



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

JUL 29 2013

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Tracy King, President
Fort Belknap Indian Community Council
R.R.1, Box 66
Harlem, Montana 59526

Ms. Margaret Nicholson, Director
Prairie Mountain Utility
R.R. 1, Box 91
Fort Belknap Agency, Montana 59526

Re: Emergency Administrative Order
Docket No. SDWA-08-2013-0046
Fort Belknap Agency Public Water Supply System

Dear President King and Ms. Nicholson:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utility (Utility) as owner(s)/operator(s) of the Fort Belknap Agency public water system (System). The Order sets forth the actions that the FBIC and Utility must take to ensure that the people served by the water supplies are provided with safe water after a loss of pressure on about July 25, 2013..

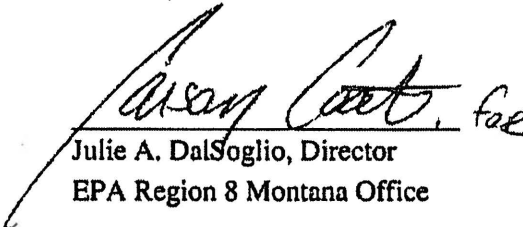
Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints that are common in all water systems. Back siphonage also is a condition resulting from low or no pressure. Such system failures carry a high potential that fecal contamination or other disease causing organisms could enter the distribution system, posing a potential imminent and substantial endangerment to human health.

The Order sets forth the actions FBIC and the Utility must take to address the current emergency situation. Requirements of the Order including notifying the public in the affected area of the situation described in the Order and distributing a boil water advisory; providing an alternate potable water supply for drinking and cooking; increasing total coliform and chlorine residual sampling; and disinfecting, following completion of repairs to the line break causing the loss in pressure.

The EPA appreciates all the work performed by the FBIC and Utility to address the current loss of pressure and ensure the provisioning of safe drinking water to its users. Please do not hesitate to contact me at (406) 457-5025 if you have any questions concerning the Order. If your staff has technical

questions, they may contact Sienna Meredith (800) 457-2690, extension 5026, or (406) 457-5026. Please direct any questions from counsel for the FBIC or Utilities to Peggy Livingston, Enforcement Attorney, at (800) 227-8917, extension 6858, or at (303) 312-6858.

Sincerely,



Julie A. Dalsoglio, Director
EPA Region 8 Montana Office

Enclosure:

Emergency Administrative Order

cc:

Tina Artemis, EPA 8 Regional Hearing Clerk
Ina Nez Perce, Fort Belknap Environmental Director, email
Scott Snow, FBIC Head Operator
Sherry Bishop, FBIC Compliance Officer
Catherine A. Aragon, FBIC Tribal Attorney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUL 29 AM 8:20

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF

Fort Belknap Indian Community
and
Prairie Mountain Utility,

Respondents

Proceeding under section 1431(a) of the
Safe Drinking Water Act

**EMERGENCY ADMINISTRATIVE
ORDER**

Docket No. **SDWA-08-2013-0046**

Fort Belknap Agency
Public Water Supply
PWS ID # 083090041

AUTHORITY AND FINDINGS

1. This Emergency Administrative Order (Order) is issued by the Environmental Protection Agency (EPA) pursuant to section 1431(a) of the Safe Drinking Water Act (the 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. The EPA may issue Emergency Administrative Orders when conditions exist which may present an imminent and substantial endangerment to the health of persons, and state or local authorities have not acted to protect human health, 42 U.S.C. § 300i(a).
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Fort Belknap Reservation. No other governmental authority has applied for and been approved to administer the program on the Fort Belknap Reservation.
5. Respondent Fort Belknap Indian Community (FBIC) is a federally recognized Indian tribe and is therefore a "person" as that term is defined in the Act, 42 U.S.C. § 300i(10), (12), and (14).
6. Respondent Prairie Mountain Utility (Utility) 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. § 300i(10), (12) and (14); 40 C.F.R. § 141.2.
7. Respondents FBIC and Utility (Respondents) own and/or operate the Fort Belknap Agency Public Water Supply Public Water System (System) located in Fort Belknap, Montana. The System provides water to the public for human consumption. The System is supplied by the Milk River. According sanitary surveys for the System conducted in 2008 and 2010, the System serves approximately 2,200 individuals through approximately 420 service connections.

8. Because the System has at least 15 service connections and regularly serves at least 25 people per day at least 60 days of the year, it is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4).

9. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of persons. The EPA has been advised that the current emergency conditions arose on July 25, 2013, when the System lost water pressure after a tribal contractor that was burying fiber optics hit a water main line and was unable to repair the break adequately. Additionally, when the break was being isolated, the only operable valve was shut off, thus cutting off the water supply to the population served by the System. The valve was then incorrectly turned back on, causing yet another line break that interrupted the supply of water to the System’s treatment plant. This has prevented cooling the intake pumps at the System’s water treatment plant, which in turn has prevented the plant from bringing in new water for treatment. Therefore, the System may be unable to produce safe drinking water. The System does not have a back-up source of water. Loss of pressure may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints 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 systems.

10. Before issuing this Order, the EPA consulted with Respondents and with other governmental authorities to confirm the facts. Information available to the EPA indicates that appropriate local authorities other than Respondents have not acted to protect the health of persons served by the System. The EPA has determined that this Order is necessary to protect human health.

ORDER

INTENT TO COMPLY

11. Within 24 hours of receipt of this Order, each Respondent must notify the EPA in writing of its intent to comply with the terms of this Order. Email to the EPA point of contact identified below is acceptable.

