United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Criminal Enforcement, Forensics and Training

National Enforcement Investigations Center

NEIC

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NEIC CIVIL INVESTIGATION REPORT
Northern Cheyenne Utilities Commission
Lame Deer, Montana 59043

Investigation Dates:
July 17-20, 2023

David Parker Digitally signed by David Parker Date: 2023.09.12 11:09:38 -06'00'
David Parker, Project Manager, NEIC

Authorized for Release by:
MICHAEL ROACH Digitally signed by MICHAEL ROACH Date: 2023.09.12 12:47:13 -06'00'
Mike Roach, Acting Field Branch Manager, NEIC

Report Prepared for:
EPA Region 8 / Tiffany Cantor
1595 Wynkoop Street
Denver, Colorado 80202

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
P.O. Box 25227
Building 25, Denver Federal Center
Denver, Colorado 80225

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INVESTIGATION OVERVIEW

PROJECT OBJECTIVE

U.S. Environmental Protection Agency (EPA) Region 8 (Region) requested EPA's National Enforcement Investigations Center (NEIC) to conduct a Safe Drinking Water Act (SDWA) compliance investigation of the Lame Deer Water System (LDWS) and Busby Community Water System (BCWS) on the Northern Cheyenne Reservation in Montana. The systems are operated by the Northern Cheyenne Utilities Commission (NCUC), which is located at 100 Medicine Lodge Drive, Lame Deer, Montana 59043. The investigation assessed the public water systems' (PWS) compliance with the National Primary Drinking Water Regulations found in 40 Code of Federal Regulations (CFR) Part 141.

Table 1 lists the project team members.

Table 1. PROJECT TEAM MEMBERS		
Team Member	**Organization**	**Project Role**
David Parker	NEIC	Project manager
Trent Rainey, P.E.	NEIC	Field team member
REGIONAL AND OTHER CONTACTS		
Rachel Brookins	EPA Region 8	Regional field team member
Chris Brown	EPA Region 8	Regional field team member
Steven Latino	EPA Region 8	Regional field team member

FACILITY CONTACT INFORMATION

Table 2 lists the primary facility contacts.

Table 2. FACILITY CONTACT INFORMATION		
Name, Title	**Phone No.**	**Email Address**
Ethelyn Shoulder Blade, General Manager, NCUC	406-477-6318/406-749-0767	ncuc2021@outlook.com
Wallis Headswift, Acting Field Foreman, NCUC	406-998-9242	wallis.headswift@gmail.com
Joe Walksalong, Jr., Water Quality Coordinator, Northern Cheyenne Environmental Protection Department	406-477-4848	joewalksalong@cheyenenation.com
Josh Gust, NCUC Contract Operator	406-702-6399	ncuc2021@outlook.com

FACILITY OVERVIEW

NCUC operates four public water systems on the tribal reservation, serving the Birney, Busby, Rabbit Town, and Lame Deer communities on the Northern Cheyenne Reservation. NCUC also operates a water system at Ashland, which is not on the tribal reservation. The Muddy Cluster

community water system was operated by NCUC but was deactivated when a water line was installed from LDWS. The Ashland and Birney water systems were not inspected by NEIC.

LDWS operates under PWS identification No. 083090064 and serves a population of 3,160 people. The facility uses a groundwater source and is subject to regulation under 40 CFR Part 141 – National Primary Drinking Water Regulations. According to EPA's Enforcement and Compliance History Online (ECHO) website, LDWS was last inspected for SDWA requirements in November 2020 (listed as a sanitary survey, complete), and there have been 31 violations reported since 2019 of the following rules: Groundwater Rule, Nitrates, Radionuclides, Stage 1 and Stage 2 Disinfection Byproducts Rules, and the Lead and Copper Rule (LCR).

BCWS operates under PWS identification No. 083090063 and serves a population of 535 people. The facility uses a groundwater source and is subject to regulation under 40 CFR Part 141 – National Primary Drinking Water Regulations. According to EPA's ECHO website, BCWS was last inspected for SDWA requirements in July 2022 (listed as a sanitary survey, complete), and there have been 45 violations reported since 2013 of the following rules: Groundwater Rule, Nitrates, Radionuclides, Stage 2 Disinfection Byproducts Rules, and the Lead and Copper Rule.

