



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2018 JUN -7 PM 5:08

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and via email

The Honorable Harry Barnes, Chairman
Blackfeet Tribe
P.O. Box 850
Browning, Montana 59417

Mr. Brian Crawford, Director
Blackfeet Solid Waste Management
P.O. Box 527
Browning, Montana 59417

Re: Emergency Administrative Order under Section 1431 of the Safe Drinking Water Act,
Starr School Public Water System, PWS ID #083090007, Docket No. **SDWA-08-2018-0015**

Dear Chairman Barnes and Mr. Crawford:

Enclosed is an Emergency Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) to Blackfeet Solid Waste Management under section 1431 of the Safe Drinking Water Act (Act), 42 U.S.C. § 300i. The EPA has determined that conditions exist at the Starr School Public Water System (System) that may present an imminent and substantial endangerment to the persons served by the System. The EPA has made this determination based on notification from Blackfeet Solid Waste Management on June 6, 2018, that the System lost pressure due to a pump failure caused by a power surge.

Pursuant to its authority set forth in section 1431 of the Act, 42 U.S.C. § 300i, the EPA is authorized to take actions necessary to protect human health. This Order and its requirements are necessary to ensure adequate protection of public health at the System.

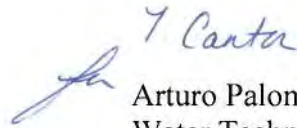
The enclosed Order sets forth the actions that must be taken to ensure that the people served by the System are provided with safe drinking water. The Order requires, in part, Blackfeet Solid Waste Management to: provide an alternate water supply to customers; repair or replace the failed pump; disinfect and flush the System; and, take additional total coliform bacteria samples, among other steps. The consequences for failing to comply are set forth in the Order.

If you have any questions or wish to discuss this Order, please contact Kathelene Brainich at (800) 227-8917 extension 6481 or 303-312-6481, or by email at brainich.kathelene@epa.gov. Any questions from

counsel for Blackfoot Solid Management should be directed to Abigail Dean, Enforcement Attorney, at the above 800 number, extension 6106, or at (303) 312-6106, or by email at dean.abigail@epa.gov.

Thank you for your attention to this matter.

Sincerely,



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

Enclosures

Emergency Administrative Order
Boil Order Advisory

cc: Ms. Melissa Haniewicz, EPA Regional Hearing Clerk
Mr. Harry Barnes, Chairman, Blackfoot Tribe (hbarnes@blackfeetnation.com)
Mr. Carl Kipp, Councilman (ckipp@blackfeetnation.com)
Mr. Tim Davis, Councilman (tdavis@blackfeetnation.com)
Mr. Terry Tatsey, Vice Chairman, Blackfoot Tribal Business Council
(ttatsey@blackfeetnation.com)
Mr. Brian Crawford, Director, Blackfoot Solid Waste Management (blkft_s_w@yahoo.com)
Mr. Gerald Wagner, Environ. Director, Blackfoot Utilities Commission (gwagner@3rivers.net)
Mr. Derek Kline, Attorney Blackfoot Indian Reservation (dkline@blackfeetnation.com)
Mr. Jim White, Indian Health Services (jim.white@ihs.gov)
Mr. Quentin Allen, Indian Health Services (quentin.allen@ihs.gov)
Mr. Gary Madman, Indian Health Services (gary.madman@ihs.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF)
)
Blackfeet Solid Waste Management,)
(Starr School Water System))
PWS ID# 083090007)
)
Respondent.)
)

Docket No. SDWA-08-2018-0015

FILED
EPA REGION VIII
HEARING CLERK

EMERGENCY ADMINISTRATIVE ORDER

AUTHORITY

1. This Emergency Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority of section 1431(a) of the Safe Drinking Water Act (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 \$23,374 per day. 42 U.S.C. § 300i(b); 40 C.F.R. part 19; 83 Fed. Reg. 1190, 1193 (January 10, 2018).
3. The EPA may issue an order pursuant to section 1431(a) of the Act, 42 U.S.C. § 300i(a), upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of humans, and appropriate state or local authorities have not acted, or do not have the authority to act, to protect human health.
4. The EPA has primary enforcement responsibility for the Act's public water supply protection program on the Blackfeet Indian Reservation (Reservation). No other governmental authority has applied for or been approved to administer the program on the Reservation.
5. Respondent, Blackfeet Solid Waste Management, is an organization authorized under the laws of the Blackfeet Tribe to provide water and wastewater services to predominantly tribal communities. Respondent is a "municipality" and "person" as those terms are defined in the Act. 42 U.S.C. §§ 300f(10) and 300f(12), respectively.
6. Respondent owns and/or operates the Starr School Public Water System (System) located in Browning, Montana. The System provides water to the public for human consumption through pipes or other constructed conveyances.
7. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year are "public water systems" as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and, therefore, are subject to the requirements of the Act and the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141.

8. The System has approximately 35 service connections used by year-round residents and/or regularly serves an average of approximately 175 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

9. Prior to issuing this Order, the EPA consulted with the System, Indian Health Services, and the Blackfeet Tribal Government to confirm the facts stated in this Order and to confirm that the Tribe is unable to act to protect public health in this instance.

