



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

2009 MAY -8 PM 1:56

May 7, 2009

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Scott Snow, Director
Prairie Mountain Utilities
RR 1, Box 91
Fort Belknap Agency, MT 59526

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

Dear President doney and Mr. Snow:

This letter is to inform you officially that the Fort Belknap Public Water System has had violations of the National Primary Drinking Water Regulations (NPDWRs), and of the Administrative Order, issued September 6, 2007, and amended April 8, 2008 (Amended Administrative Order). 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 report turbidity at least every four hours on March 13 and March 18, 2009. Monitoring violations for turbidity monitoring require Tier 3 public notice (PN) within 12 months of learning of the violation, or may be included in the System's 2009 Consumer Confidence Report (which must be mailed out no later than July 1, 2010 and a copy sent to EPA).

EPA is considering additional enforcement action as a result of the noncompliance with the Amended Administrative Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 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

Bum Stiffarm, CEO
Ft. Belknap Indian Community

Brian Wing, Councilman
Ft. Belknap Indian Community

Tina Artemis, Regional Hearing Clerk
EPA Region 8