NCUC operates as an independent utility commission, providing both drinking water and wastewater services to Northern Cheyenne Tribal members, with its' revenue generated through billing and the collection of fees from customers. Meters are not utilized in the NCUC water system, with customers charged a flat rate each month. A staff of four performs all operations and maintenance activities on the drinking water and wastewater systems. Region 8 administers the Public Water System Supervision (PWSS) program on tribal lands and has primary enforcement responsibility (i.e., primacy).

FACILITY OPERATIONS SUMMARY

Lame Deer Water System

LDWS utilizes groundwater as the raw water source, pumping from five active wells at three sites, that average 60 feet in depth, and two abandoned wells at two sites. Two wells are located on the Chief Dull Knife College campus, the West Dull Knife well and the East Dull Knife well. The West Dull Knife well has a reported yield of 144 gallons per minute (GPM) but has been out of service since May 2023, due to a control panel relay problem. There is a chlorine tank and feed pump installed in the West Dull Knife well pumphouse. The East Dull Knife well is located in a pumphouse in the middle of the college parking lot. The East Dull Knife well is no longer used, and while some of the piping has been removed, the well has not been abandoned as it may be used again in the future. Two wells (well #5 and well #6) are located next to the

NCUC office, at Lame Deer Creek. Well #5 has a reported yield of 250 GPM and is located in an unfenced area approximately 10 feet west of the pumphouse, while well #6 has a reported yield of 285 GPM and is located in a fenced area approximately 30 feet southwest of the shared pumphouse. The Sawmill site consists of two wells (well #1 and well #2), with reported yields of 90 GPM each, and both wells are situated inside the pumphouse. Another well is located at the Lame Deer Creek location near well #6, however, this is a well operated by the Tribe and not NCUC for bulk hauling of water. The well formerly used at Muddy Cluster has been capped and abandoned.

LDWS disinfects using sodium hypochlorite, with a targeted dose of 1.0 milligrams per liter (mg/L) at the wells and a targeted residual dose of 0.2 mg/L or greater in the distribution system. The disinfectant is delivered by vendor to a bulk tank located at the Lame Deer Creek pumphouse and distributed from there to each application point in the system. Sodium hypochlorite is applied at the West Dull Knife well discharge line, the Lame Deer Creek joint discharge line, and the Sawmill joint discharge line.

Two booster pump stations are in the LDWS distribution system. The first is called the Air Force Booster Station, and it utilizes three Grundfos pumps to boost the pressure from 36 pounds per square inch (psi) to 90 psi. The second is called the Lone Feather Booster Station, and it utilizes one Grundfos pump to boost the distribution system water pressure.

Three storage tanks are utilized by LDWS. The East tank has a capacity of 200,000 gallons and was inaccessible at the time of this inspection as the gate key was not available. The West tank has a capacity of 341,000 gallons. The Muddy Cluster tank has a capacity of 131,000 gallons.

Two pressure zones are maintained in the town of Lame Deer, one on the east side of town and the other on the west side of town. The pressure zones are maintained using the booster pumping stations and the storage tanks. The valve separating the east and west pressure zones cannot currently be located, as it was apparently paved over in the recent past.

Busby Community Water System

BCWS is located 18 miles west of Lame Deer, and utilizes groundwater as the raw source, pumping from two active wells, west and east. The west well is located west of the pumphouse, while the east well is located east of the pumphouse. The west well is 80 feet deep and yields approximately 90 GPM. The east well is 72 feet deep and originally yielded approximately 90 GPM but now only yields approximately 40 GPM. Both wells are reported to contain high levels of iron, and a treatment system was installed in the past at the Busby pumphouse. The iron treatment consists of a Hellenbrand Iron Curtain System, which was offline at the time of this inspection. Operators reported that it had been offline for approximately 3 months. Before

shutting the Iron Curtain System down, BCWS was having to backwash it more frequently than designed.

BCWS disinfects the water with sodium hypochlorite, brought from the LDWS bulk storage tank at the Lame Deer Well pumphouse. The disinfectant feed occurs following the Iron Curtain treatment unit.

Finished water is stored in a group of five connected storage tanks with a total storage of 100,000 gallons, on top of a hill just south of Busby. Each of the tanks has a capacity of 20,000 gallons, and each is equipped with a hatch and vent. A common overflow discharges onto the hillside, and there is visible evidence of precipitated iron deposits on the concrete pad below the discharge used for erosion control.