BOIL ORDER AND PUBLIC NOTICE

12. Within 24 hours of receipt of this Order, Respondents must notify the public in the System’s service area of the situation described in this Order and distribute a boil water advisory. Directions on the required content and distribution of the public notice and advisory are included in Attachment A to this Order. Respondents must submit a copy of the notice to the EPA within 24 hours of its distribution. Respondents must continue providing the public notice until the EPA provides written notification that the public notice can be discontinued. EPA understands the System is currently providing regular notification through the tribal radio station.

ALTERNATE WATER SUPPLY

13. Using the public notice required above, Respondents shall notify the public served by the System that an alternate potable water supply is available. Using the alternate water supply, Respondents must 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 and described in the public notice referenced in the preceding sentence. All alternate water supplied must be either 1) provided by a licensed water distributor, 2) commercially available bottled water, or 3) provided by another public water system that meets the requirements of the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until Respondents receive written notification from the EPA that alternate water is no longer necessary.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

14. Once water service is restored and the System's distribution system pressure attains a pressure of at least 20 pounds per square inch, Respondents shall flush and disinfect the System, including disinfection of the System's distribution systems and storage tank.

15. Once the System has been flushed and disinfected, Respondents must collect at least one special purpose total coliform sample each day from the System's distribution system.

16. After Respondents receive written notification from the EPA that they may discontinue daily total coliform sampling, Respondents must collect at least one special purpose bacteriological samples each week.

17. After Respondents receive written notification from the EPA that they may discontinue weekly total coliform sampling, Respondents must resume monthly total coliform sampling. Respondents must designate at least one sample as the monthly compliance sample to determine compliance with the maximum contaminant level for total coliform at 40 C.F.R. § 141.63.

18. If any one of the designated compliance sample results are total coliform-positive, Respondents must 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, Respondents must comply with the requirements of 40 C.F.R. § 141.21(b)(5) by collecting a total of five routine total coliform samples during each month following a total coliform-positive compliance sample result.

19. If any of the designated routine sample results is total coliform-positive, within 24 hours of being notified of those results Respondents must collect a "triggered" sample from the source to be analyzed for *E. coli*. 40 C.F.R. § 141.402. The EPA can provide assistance to determine where the source sample should be collected.

20. Respondents must monitor the chlorine residual at the same time and same location as the total coliform samples (as required in paragraphs 15 through 18 above) until Respondents receive notification from the EPA that they may discontinue chlorine residual monitoring.

21. Respondents must collect all total coliform sampling at sites that are representative of water throughout the distribution system. Additionally, Respondents must report all sampling results to the EPA by telephone and by email or fax no later than 24 hours after receiving the results.

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

REPORTING

23. Respondents must submit all monitoring and reporting required above to the EPA by telephone and email or fax within 24 hours of receiving the results. These reports should also include daily updates on the System's status and progress towards restoring normal water service.

PREVENTIVE MEASURES

24. Respondents shall, within five business days of receipt of this Order, provide the EPA with a written explanation of the circumstances that caused loss of pressure and water outage in the distribution and what will be done to prevent a future loss of pressure, especially those caused by line breaks resulting from construction activities of the kind that caused this incident. This includes but is not limited to physical, chemical, operational and communication problems.

NOTIFY EPA OF SITUATIONS WITH POTENTIAL ADVERSE EFFECTS TO PUBLIC HEALTH

25. Respondents must notify the EPA within 24 hours after learning of a violation or situation with the potential to have serious adverse effects on human health as a result of short-term exposure to contaminants in water provided by the System. 40 C.F.R. § 141.202(b)(2).


26. The point of contact for all communication with the EPA in this matter is:

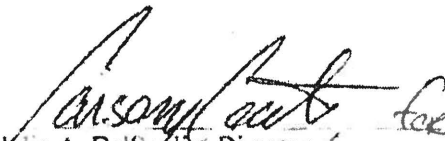
Sienna Meredith
U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200
Helena, MT 59626
Phone (866) 457-5026 or (406) 457-5026 / Fax (406) 457-5055
Email: meredith.sienna@epa.gov

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Fort Belknap Indian Community and Prairie Mountain Utility
Fort Belknap Agency Public Water System
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27. This Order does not affect any legal requirement or the EPA's legal enforcement options in this matter. This Order constitutes final agency action. Under section 1448(a) of the Act, 42 U.S.C. 300j-7(a), Respondents may seek federal judicial review of emergency orders issued under section 1431 of the Act.

Issued and effective this 29th day of July, 2013.


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Julie A. DalSoglio, Director
EPA Region 8 Montana Office

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 Fort Belknap Agency 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:

Sienna Meredith
US EPA
10 West 15th St., Suite 3200
Helena, MT 59626
FAX: (406)457-5055
Meredith.sienna@epa.gov

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

The Fort Belknap Agency water system lost pressure in the distribution system

BOIL YOUR WATER FOR ONE MINUTE BEFORE USING

Due to a line a break, the Fort Belknap Agency water system experienced a loss of pressure and ran out of water in some areas on July 25, 2013. This led to a loss of pressure in the distribution system, which may cause a net movement of water from outside pipes 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. The System is in the process of providing alternative water from Harlem, port a potties where indicated necessary and public notice via the radio and postings.

What should I do?

- **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?

Due to a line break, The Fort Belknap Public Water System was unable to produce enough water, leading to a loss of pressure and insufficient water in the distribution system to meet the needs of the Fort Belknap community,. The line break is being repaired, and the Fort Belknap Public Water System will resume supply of water to the distribution system as soon as it is able.

For more information, please contact _____ at _____. 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 Fort Belknap Agency.

Water System ID#: 083090041.

Date distributed: _____.