



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2018 OCT 29 PM 2: 19

EPA REGION VIII  
HEARING CLERK

OCT 29 2018

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Andrew Werk, Jr. President  
Fort Belknap Indian Community Council  
656 Agency Main Street  
Harlem, Montana 59526

Mr. Raymond King, Director  
Prairie Mountain Utilities  
164 Agency Mail Street  
Harlem, Montana 59526

Re: Administrative Order Violation issued to the Lodgepole Housing Public Water System,  
PWS ID #083090047, Docket No. SDWA-08-2017-0002

Dear President Werk and Director King:

On October 12, 2016, the U.S. Environmental Protection Agency issued an Administrative Order on Consent (AOC) to the Fort Belknap Indian Community (FBIC) and Prairie Mountain Utilities (PMU) as owner and/or operator of the Lodgepole Housing Public Water System. In March 2018, a request was made for an extension to the schedule for construction of a new well and pumphouse. An EPA Approval Letter with a revised plan and schedule was issued on June 6, 2018. Consistent with paragraph 25 of the AOC, milestone deadlines are enforceable requirements of the AOC.

Our records indicate that the FBIC and PMU are in violation of the AOC. The schedule milestones and deadlines included the following (summarized from the table in the June 6, 2018, EPA Approval Letter):

1. Complete construction of pumphouse by June 30, 2018;
2. Connect well to the distribution system by July 13, 2018;
3. Test water from new well by July 13, 2018;
4. Physically disconnect or abandon old well by July 27, 2018;
5. Deliver water from new well to customers by August 3, 2018; and
6. Submit monthly progress reports to the EPA.

The EPA did not receive monthly progress reports for June 2018, August 2018 and September 2018. The July progress report, submitted via email on August 10, 2018, notified the EPA that construction of the pumphouse (1, above) was not yet completed as the BIA needs to approve the right of way for Big Flat Electric to supply electrical service to the pumphouse. Additional milestones (2-5, above) cannot be

completed until the pumphouse construction is completed. Based on deadlines in the EPA Approval Letter, the milestones, above, are now overdue including water delivery from the new well to customers.

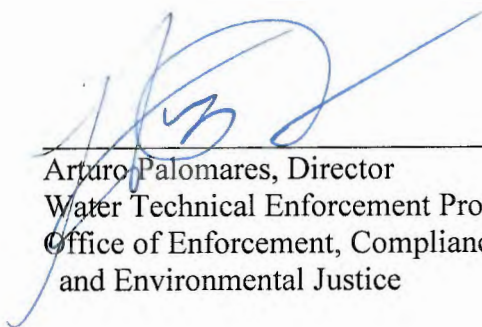
The EPA is requiring submittal of a new plan and schedule, within 10 days of receipt of this Administrative Order Violation letter, that will provide water to customers from the new well as soon as possible and before the coming winter.

The EPA is considering additional enforcement action because of non-compliance with the schedule milestones and deadlines that are part of the AOC. Pursuant to paragraph 37 of the AOC, the EPA is authorized to seek penalties if any of the deadlines are not met. Violating an administrative order may lead to (1) a penalty of up to \$55,907 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions, please contact Jill Minter via email at [minter.jill@epa.gov](mailto:minter.jill@epa.gov) or by phone at 1-800-227-8917, extension 6084, or (303) 312-6084. If you are represented by an attorney and have legal questions, please ask your attorney to contact Amy Swanson via email at [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov) or by phone at 1-800-227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



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

cc: Mr. Scott Snow, Water Operations Manager, PMU ([fbwaterplant@yahoo.com](mailto:fbwaterplant@yahoo.com))  
Mr. Rob Adams, Tribal Engineer, Indian Health Service ([rob.adams@ihs.gov](mailto:rob.adams@ihs.gov))  
Ms. Sherry Bishop, Compliance Officer, FBIC ([sherrycbishop65@yahoo.com](mailto:sherrycbishop65@yahoo.com))  
Ms. Catharine Aragon, Tribal Attorney, FBIC ([cataragon51@aol.com](mailto:cataragon51@aol.com))  
Mr. Jim White, P.E., Director, SFC, Indian Health Service ([jim.white@ihs.gov](mailto:jim.white@ihs.gov))

Ms. Melissa Haniewicz, EPA Regional Hearing Clerk