10. The EPA has determined that conditions exist at the System that may present an imminent and substantial endangerment to the health of humans, based on the facts indicated below. The EPA has determined that this Order is necessary to protect human health.

11. Respondent notified the EPA on June 6, 2018, that the System lost pressure due to the shutdown of pumps, caused by a power surge, which left the System without water.

12. Loss of pressure in a drinking water 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 for fecal contamination or other disease causing organisms to enter a distribution system.

13. On June 6, 2018, the EPA provided Respondent with a template for a boil water advisory. The EPA has been advised that Respondent has issued an advisory.

ORDER

INTENT TO COMPLY

14. Within 24 hours of receipt of this Order, Respondent shall notify the EPA in writing of its intention to comply with the terms of this Order. Notification by e-mail is acceptable.

BOIL ORDER AND PUBLIC NOTICE

15. Upon receipt of this Order, Respondent shall continue to provide information to the public of the situation described in this Order and notify the public that a boil water advisory is in effect. The boil water advisory will continue until the System’s repairs are completed and monitoring of the water is conducted. Respondent shall submit a copy of the notice to the EPA within 24 hours of receipt of this Order. Respondent shall continue providing the public notice until the EPA provides written notice that public notice may be discontinued.

ALTERNATE WATER SUPPLY

16. Upon receipt of this Order, Respondent shall notify the public that an alternate potable water supply is available. 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. Respondent may also opt to provide an alternate water supply that is 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 NPDWRs. The alternate water supply shall be made available at no cost to all users of the System as needed for drinking and cooking until water service is restored to affected users of the System.

DISTRIBUTION SYSTEM DISINFECTION AND MONITORING REQUIREMENTS

17. Respondent shall immediately collect a special purpose sample from the System's distribution system and have it analyzed for total coliform and *E. coli*. Respondent shall email or fax the results to the EPA upon receipt of the analysis from the laboratory.

18. Within 24 hours of restoring power to the pumps, Respondent shall properly disinfect and flush the System's distribution system and return pressure to normal.

19. Following flushing and disinfection of the System as required by paragraph 18, above, Respondent shall monitor the chlorine residual daily in the distribution system. When no chlorine residual is detected, Respondent shall collect consecutive daily (one sample per day) special purpose (defined in 40 C.F.R. § 141.853(b)) samples from the System's distribution system. Respondent shall ensure that each sample is analyzed for total coliform and *E. coli* and shall email or fax each result to the EPA upon receipt of the analysis from the laboratory.

20. After Respondent receives written notification from the EPA that it may discontinue daily total coliform sampling, Respondent must collect weekly bacteriological samples (one sample per week) to determine compliance with the *E. coli* maximum contaminant level as stated in 40 C.F.R. § 141.860.

21. After Respondent receives written notification from the EPA that it may discontinue weekly total coliform sampling, Respondent shall thereafter resume monthly total coliform sampling as required by 40 C.F.R. § 141.855.

22. Respondent shall remain obligated to comply with all applicable requirements of 40 C.F.R. part 141 including, but not limited to, the requirements in 40 C.F.R. § 141.858 to collect three repeat samples within 24 hours of being notified of a total coliform-positive sample result and to collect an additional source water sample. If a repeat sample is total coliform or *E. coli* positive, within 24 hours of being notified of the positive sample, Respondent shall consult with the EPA for further compliance requirements.

23. Respondent shall collect all total coliform sampling at sites that are representative of water throughout the System according to the Sample Siting Plan submitted to the EPA by the Respondent. Additionally, Respondent shall report all sampling results to the EPA by telephone, email or fax immediately upon (*i.e.*, as soon as practicable, and in no event more than 24 hours after) receiving the results.

24. The EPA may require Respondent to increase total coliform and chlorine residual sampling at any time while this Order is in effect.

CORRECTIVE MEASURES

25. Within 15 days of the effective date of this Order, Respondent shall provide the EPA with written verification that the power source problem was corrected.

26. Within 90 days of the effective date of this Order, Respondent shall provide the EPA with a plan and schedule to prevent future loss of pressure or lack of water in the distribution system. The plan shall include proposed modifications to the System. The schedule shall include interim milestone dates and a completion date that will be within 180 days of the effective date of this Order. Respondent shall not begin modification to the System before the EPA has approved the Respondent's schedule.

REPORTING

27. Respondent must give weekly updates to the EPA on the progress of restoring the power supply, disinfecting and flushing the System, and monitoring for total coliform and chlorine residual. Weekly updates must be submitted to the EPA until the EPA notifies the System that reports may be discontinued. These reports may be submitted via phone, fax, or e-mail.

28. Any notices or reports required by this Order to be submitted to:

Kathelene Brainich at (800) 227-8917, ext. 6481, or (303) 312-6481,
by email at brainich.kathelene@epa.gov, or fax at (303) 312-7518.

29. This Order does not relieve Respondent from complying with any applicable federal, tribal, state, or local law.

30. This Order constitutes final agency action. Respondent may seek federal judicial review of this Order under section 1431 of SWDA, 42 U.S.C. § 300(i), pursuant to section 1448(a) of the SDWA, 42 U.S.C. § 300j-7(a).

31. Issued and effective this 7 day of June, 2018.



7. Carta

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

Amy Swanson, for

Amy Swanson, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice