



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

OCT 24 2018

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Tatsey, Superintendent
Heart Butte School District
P.O. Box 259
#1 New School Road
Heart Butte, Montana 59448

Re: Administrative Order Violation, Heart Butte School Public Water System,
PWS ID #083090009, Docket No. SDWA-08-2018-0025

Dear Mr. Tatsey:

On July 18, 2018, the U.S. Environmental Protection Agency issued an Administrative Order (Order) requiring the Heart Butte School District (District), as owner and/or operator of the Heart Butte School Public Water System (System), to comply with the Safe Drinking Water Act, 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations, 40 C.F.R. part 141.

Our records indicate that the District is in violation of the Order. Among other things, the District (Respondent) is required to comply with paragraphs 23, 25, 30, and 32 of the Order:

- Respondent shall implement a course of action to ensure that a minimum chlorine residual of 0.2 mg/L is maintained throughout the distribution system. Respondent shall maintain a chlorine residual of at least 0.2 mg/L throughout the distribution system as required by EPA's July 28, 2016, letter to the System and 40 C.F.R. §141.72.

Respondent reported a chlorine residual lower than the required 0.2 mg/L in both September and October 2018. The District is required to provide public notice of these violations within 30 days, include the violation in the next Consumer Confidence Report, and submit a copy of the completed public notice to the EPA within 10 days of completion.

- During the month of August 2018, and thereafter as directed by the EPA, Respondent shall monitor the System's water for TTHM and HAA5 in accordance with the System's TTHM and HAA5 monitoring plan at the S2-KITCHEN location, as required by 40 C.F.R. §§ 141.621-623. Respondent shall submit the sampling results to the EPA within 10 days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.

EPA has not received TTHM and HAA5 monitoring results for August 2018. The District must include this violation in the next Consumer Confidence Report.

- By October 1, 2018, and quarterly thereafter as long as the violation exists, Respondent shall notify the public of the failure to provide filtration violation cited in paragraph 6, above. Within 10 days after providing each public notice, Respondent shall submit a copy of the notice to the EPA with a signature certifying notification completion. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.

EPA has not received public notice of the failure to provide filtration violation. Respondent must conduct public notice for this violation immediately and for the September and October 2018 failure to maintain a minimum chlorine residual. Public notice templates have been provided to Respondent via email multiple times in the last month.

- Respondent shall report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours, except where the Drinking Water Regulations specify a different time period, as required by 40 C.F.R. § 141.31(b).

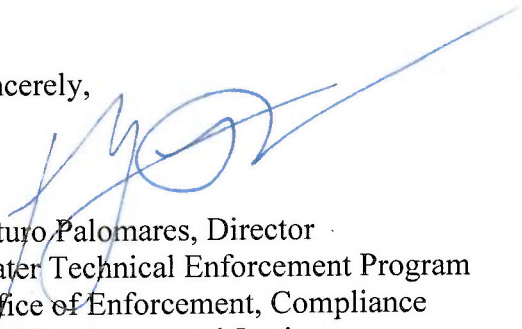
Respondent has not reported any of the above violations to the EPA.

The EPA is considering additional enforcement action as a result of the District's non-compliance with the Order. Violating an administrative order 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.

If the District has any questions please contact Kathelene Brainich via email at brainich.kathelene@epa.gov, or by phone at 1-800-227-8917, extension 6481, or (303) 312-6481. If the District is represented by an attorney who has questions, please ask the attorney to direct legal questions to Mia Bearley, Enforcement Attorney, who may be reached via email at bearley.mia@epa.gov, by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,



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

cc: Chairman Timothy Davis, Blackfeet Tribe (tdavis@blackfeetnation.com)
Mr. Gerald Wagner, Environmental Director, Blackfeet Utilities (gwagner@3rivers.net)
Ms. Melissa Haniewicz, EPA Regional Hearing Clerk