian Health Services to confirm the facts stated in this Order and to confirm that the FBIC is unable to act to protect public health in this instance.
10. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated below. The EPA has determined that this Order is necessary to protect human health.
11. On July 18, 2018, the Utilities’ operator notified the EPA of a pump failure, which occurred the previous day. As a result, the System was without water. EPA was later informed that an electrician repaired the pump; however, a water main break was discovered, causing low pressure (below 20 psi) in the System.
12. Loss of pressure in a drinking water distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential for fecal contamination or other disease-causing organisms to enter a distribution system.
13. On July 18, 2018, the EPA provided Respondents with a template for a boil water advisory. The EPA has been advised that Respondents issued an advisory and are providing bottled water to the System’s customers.

### **ORDER**

#### **INTENT TO COMPLY**

14. Within 24 hours of receipt of this Order, Respondents shall notify the EPA in writing of their intention to comply with the terms of this Order. Notification by e-mail is acceptable.

#### **ALTERNATE WATER SUPPLY**

15. Upon receipt of this Order, Respondents shall notify the public that an alternate potable water supply is available. Respondents shall provide at least two liters of potable water daily per person at a central location that is accessible to all persons served by the System. Respondents may also opt to provide an alternate water supply that is either 1) provided by a licensed water distributor, 2) purchased bottled water, or 3) provided by another public water system that meets

the requirements of the NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until the System receives written notification from the EPA to discontinue.

16. Respondents must provide daily updates to the EPA on the status of the availability of the alternate water supply cited in paragraph 15, above, until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone or e-mail.

### **BOIL ORDER AND PUBLIC NOTICE**

17. Upon receipt of this Order, Respondents shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect until the EPA provides written notice that public notice may be discontinued.

### **CORRECTIVE MEASURES**

18. Respondents shall provide the EPA with written verification that the failed pump has been repaired and/or replaced. Respondents shall also provide the EPA with written verification within 5 days of when the water main has been repaired or replaced

### **DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS**

19. Within 24 hours of restoring water to the System, Respondents shall properly disinfect and flush the System's distribution system and return pressure to normal.

20. Following flushing and disinfection of the System as required by paragraph 19, above, Respondents shall monitor the chlorine residual daily in the distribution system. When chlorine residual is detected at normal operational levels, Respondents shall collect consecutive daily (one sample per day) samples from the System and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email each result to the EPA upon receipt of the analysis from the laboratory.

21. After Respondents receive written notification from the EPA that they may discontinue daily total coliform sampling, Respondents must collect weekly bacteriological samples (one sample per week) and mark them as "special purpose" samples (defined in 40 C.F.R. § 141.853(b)). Respondents shall ensure that each sample is analyzed for total coliform and *E. coli*.

22. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.

23. Respondents shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141 including, but not limited to, the requirements in 40 C.F.R. § 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondents shall consult with the EPA for further compliance requirements.

24. Respondents shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by the Respondents. Additionally, Respondents shall report all sampling results to the EPA by telephone or email immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.

25. The EPA may require Respondents to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

### **REPORTING**

26. Respondents must give weekly updates to the EPA on the progress of repairing or replacing the water main, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone or e-mail.

27. Any notices or reports required by this Order shall be submitted on behalf of the EPA to:

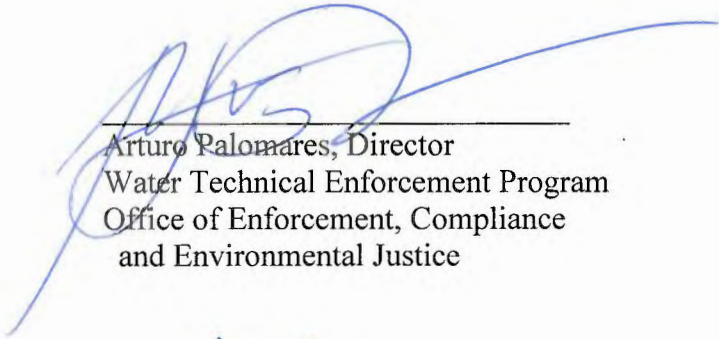
Jill Minter at (800) 227-8917, ext. 6084, or (303) 312-6084, by email at  
minter.jill@epa.gov

28. This Order does not relieve Respondents from complying with any applicable federal, tribal, state, or local law.

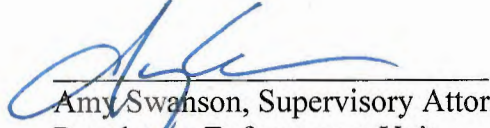
29. This Order constitutes final agency action. Respondents may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a).

Emergency Administrative Order  
Prairie Mountain Utilities, Gros Ventre and  
Assiniboine Tribes of the Fort Belknap Indian Community  
Agnes Leggins Public Water System  
Page 5 of 5

30. Issued and effective this 19<sup>th</sup> day of July, 2018.



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



\_\_\_\_\_  
Amy Swanson, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

# DRINKING WATER WARNING

The Agnes Leggins water system  
lost pressure in the distribution system

## BOIL YOUR WATER FOR THREE MINUTES BEFORE USING

On July 18, 2018, the EPA was notified by Prairie Mountain Utilities that the Agnes Leggins Public Water System (System) lost pressure in the distribution system. This loss of pressure in the distribution system may cause backpressure, backsiphonage, or a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Such a system failure carries with it a high potential that fecal contamination or other disease-causing organisms could enter the distribution system. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

### What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a rolling boil for at least (3) three minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water. **ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.**
- *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

### What happened? What is being done?

- We have are repairing the pump.
- We are providing bottled water for drinking, cooking, brushing teeth, etc. Bottled water can be obtained at \_\_\_\_\_.
- We will chlorinate and flush the water system after pressure is restored.
- We will inform you when you no longer need to boil your water.

For more information, please contact Scott Snow at 353-2745 or at the Prairie Mountain Utilities Office.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Scott Snow. Water System ID#: 083090049. Date distributed: \_\_\_\_\_



**ATTENTION: PWS Operator/Responsible Party**

You must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation or loss of pressure (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. This public notice shall be posted in conspicuous locations throughout the area served by the water system and hand delivered to persons served by the water system. Also, you should use radio or television to deliver the notice to consumers.

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

**Population Served**

Make sure it is clear who is served by your water system - you may need to list the areas you serve.

**After Issuing the Notice**

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

**Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

Nate Delano  
Email: Delano.nathaniel@epa.gov  
Fax: 303-312-7518

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_