



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

2010 JUN 22 PM 4:09
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Ref: 8MO

JUN 22 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Raymond Parker Jr., Chairman
Chippewa Cree Business Committee
for Rocky Boy's Water Resources Department
P.O. Box 544 – Rocky Boy Route
Box Elder, MT 59521

Re: Emergency Administrative Order
Docket No. SDWA-08-2010-0053
Rocky Boy's Water Resources
Newtown Water System
PWS ID #083090075

Dear Chairman Parker:

Enclosed is an Emergency Administrative Order ("Order") issued to Rocky Boy's Water Resources Department under section 1431 of the Safe Drinking Water Act ("SDWA"), 40 U.S.C. § 300i. EPA recognizes that extreme weather, and not any negligence on the part of the Tribe or Water Resources, has created these conditions. We appreciate the prompt reporting of the emergency and all the hard work underway to correct the problem. Thank you also for promptly providing bottled water to affected residents. This Order is intended to ensure that, as repairs are made to the Newtown water system and service is restored, the water reaching customers is safe to drink.

In its current state, the water supplied by the Newtown Water System ("Newtown" or "System") may present an imminent and substantial endangerment to the health of persons. The Order is based on a loss of pressure in the distribution system, which can 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. Such a system failure may carry with it a high potential that fecal contamination or other disease causing organisms could enter the distribution system.

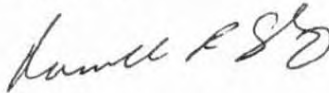


The enclosed Order sets forth the actions that you must take to ensure that the people served by the water supply are provided with safe drinking water. The Order requires that Rocky Boy's Water Resources conduct the following activities: (1) within 24 hours, provide a written intent to EPA to comply with the EAO; (2) continue to provide public notice; (3) continue to provide alternative water to all users of the system; and (4) conduct increased monitoring for total coliform bacteria.

EPA is committed to working with you to ensure the safety of Newtown's public water supply. We have provided on site assistance for both waste water and drinking water needs, but please let me know if there is additional assistance we can provide. If your staff has questions specific to the elements of the Order, the most knowledgeable people regarding these issues are Barbara Burkland, Environmental Scientist, who can be reached at (406) 457-5009, or Amy Swanson, Enforcement Attorney, who can be reached at (800) 227-8917 ext 6906.

We urge your prompt attention to this matter.

Sincerely,



FOR Julie DalSoglio, Director
EPA Region 8, Montana Office

Enclosure

cc: Jay Eagleman, Director of Water Resources
Chippewa Cree Tribe of the Rocky Boy's Reservation

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
) EMERGENCY
) ADMINISTRATIVE
) ORDER
Rocky Boy's Water Resources Department,)
)
Newtown Public Water System)
PWS ID# 0830900075,) Docket No. SDWA-08-2010-0053
)
Respondent.)

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Public Health Service Act (also known as the Safe Drinking Water Act or 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 \$16,500 per day. 42 U.S.C. § 300i(b) and 40 C.F.R. part 19.
3. EPA may issue such Orders when certain conditions exist which may present an imminent and substantial endangerment to human health, and other state or local authorities have not acted to protect human health. 42 U.S.C. § 300i(a).
4. EPA has primary enforcement responsibility for the Act's public water supply protection program on the Rocky Boy's Reservation (the Reservation). No other governmental authority has applied for and been approved to administer the program on the Reservation.
5. Respondent is a tribal agency under the laws of the Chippewa Cree Tribe and therefore "a person" as that term is defined in the Act. 42 U.S.C. § 300f(12).
6. Respondent operates the Newtown Water System ("System"), located on the Rocky Boy's Reservation, approximately 10 miles south of Havre, Montana, that provides water for human consumption.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act and its implementing regulations, 40 C.F.R. part 141 (also known as the drinking water regulations).

8. The Newtown System serves approximately 600 residents annually through 150 residential service connections.

9. EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to human health. The current emergency conditions were initiated by flooding beginning on June 19, 2010. Flood waters caused the main water line to break in four places, emptying the System's water storage tank. The main water line is still broken and no water can enter the tank, thus sufficient pressure cannot be maintained in the distribution system. Loss of pressure 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. Back siphonage is also a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system. Pressure has not been restored in the System as of June 21, 2010.

10. Prior to issuing this Order, EPA consulted with the Water Resources manager and local Tribal governmental authorities to confirm the facts and the potential endangerment, and has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order.

BOIL ORDER AND PUBLIC NOTICE

12. Within 24 hours of receipt of this Order, Respondent shall notify the public of the situation described in this Order by delivering a boil water advisory to all customers, posting it in conspicuous locations in each community, and announcing it on local radio. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondent shall submit a copy of the notices to EPA within 24 hours of their distribution. Respondent shall continue the public notice as set forth in Attachment A until EPA provides written notification to discontinue. Respondent must carry out the public notice and other notice requirements that EPA directs. Respondent must comply with this requirement upon any future pressure loss, acute Maximum Contaminant Level violation, or any similar emergency situation.

ALTERNATE WATER SUPPLY

13. Using the public notice required in paragraph 12 above, Respondent shall notify the public that an alternative potable water supply is available. The alternative water supply must be 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 drinking water regulations and shall be made available at no cost to all users of the system as needed for drinking and cooking until Respondent receives written notification from EPA that alternative water is no longer necessary. Respondent 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.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. If Respondent has not already done so since notifying EPA of the emergency, Respondent shall, within 48 hours of regaining pressure, clean, flush, and disinfect the System, including disinfection of the System's distribution systems and any storage tanks.

15. Once the System has been flushed and disinfected, Respondent shall collect consecutive daily (1 sample per day) special purpose total coliform samples from the distribution system.

