



December 4, 2024

Ref: 8ENF-W-SDW

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

The Honorable Frank White Clay, Chairman
Crow Tribe
frank.whiteclay@crow-nsn.gov

Re: Notice of Safe Drinking Water Inspections on the Crow Reservation

Dear Chairman White Clay:

This letter provides notice of the U.S. Environmental Protection Agency's upcoming Drinking Water inspections located on the Crow Reservation (Reservation) on January 6 - 8, 2025. The purpose of these inspections is to meet with the system operators to discuss matters related to noncompliance at the public water systems listed below and next steps to return to compliance.

Scope of Inspections

EPA staff from the Safe Drinking Water Program intend to conduct an inspection at the following facilities:

- Crow Agency Water System (083090011)
- Pryor Water System (083090012)
- Wyola Water System (083090014)

Inspection Policies and Protocols

Consistent with the EPA's well-established practice, our intent is to follow the *EPA Region 8 Policy for Environmental Protection in Indian Country* (Policy) set forth at <http://www.epa.gov/region8/tribes/Policy/r8policy.html>. As stated in the Policy, the EPA inspectors agree to protocols including, but not limited to, the following:

Re: *Notice of Safe Drinking Water Inspections on the Crow Reservation*

- Notification of inspections, including specific locations, will be provided to you as the Tribal Chair and to the Tribal environmental director at least seven calendar days prior to conducting routine inspections.
- Entrance and exit briefings will be offered to you as the Tribal Chair and to the Tribal Environmental Director regarding the inspection trip.
- Photographs will be limited to those for official government use.

Please note that for environmental emergency situations, the EPA may not be able to provide the Tribe at least seven days' advance notice of an inspection but will coordinate with the Tribal environmental director as soon as possible. In all circumstances, information about upcoming inspections is intended for internal purposes only and should not be shared with the facility or the regulated community. The EPA believes that unannounced inspections generally are the most accurate way to determine compliance.

The EPA will collect data to determine the compliance status with federal environmental laws during inspections and subsequently take appropriate action to address the noncompliance. EPA action and coordination with the Tribal government may depend on the status of the facility. The EPA may address noncompliance by issuing a letter, an order, or other administrative or judicial enforcement action against a non-Tribally-owned facility while keeping the Tribal government informed of our efforts and progress. This is typically the most expeditious way to return a facility to compliance and to deter it and other similar facilities from violating the law in the future.

If, on the other hand, a facility is owned (51 percent or more) or managed or controlled by a Tribal government, either directly or through one or more intermediaries or affiliates (this does not include ownership, management, or control by an individual Tribal member), consistent with the Federal government's trust responsibility, the EPA will offer appropriate assistance to the Tribal government in the matter prior to considering formal enforcement action. The EPA will work together with the Tribal government to assist the facility in achieving compliance.

If you have any questions regarding this letter, please contact me at (303) 312-6925. If you or your staff would like to schedule an entrance or exit briefing with the EPA inspectors, please contact Rachel Brookins of my staff at (303) 312-6509 or by email brookins.rachel@epa.gov.

Thank you in advance for your partnership in protecting public health and the environment on the Reservation.

Sincerely,

For Suzanne J. Bohan, Director
 Enforcement and Compliance Assurance Division

Re: Notice of Safe Drinking Water Inspections on the Crow Reservation

cc:

Jacob Stops, Grants and Contracts Director, Crow Tribe
Marvin (Wes) Stops, Jr., Environmental Director, Crow Tribe
Chris Dillon, Lead Operator, Crow Tribe
Rebecca Old Elk, Water Quality Coordinator, Crow Tribe
Georgette Boggio, Attorney, Elk River Law