FIELD ACTIVITIES SUMMARY

NEIC led the field inspection from July 17 – 20, 2023. NEIC and EPA Region 8 inspectors arrived at the Northern Cheyenne Tribal environmental management office at 10:00 a.m. on July 17, 2023, at which time credentials were presented to facility contacts listed on the sign-in sheets found in **Appendix A** of this report. NEIC conducted an opening conference that explained the purpose and scope of the inspection.

During the inspection, EPA inspectors reviewed distribution system maps, monitoring records, and system funding records. Inspectors also interviewed LDWS and BCWS personnel. In addition, EPA inspectors conducted a walk-through inspection of the LDWS and BCWS assets, including eight wells with associated chlorine disinfection points, one iron treatment unit, two booster stations, and four storage tanks.

Appendix B includes photographs taken by NEIC during the inspection. After completing the inspection, NEIC inspectors, EPA Region 8 inspectors, and facility representatives had a closing conference at the Northern Cheyenne Tribal environmental management office and discussed initial observations. EPA inspectors departed the Northern Cheyenne Tribal environmental management office at 3:00 p.m. local time on July 20, 2023. The sanitary survey reports for LDWS and BCWS issued by Region 8 can be found in **Appendix C**. On July 24, 2023, NCUC operators notified EPA inspectors that water system personnel had corrected several observations that were made during the inspection. The photos submitted by the NCUC operators were compiled by NEIC into a corrective action log which is found in **Appendix D**.

INVESTIGATION OBSERVATIONS

NEIC identified the following observations during the SDWA compliance inspection. NEIC field team members discussed all observations with facility representatives during the closeout meeting unless otherwise noted in the observation description.

These observations are not final compliance determinations. EPA Region 8 will make the final compliance determinations based on its review of this report and other technical, regulatory, and facility information.

Observation 1
Observation Summary: NEIC inspectors found that chlorine disinfectant was not being fed at any of the disinfectant feed sites within LDWS or BCWS at the time of the inspection.
Citation: *none*
Evidence: Interviews with NCUC operators NEIC inspector observations
Description of Observation: NEIC inspectors found that chlorine disinfectant was not being fed at any of the disinfectant feed sites which are listed below within LDWS or BCWS at the time of the inspection: • Both Sawmill wells in LDWS • Both Lame Deer Creek wells in LDWS • Both wells at BCWS • The West Dull Knife well had been off-line since May 23, 2003 NCUC staff explained that the chlorine vendor had neglected to deliver liquid sodium hypochlorite to the LDWS on their most recent delivery route. This required NCUC staff to travel 100 miles away to Billings, Montana to purchase liquid sodium hypochlorite. Furthermore, NCUC staff stated that they are looking to find a new disinfectant vendor to supply their needs. Currently, NCUC stores sodium hypochlorite in a bulk tank at the Lame Deer Creek Pump House. It is dispensed from the bulk tank into small, portable tanks which the NCUC operators drive to the feed points for all four of the NCUC water systems, including LDWS and BCWS. The chlorine pumps were turned off due to a lack of sodium hypochlorite solution. No chlorine residual readings were taken in the distribution system during the inspection. The NEIC inspection team could not determine if a measurable disinfectant residual existed at that time.

Observation 2
Observation Summary: The iron treatment system was inoperable at the BCWS.
Citation: *None*
Evidence: Interviews with NCUC operators

Observation 2
NEIC inspector observations **Appendix B** – NEIC Inspection Photographs
Description of Observation: NCUC operators reported that high levels of iron exist in the two Busby wells. A Hellenbrand Iron Curtain treatment system had been installed in the BCWS pumphouse (**Appendix B** – Photo P7190032.JPG). NCUC operators reported that the BCWS Iron Curtain treatment system had been off-line for approximately three months. Approximately half of the Iron Curtain filter units did not work, and operators stated that they were using approximately half of their finished water flow for backwashes. NEIC inspectors were unable to determine the iron concentrations in the finished water, making it impossible to determine if the iron levels exceed the secondary maximum contaminant level. NCUC operators reported that many of the BCWS customers chose not to drink the treated water due to the high levels of iron in the finished water.

Observation 3
Observation Summary: NEIC inspectors observed issues at six wells and associated pumphouses inspected at LDWS and BCWS.
Citation: *none*
Evidence: Interviews with NCUC operators NEIC inspector observations **Appendix B** – NEIC Inspection Photographs **Appendix D** – Corrective Action Log

Description of Observation: NEIC inspectors observed the following at the wells and pumphouses:
• East Dull Knife Well
  • The well is no longer in use and a section of the outlet pipe has been removed (**Appendix B** – Photo P7170005.JPG). According to NCUC operators, it has not been properly abandoned since it could be reactivated in the future.
• West Dull Knife Well
  • The well has been offline since May 23, 2023, due to a broken panel relay (**Appendix B** – Photo P7170001.JPG).
  • An open vent was found in the sodium hypochlorite storage tank (**Appendix B** – Photo P7170001.JPG).
  • The well piping was rusted, and paint was flaking (**Appendix B** – Photo P7170001.JPG).
  • The exterior blow-off outlet pipe screen was damaged and could allow entry of insects (**Appendix B** – Photo P7170002.JPG).
  • No splash pad under the well blow-off outlet, which had resulted in visible soil erosion (**Appendix B** – Photo P7170003.JPG).
  • A previous liquid chlorine spill that occurred in the West Dull Knife Pumphouse reacted with the concrete block wall where signs of damage are visible (**Appendix B** – Photos P7170001.JPG and P7170004.JPG).
  • The Badger flow totalizer display was non-functional.
• Sawmill Wells 1 and 2
  • The pumphouse floor drain was clogged, resulting in standing water (**Appendix B** – Photo P7170006.JPG).

Observation 3

- The packing gland for the gate valve on the common blow-off line was leaking (**Appendix B** – Photo P7170006.JPG).
- The chlorine feed pump was not in operation and leaking (**Appendix B** – Photo P7170007.JPG).
- Well #2 was missing an air relief valve (**Appendix B** – Photo P7170007.JPG).
- The well piping was rusted with flaking paint and the chlorine injection point was heavily corroded (**Appendix B** – Photos P7170006.JPG and P7170007.JPG).
- Bullet holes were observed in the pumphouse door.
- The exterior common blow-off outlet pipe was not screened, and there was no splash pad under the well blow-off outlet pipe (**Appendix B** – Photo P7170008.JPG).

- Lame Deer Creek Well 5
  - The well is located in an unsecure area outside that is surrounded by concrete barriers. No concrete well pad was observed, with dirt surrounding the well casing (**Appendix B** – Photo P7170011.JPG).
  - The well piping was rusted (**Appendix B** – Photo P7170010.JPG).
- Lame Deer Creek Well 6
  - The well is located in a fenced area with parked vehicles and debris in close proximity. No concrete well pad was observed, with dirt surrounding the well casing (**Appendix B** – Photo P7170012.JPG).
  - The well piping was rusted (Appendix B – Photo P7170010.JPG).
- Lame Deer Creek Pumphouse
  - The chlorine injection point was heavily corroded (**Appendix B** – Photo P7170010.JPG).
  - The bulk chlorine storage tank and day tank sit atop a secondary containment platform that is undersized and will not contain the volume of the tanks in case of a spill. NCUC staff stated that some chemical delivery drivers have complained that the 300-gallon bulk storage tank is too tall and that fittings on the tank are not up to code, resulting in unwillingness of some delivery drivers to pump sodium hypochlorite into the tank (**Appendix B** – Photo P7170010.JPG).
  - A liquid chlorine spill that occurred inside the Lame Deer Creek pumphouse has caused signs of damage to the interior and exterior metal building wall (**Appendix B** – Photos P7170009.JPG and P7170010.JPG).
- Busby East Well
  - The well is in a fenced field and was found to be surrounded by tall vegetative growth (**Appendix B** – Photo P7190031.JPG). On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).
  - The concrete pad for the well has a large crack (**Appendix B** – Photo P7190031.JPG).
  - Operators reported that the well had originally yielded approximately 90 GPM but now only yields approximately 40 GPM.
- Busby West Well

Observation 3

- The well is in a fenced field and was found to be surrounded by tall vegetative growth. On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).
- The well had a concrete well pad, but it no longer exists (**Appendix B** – Photo P7190030.JPG).

- Busby Pumphouse
  - The exterior blow-off outlet pipe was unscreened, the flap on the blow-off outlet pipe does not fully seat closed, and there was no splash pad under the well blow-off outlet pipe (**Appendix B** – Photo P7190035.JPG).
  - There was no secondary containment for the chlorine storage tank and there was no floor drain in the chlorine storage and feed area (**Appendix B** – Photo P7190034.JPG).
  - The metal well piping was rusted (**Appendix B** – Photo P7190034.JPG).
  - The sample taps for raw and finished water had threaded nozzles (**Appendix B** – Photo P7190034.JPG) which poses a potential cross-connection hazard.
  - The Hellenbrand Iron Curtain treatment system was not in operation (**Appendix B** – Photo P7190032.JPG).
  - The pumphouse was found to be surrounded by tall vegetative growth. On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).

