



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>TH</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

2009 FEB 17 10 28 AM

Ref: 8MO

February 12, 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Julia doney, President  
Fort Belknap Indian Community  
R.R. 1, Box 66  
Harlem, MT 59526

Scott Snow, Director  
Prairie Mountain Utilities  
RR 1, Box 91  
Fort Belknap Agency, MT 59526

Re: Violation of Administrative Order  
Docket No. SDWA-08-2009-0004  
Agnes Leggins Public Water System  
PWS #083090049

Dear President doney and Mr. Snow:

This letter is to inform you that the Agnes Leggins Public Water System has had violations of the Administrative Order (Order) issued on October 9, 2008. The Order requires Prairie Mountain Utilities (the Utility) and the Ft. Belknap Indian Community (Tribe) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq.

1. The Administrative Order, page 6, paragraph 7, states:

"Upon the effective date of this Order, Respondents shall maintain temporary continuous disinfection for the System until such time as the compliance plan described in paragraph 8 below is fully implemented and following written approval from EPA."

On January 20, 2009, an EPA inspector checked the chlorine residual in the distribution system of the Agnes Leggins system and was unable to detect a residual. On January 28<sup>th</sup>, Scott



Snow travelled to the Agnes Leggins water system and confirmed that the chlorinator was empty. EPA understands that Mr. Snow was unable to purchase fuel and therefore could not travel to the water system to add chlorine. Mr. Snow stated that he believed that the chlorinator had been empty for some time. This failure to maintain continuous chlorination is a violation of the Order.

2. The Administrative Order, page 6, paragraph 8 states:

“Within 30 days of the effective date of this Order, Respondents shall provide EPA with a compliance plan and schedule for the System to come into consistent compliance with the total coliform MCL and implement recommendations identified in the sanitary survey dated October 19, 2006 (attached to and incorporated herein). The plan shall include proposed physical and operational modifications (including installation of a permanent and continuous disinfection System), estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 6 months from the date of EPA’s approval of the plan). The plan and schedule must be approved by EPA before construction or modifications can commence.”

The compliance plan and schedule were due to EPA on November 8, 2008. EPA has not received these documents to date, in violation of the Order.

EPA is considering additional enforcement action as a result of the noncompliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 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, please contact me at (406) 457-5001, or Barbara Burkland of my staff at (406) 457-5009. If you are represented by an attorney, please have them contact Amy Swanson at (303) 312-6906. Thank you for your attention to this matter.

Sincerely,

  
John Wardell, Director  
EPA Region 8 Montana Office

cc:  
Robert Fox, Chairman  
Prairie Mountain Utilities Board

Bum Stiffarm, CEO  
Ft. Belknap Indian Community

Brian Wing, Councilman  
Ft. Belknap Indian Community

Tina Artemis, EPA Regional Hearing Clerk