IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 1:26-cv-00111-TJC
CONSENT DECREE

CROW TRIBE OF MONTANA
AND
CROW PUBLIC UTILITIES

Defendants.

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Plaintiff United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), has filed a Complaint concurrently with this Consent Decree against the Crow Tribe of Montana ("Tribe" or "Crow Tribe") and the Crow Public Utilities ("CPU") (collectively, "Defendants").

The Complaint against Defendants alleges claims related to drinking water, wastewater, and solid waste on the Crow Indian Reservation ("Reservation"). First, the Complaint alleges claims under Sections 1414 and 1431 of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. §§ 300g-3(b) and 300i, and the National Primary Drinking Water Regulations ("Drinking Water Regulations"), 40 C.F.R. Part 141, implementing the SDWA, related to the Crow Agency Public Water System ("Crow Agency PWS"), Pryor Public Water System ("Pryor PWS"), and Wyola Public Water System ("Wyola PWS") (collectively, the "Crow Public Water Systems"). Second, the Complaint alleges claims under Sections 301 and 504 of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311(a), 1364 and the implementing regulations of the National Pollutant Discharge Elimination System ("NPDES"), 40 C.F.R. Part 122, related to the Crow Agency Wastewater Treatment Facility ("Crow Agency WWTF"), Pryor Wastewater Treatment Facility ("Pryor WWTF"), and Wyola Wastewater Treatment Facility ("Wyola WWTF") (collectively, the "Wastewater Treatment Facilities" or "WWTFs"). Third, the Complaint alleges claims under Section 7003 of the Solid Waste Disposal Act ("SWDA"), as amended by and hereafter referred to as the Resource Conservation and Recovery Act ("RCRA"), and subsequent amendments, 42 U.S.C. § 6973, related to solid waste disposal on the Reservation, including the Pryor, Wyola, St. Xavier, Lodge Grass, and Crow Agency solid waste transfer stations (collectively, the "Solid Waste Transfer Stations") and open dumps on the Reservation.

The Crow Tribe is a federally recognized Indian tribe. The Reservation is located in

southern Montana.

On April 23, 2024, the Crow Tribal Legislature amended Title 22 of the Crow Tribe Law and Order Code and established a public body known as the Crow Public Utilities ("CPU") and a regulatory agency of the Crow Tribal Executive Branch known as the Crow Environmental Protection Agency ("CEPA"). The CPU operates to, among other things, continuously provide safe and reliable drinking water, wastewater, and solid waste services within the Reservation. The CEPA operates to protect air, water, and land from pollution, including solid waste and hazardous waste dumping, and to oversee cleanup of contaminated sites. The amended Title 22, including the establishment of the CPU and CEPA, replaced the Apsáalooke Water and Waste Water Authority ("AWWWA").

The United States has reviewed the financial information submitted by the Tribe to determine whether the Tribe is financially able to pay a civil penalty. Based upon this financial information, the United States has determined that the Tribe has limited financial ability to pay a civil penalty.

Defendants do not admit any liability to the United States arising out of the transactions or occurrences alleged in the Complaint.

The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation among the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided above and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Sections 1414(b) and 1431(a) of the SDWA, 42 U.S.C. §§ 300g-3(b), 300i(a); Sections 309(b) and 504(a) of the CWA, 33 U.S.C. §§ 1319(b), 1364(a); and Section 7003(a) of RCRA, 42 U.S.C. § 6973(a), and over the Parties.

2. Venue lies in this District pursuant to Sections 1414(b) and 1431(a) of the SDWA, 42 U.S.C. §§ 300g-3(b) and 300i(a); Sections 309(b) and 504(a) of the CWA, 33 U.S.C. §§ 1319(b), 1364(a); and Section 7003(a) of RCRA, 42 U.S.C. § 6973(a); and 28 U.S.C. §§ 1391(b)(1)-(2) and 1395(a), because the violations alleged in the Complaint are alleged to have occurred in, and Defendants conduct business in, this judicial district. For purposes of this Decree, or any action to enforce this Decree, Defendants consent to the Court's jurisdiction over this Decree and any such action and over Defendants and consents to venue in this judicial district.

