



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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EPA REGION VIII
HEARING CLERK

NOV 28 2012

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward F. Parisian, Director
Rocky Mountain Regional Bureau of Indian Affairs
316 N 26th Street
Billings, MT 59101

Re: 4th Violation of Amended
Administrative Order
Docket No. SDWA-08-2011-0064
Bureau of Indian Affairs
Crow Agency (TP01)
Public Water System
PWS ID #083090011

Dear Regional Director Parisian:

On August 29, 2011, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2011-0064, requiring the Bureau of Indian Affairs (BIA) to comply with various regulations under the Safe Drinking Water Act (Act), 42 U.S.C. § 300f et seq. On April 18, 2012, the EPA amended the Order and among other things, directed the BIA to submit a written compliance plan identifying those actions BIA would take to re-establish compliance with the regulatory requirements. On May 16, 2012, the EPA received a compliance plan from BIA. On July 18, 2012, the EPA issued an addendum to the Order which incorporated the compliance plan into the Order, making it enforceable.

Our records indicate that the BIA is not in compliance with the Order. Specifically, BIA is violation of the following requirements:

1. BIA failed to accurately report several actions required by the Order regarding the individual filter turbidity (IFT) for filters 1 and 2, the combined filter effluent (CFE), and chlorine analyzer charts (please see attached Appendix A).
2. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in the Order, above as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.



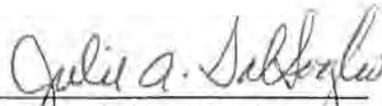
BIA has notified the EPA that the appropriate public notices have been issued; however, it has failed to provide a copy of the public notice and certification of issuance to EPA, as required by the regulations. **If public notice has been completed, please provide the EPA a copy as soon as possible. If public notice has not been completed, please do so immediately and submit a copy to EPA.**

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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, you may contact Sienna Meredith at 1-866-457-2690, extension 5026 or (406) 457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Dana Stotsky Enforcement Attorney, at 1-800-227-8917, extension 6905 or (303) 312-6905 or at the following address:

Dana Stotsky
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.


Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosure: Appendix A: Violations of the Order

cc: Darrin Old Coyote, Chairman
Leroy Cummins, Facility Manager, BIA Crow Agency
Bruce Ward, Engineer, BIA Rocky Mountain Region
Vianna Stewart, Superintendent, BIA
Chris Dillon, Acting Manager Apsalooke Water and Wastewater Authority
Jim Real Bird, Apsalooke Water and Wastewater Board
John Doyle, Apsalooke Water and Wastewater Board
Larry Kindness, Apsalooke Water and Wastewater Board
Tina Artemis, EPA 8 Regional Hearing Clerk
Karen Dunnigan, Department of Interior, Solicitor's Office (via email)

Appendix A: Violations of the Order

| Requirement | Filter 1 (IFE) | Filter 2 (IFE) | Finished Water (CFE) | Chlorine |
|--|---|----------------|----------------------|----------|
| The Operators will clearly mark the IFT charts to show notes with exact times when backwashing, sending water to waste, or to the clear well by filter number. | 9-13-2012 9-17-2012 9-18-2012 9-19-2012 9-20-2012 | | NA | NA |
| The Operators will mark all charts to show plant start-up and shut off times. | | | 9-14-2012 | |
| The Operators will record the maximum (span) value on each chart. | ALL | ALL | ALL | ALL |

| LEGEND | |
|--------|------------------------------|
| ALL | 9-10-2012 through 10-19-2012 |
| BW | Backwash |
| FTCW | Filter to Clear Well |
| FTW | Filter to Waste |
| NA | Not Applicable |