



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

2010 FEB -5 PM 3:12
FILED
EPA REGION VIII
HEARING CLERK

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 05 2010

Leroy Spang, President
Northern Cheyenne Tribal Council
P.O. Box 128
Lame Deer, MT 59043

RE: Emergency Administrative Order
Addendum
Docket No. SDWA-08-2010-0013
Birney Water System, 083090062
Muddy Cluster Water System,
083090065

Dear President Spang:

As you are aware, EPA issued an Emergency Administrative Order (EAO) to the Northern Cheyenne Utilities Commission on January 14, 2010 following loss of water pressure in the communities of Birney and Muddy Cluster. This letter serves as notification that coliform sampling requirements may be reduced from daily to weekly. It also establishes a minimum level of chlorine to be maintained in the systems.

Paragraph 16 of the EAO requires daily total coliform sampling in the distribution systems. Daily samples collected in Birney on January 14, 15, 19, 21, and 22, tested negative for total coliform bacteria. Daily samples collected in Muddy Cluster on January 14, 15, 21, and 22 were also negative for coliform bacteria. The sample collected on January 19 showed the presence of coliform bacteria. Based upon these results, and as originally conveyed to Mr. Whitecrane on January 25, 2010, via email from Barbara Burkland of EPA, sampling may now be reduced to weekly. The Utilities Commission must maintain the boil water advisory required in the Order until necessary repairs are made to the systems and EPA notifies you in writing that it can be discontinued. In addition, the Utilities Commission must redistribute the advisory to all residents weekly. The provision of bottled water may be discontinued.

Weekly total coliform sampling per paragraph 20 of the EAO is now required until EPA notifies you in writing otherwise. The samples must be collected at representative points within the distribution system. One of the weekly samples collected in Birney during February may be designated as the system's monthly compliance sample. The weekly samples for Muddy Cluster may be designated for compliance as part of the five additional routine samples that are required



during February for that system. Five routine samples are required for Muddy Cluster in February, 2010 due to the coliform positive sample collected on January 19.

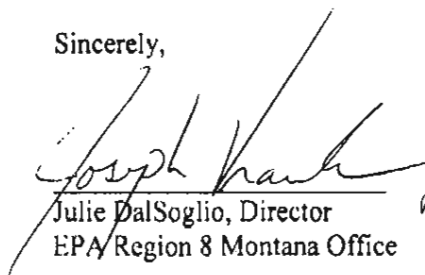
Paragraph 18 of the EAO requires that the chlorine residual be measured and recorded on the lab slip at the same time the coliform samples are collected. In addition, a minimum residual of 0.5 mg/L must be maintained at the end of the Birney and Muddy Cluster systems until notified otherwise by EPA.

Paragraph 24 of the EAO requires that, within 7 days of issuance of the EAO, the Utilities Commission shall "report in writing to EPA, the known or suspected cause of the loss of pressure events and what measures will be taken to prevent a reoccurrence of these problems." David Shultz, an Engineer under contract with EPA, inspected both water systems on January 13-15 and identified a number of problems (copy of report attached). Winslow Whitecrane of the Utilities Commission has also spoken with the local electrical provider and a pump company about necessary repairs. Mr. Whitecrane provided a brief assessment of the problems in a January 19 letter to EPA. EPA asked for clarification and additional information in a January 25 email. At this time, EPA remains concerned about repair work which is urgently needed in order to ensure continued reliable water service for these communities. Please complete and return Attachment 2 to this addendum, Necessary Repairs, by close of business on Monday, February 15, 2010. This attachment was also provided to Mr. Whitecrane by email on February 4.

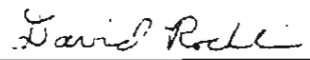
Paragraph 25 of the EAO requires that the Utilities Commission provide daily updates to EPA on progress of returning the system to compliance. These updates may be reduced to one update per week and provided via email to Barbara Burkland, burkland.barbara@epa.gov.

Should you have any questions about these or other requirements of the EAO, you may contact Barbara Burkland in the EPA Montana Office, who can be reached at (406) 457-5009, or your attorney may contact Amy Swanson, Enforcement Attorney, who can be reached at (303) 312-6906.

Sincerely,


Julie DalSoglio, Director
EPA Region 8 Montana Office

for Julie
DalSoglio


David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

cc: Winslow Whitecrane, Manager, NCUC
Heather LaTray, HIS
Tina Aretmis, EPA Regional Hearing Clerk