Observation 4

Observation Summary: NEIC inspectors observed issues at the LDWS booster pump stations.

Citation: *none*

Evidence: Interviews with NCUC operators
NEIC inspector observations
Appendix B – NEIC Inspection Photographs

Description of Observation: NEIC inspectors observed the following at the LDWS booster pump stations:

- Air Force Booster Station
  - Pumps #1 and #2 were operational at the time of this inspection, with pump #3 non-operational. There were no spare pumps in inventory at NCUC to replace pump #3.
  - A white powder residue was observed coating all 3 Grundfos pumps, and salt crystals were found at the base of pumps 1 and 2 (**Appendix B** – Photo P7170015.JPG).
  - The Grundfos control panel registered a high-pressure alarm (code 210) (**Appendix B** – Photo P7170016.JPG).
  - The booster station building was unfenced, and the structure was covered with graffiti (**Appendix B** – Photo P7170017.JPG). The booster station was surrounded by numerous abandoned, burned, and vandalized homes.
- Lone Feather Booster Station
  - The pump housing had calcium buildup around the base of the booster pump motor (**Appendix B** – Photo P7190038.JPG).
  - The pressure gauge on the discharge side of the pump was broken (**Appendix B** – Photo P7190038.JPG).

Observation 4
• There was no spare pump in inventory at NCUC if the pump were to become inoperable.

Observation 5
Observation Summary: NEIC inspectors observed issues at each of the storage tanks inspected at LDWS and BCWS.
Citation: *none*
Evidence: Interviews with NCUC operators NEIC inspector observations **Appendix B** – NEIC Inspection Photographs **Appendix D** – Corrective Action Log **Appendix C** – EPA Region 8 Sanitary Surveys of LDWS and BCWS

Description of Observation: NEIC inspectors observed the following at the storage tanks:
• LDWS East Tank
  • The tank's isolation valve was reported to be inoperable.
  • NCUC operators reported that in the recent past someone had breached the fence and was found living in the valve pit beside the tank (**Appendix B** – Photo P7170018.JPG).
  • The tank overflow discharge pipe screen had a hole and there was no splash pad below the discharge point (**Appendix B** – Photo P7170019.JPG). On August 16, 2023, NCUC notified NEIC inspectors that the hole had been repaired (**Appendix D**).
  • The storage tank was found to be surrounded by tall vegetative growth. On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).
• LDWS West Tank
  • The concrete lip that was originally placed between the concrete ring wall and tank has degraded and dissipated, leaving moss and lichen to grow in the exposed foundation gravel (**Appendix B** – Photos P7180021.JPG and P7180022.JPG).
  • The ladder that provides access to the tank roof has a safety cage, but no locking access hatch (**Appendix B** – Photo P7180024.JPG).
  • The tank overflow pipe is unscreened and has a fire hose attached to divert water down the hill to prevent erosion (**Appendix B** – Photo P7180023.JPG).
  • The barbed wire atop the perimeter fence had been removed around some areas of the fence (**Appendix B** – Photo P7180020.JPG).
  • The storage tank was found to be surrounded by tall vegetative growth (**Appendix B** – Photo P7180020.JPG). On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).
• LDWS Muddy Cluster Tank
  • The altitude valve that allows automatic filling of the tank has been inoperable for over a year according to NCUC operators (**Appendix B** – Photo P7180025.JPG). This requires the operators to travel to this location, manually check the tank level, and fill it every 2 days to prevent the Muddy Cluster

Observation 5

community from running out of water. The tank level was down to 3 feet out of a maximum 24 feet at the time of the inspection.

- Dirt, rocks, debris, and vegetation were found to be covering a portion of the tank foundation (**Appendix B** – Photo P7180029.JPG).
- The ladder that provides access to the tank roof had a safety cage with a chair placed underneath to allow climbers to reach the lower rungs of the ladder, but no locking access hatch (**Appendix B** – Photo P7180027.JPG).
- The tank overflow pipe screen was ripped and not 24 mesh (**Appendix B** – Photo P7180028.JPG).
- The storage tank was found to be surrounded by tall vegetative growth (**Appendix B** – Photo P7180026.JPG). On July 24, 2023, NCUC notified NEIC inspectors that the tall vegetation had been mowed (**Appendix D**).