16. After Respondent receives written notification from EPA that Respondent may discontinue daily total coliform sampling based on EPA's determination that a sufficient number of daily total coliform sample results from the system have been negative, Respondent shall collect weekly special purpose bacteriological samples (1 sample per week from the System).

17. Respondent shall monitor the chlorine residual at the same time and same location as the System's special purpose total coliform samples (as required in paragraphs 15 and 16 above). Respondent shall maintain a detectable disinfectant residual as measured at the far end of the distribution system.

18. After Respondent receives written notification from EPA that Respondent may discontinue weekly total coliform sampling based on EPA's determination that a sufficient number of weekly total coliform sample results from the System have been negative, Respondent shall resume monthly total coliform sampling to determine compliance with the total coliform MCL. 40 C.F.R. §§ 141.21 and 141.63.

19. Respondent shall collect all total coliform sampling at sites which are representative of water throughout the distribution system. Additionally, Respondent shall report all coliform and chlorine residual sampling results to EPA by telephone or fax immediately upon receiving

the results.

20. For the total coliform sampling in paragraph 16 above, Respondent shall, before having these samples analyzed, designate one sample as the monthly compliance sample to determine compliance with the MCL for total coliform. 40 C.F.R. § 141.63.

21. If any one of the designated compliance sample results are total coliform-positive, Respondent shall conduct repeat sampling as required by 40 C.F.R. § 141.21(b) by collecting a minimum of four repeat samples within 24 hours of being notified of the total coliform-positive sample. Furthermore, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of 5 routine total coliform samples the month following a total coliform-positive compliance sample result.

22. EPA may require Respondent to increase and/or decrease total coliform sampling or chlorine residual sampling at any time while the Order is in effect.

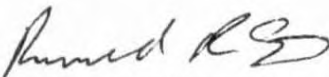
23. All contact with EPA on this matter shall be to:


Barbara Burkland
US Environmental Protection Agency
10 West 15th St.
Helena, MT 59626
Phone: 457-5009 or 1-866-457-2690
Fax: (406)457-5055

e-mail: burkland.barbara@epa.gov

24. This Order does not affect any legal requirement or EPA's legal enforcement options in this matter. This Order constitutes final agency action.

Issued and effective this 22nd day of June, 2010.


For Julie DalSoglio, Director
EPA Region 8 Montana Office


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

BOIL ORDER NOTICE REQUIREMENTS AND TEMPLATE

This public notice shall be issued by broadcast media [*where applicable*] and posted in conspicuous locations throughout the area served by the water system **and** hand delivered to persons served by the Box Elder water system. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 *et seq.* following any future National Primary Drinking Water Regulations (“NPDWRs”) violations. Respondent shall submit a copy of the public notice to EPA within 24 hours of completion of the public notice. The public notice shall include the following information:

All requirements as specified in 40 C.F.R. § 141.205 including:

1. A description of the emergency situation and potential contaminants of concern, and (as applicable) the contaminant level;
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation (see section b. below);
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies are being used and locations where the water is provided for public use;
6. What actions consumers should take, including when they should seek medical help;
7. What the System is doing to correct the violation or situation;
8. When the System expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the System owner, operator, or designee of the System as a source of additional information concerning the notice; and
10. A statement to encourage the recipients to distribute the public notice to other persons served by the System.
11. Mandatory health effects language as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to subpart Q of part 141. This language is as follows:

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These organisms may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER DERIVED FROM
THE PUBLIC WATER SYSTEM USED FOR DRINKING,
BRUSHING TEETH, COOKING, MAKING ICE, WASHING

DISHES, OR USED FOR HUMAN CONSUMPTION, ETC.,
SHALL BE BOILED FOR AT LEAST THREE (1) MINUTE,
AT A ROLLING BOIL, BEFORE USE, ALL STORED
WATER, DRINK OR ICE MADE RECENTLY FROM THIS
SUPPLY SHALL BE DISCARDED.

After Issuing the Notice

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)).

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. It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6 or call your primacy agency for information.

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

Barbara Burkland
US EPA
10 West 15th St., Suite 3200
Helena, MT 59626
FAX: (406)457-5055

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 _____

DRINKING WATER WARNING

Parts of the Newtown water system lost pressure in the distribution system

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

The lower portion of the Newtown water system ran out of water on June 20, 2010. Pipelines broke due to flooding. This led to a loss of pressure in the distribution system, which 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. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do? When water service is restored:

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for one minute**, 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.
- A loss of pressure in the 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 that contamination or other disease causing organisms could enter the distribution system.
- Bacteria and other organisms can cause 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?

Flood waters broke the waterline where it crossed Box Elder Creek. Water leaked from these breaks and emptied the tank. We are working to restore service at this time.

For more information, please contact Water Resources at 395-4225. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

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 the Rocky Boy's Water Resources Department.

Water System ID#: 083090075 ____.

Date distributed: _____.

DRINKING WATER WARNING

The Newtown water system lost pressure in the distribution system

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

The Newtown water system ran out of water on June 20, 2010. This led to a loss of pressure in part of the distribution system, which 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. Water service has not yet been restored. These conditions may pose an imminent and substantial health endangerment to persons served by the system.

What should I do? When water service is restored:

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, **let it boil for one minute**, 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.
- A loss of pressure in the 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 that contamination or other disease causing organisms could enter the distribution system.
- Bacteria and other organisms can cause 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?

The water line was broken by flooding of Box Elder Creek. We are in the process of putting a new water line in to provide you with water from Box Elder.

For more information, please contact Water Resources at 395-4225 . General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

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 the Water Resources Department.

Water System ID#: 08309075.

Date distributed: _____.