- BCWS Storage Tank
  - When one of the five individual tank hatches was opened, approximately 3 inches of sand and dirt were found to be covering the inner hatch (**Appendix B** – Photo P7190037.JPG). This material appears to have blown in under the steel lid frame or between the outer hatch lid and frame. This was noted as a significant deficiency in the 2019 sanitary survey report issued by Region 8 (**Appendix C** – page 63).
  - The earthen top of the five interconnected tanks was found to be overgrown with tall vegetative growth.
  - The common tank overflow was observed to be activity discharging at the time of the inspection (**Appendix B** – Photo P7190036.JPG). The ditch into which the overflow was routed had been filled with rocks, broken sections of concrete, and concrete blocks to serve as a splash pad and to prevent further erosion. Noticeable amounts of iron were seen on this material, as the iron which had been oxidized with the addition of chlorine disinfectant, came out of solution, and precipitated on the splash pad materials.

Observation 6

Observation Summary: NEIC inspectors observed two potential sites where backflow contamination could occur within LDWS.

Citation: *none*

Evidence:
Interviews with NCUC operators
NEIC inspector observations
Appendix B – NEIC Inspection Photographs

Description of Observation: NEIC inspectors observed the following at two sites:

- According to NCUC operators, the Lame Deer Creek bulk water well is operated by the Tribe and not NCUC, however, it is located approximately 60 feet from Lame Deer Creek well #6 and appears to draw from the same aquifer. NEIC inspectors observed no backflow prevention device installed on the well. A fire hose is used to fill bulk haul tanks. The current configuration and operation of this well poses a potential backflow and public health risk to the LDWS as contaminants could inadvertently be drawn from bulk haul tanks and from overland flow with a hose on the ground into the

Observation 6

aquifer from which the Lame Deer Creek Wells draw their water (**Appendix B** – Photo P7170013.JPG).

- A watering point with a frost-free hydrant and a pump handle was found at the Tribal Fairgrounds that had no backflow prevention device. There is a threaded outlet on the hydrant spigot that allows a hose to be attached for filling bulk water tanks and watering troughs. This watering point is located downhill from the livestock pens and rodeo grounds posing a potential backflow and public health risk to the LDWS as contaminants could inadvertently be drawn back into the LDWS distribution line from bulk haul tanks, watering troughs, and from overland flow with a hose on the ground (**Appendix B** – Photo P7170014.JPG).

Observation 7

Observation Summary: The location of the valve that divides the LDWS distribution system into two pressure zones cannot be located by operators.

Citation: *none*

Evidence:
Interviews with NCUC operators
NEIC inspector observations

Description of Observation: The LDWS distribution system is divided into two pressure zones which serve the east and west sides of the town of Lame Deer. The location of the valve that separates the two pressure zones cannot be located by operators. NCUC operators stated that the valve could have been paved over by road crews at some point in the recent past. The inability for NCUC operators to locate and operate the valve has resulted in the lack of adequate water pressure being provided when one of the storage tanks is drained.

Observation 8

Observation Summary: LDWS and BCWS did not submit the LCR consumer notice and certification form to Region 8 for the June – September 2022 monitoring period.

Citation:
40 CFR § 141.90 - Reporting requirements
(f) *Public education program reporting requirements.*
(3) *No later than three months following the end of the tap sampling period, each water system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of § 141.85(d).*

Evidence:
NEIC inspector observations

Description of Observation: LDWS and BCWS did not submit the LCR "Consumer Notice and Certification" form to Region 8 for the June – September 2022 monitoring period.

Observation 9

Observation Summary: LDWS and BCWS did not collect the required asbestos samples for the monitoring period of January 1, 2020, and December 31, 2022.

Citation:

Observation 9
40 CFR § 141.23 - Inorganic chemical sampling and analytical requirements (b) *The frequency of monitoring conducted to determine compliance with the maximum contaminant level for asbestos specified in § 141.62(b) shall be conducted as follows:* (1) *Each community and non-transient, non-community water system is required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.*
Evidence: NEIC inspector observations **Appendix E** – 2023 Asbestos NOVs
Description of Observation: LDWS and BCWS did not collect the required asbestos samples during the first three years of the nine-year compliance cycle that runs from January 1, 2020, to December 31, 2028 (**Appendix E**). The asbestos samples should have been collected between January 1, 2020, and December 31, 2022.