3. For purposes of this Consent Decree, Defendants agree that the Complaint states claims upon which relief may be granted pursuant to Sections 1414 and 1431 of the SDWA, 42 U.S.C. §§ 300g-3(b) and 300i, and 40 C.F.R. Part 141; Sections 301, and 504 of the CWA, 33 U.S.C. §§ 1311(a), 1364 and the implementing regulations, 40 C.F.R. Part 122; and claims under Section 7003 of RCRA, 42 U.S.C. § 6973.

II. APPLICABILITY

4. The obligations of this Consent Decree apply to and are binding upon the United States, and upon Defendants and any successors, assigns, or other entities or persons otherwise bound by law.

5. No transfer of ownership or operation of the Facilities, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve any Defendant of its obligation to ensure that the terms of the Consent Decree are implemented. At least 30 Days prior to such transfer, Defendants shall provide a copy of this Consent Decree to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed written agreement, to EPA Region 8 and the United States Department of Justice, in accordance with Section XIV (Notices). Any attempt to transfer ownership or operation of the Facilities without complying with this Paragraph constitutes a violation of this Consent Decree.

6. Defendants shall provide a copy of this Consent Decree to all Crow Tribe officers, employees, elected officials, representatives, agents, and other persons whose duties might reasonably include compliance, or assistance with compliance, with any provision of this Consent Decree, as well as to any contractor retained to perform work required under this Consent Decree. Defendants shall condition any such contract upon performance of the work in conformity with the terms of this Consent Decree.

7. In any action to enforce this Consent Decree, Defendants shall not raise as a defense the failure by any of its officers, directors, employees, elected officials, representatives, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree.

III. OBJECTIVE

8. It is the express goal of the Parties in entering into this Consent Decree to have Defendants achieve and maintain continuous, sustainable, and long-term compliance at the Facilities with the SDWA, CWA, and RCRA, and their respective underlying regulations. All obligations under this Consent Decree shall be interpreted in a manner consistent with this goal.

IV. DEFINITIONS

9. Terms used in this Consent Decree, including the Appendices attached hereto, that are defined in the SDWA, CWA, or RCRA or in the underlying regulations shall have the meanings assigned to them in those statutes or such regulations, unless otherwise provided in this Consent Decree. Whenever the terms set forth below are used in this Consent Decree, the following definitions apply:

"Big Horn SWTS" means the Big Horn Solid Waste Transfer Station;

"Complaint" means the complaint filed by the United States in this action;

"Consent Decree" or "Decree" means this Decree and all appendices attached hereto;

"CWA" or "Clean Water Act" means the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.*;

"Crow Agency PWS" or "Crow Agency TP02" means the Crow Agency Treatment Plant 2 Public Water System located in the town of Crow Agency, owned by the Tribe and operated by the CPU, EPA Identification Number 083090011;

"Crow Agency SWTS" means the Crow Agency Solid Waste Transfer Station;

"Crow Agency WWTF" means the Crow Agency Wastewater Treatment Facility, a Publicly Owned Treatment Works serving the community of Crow Agency, currently assigned NPDES Identification Number MTG589009 by the EPA and subject to NPDES Permit Number MTG589009;

"Crow Public Utilities" or "CPU" means the public body established under the April 23, 2024 Title 22 Ordinance (Crow Legislative Bill 24-01). For purposes of this Consent Decree, the CPU is the successor-in-interest to AWWWA and agrees to take on all prior obligations of AWWWA;

"Crow Public Water Systems" means the Crow Agency PWS, Pryor PWS, and Wyola PWS;

"Crow Tribe" or "Tribe" means Defendant Crow Tribe of Montana which is a federally recognized Indian tribe;

"Day" means a calendar day unless expressly stated to be a business day. In computing any period of time for a deadline under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period runs until the close of business of the next business day;

"Defendants" means the Crow Tribe and the CPU;

"DOJ" means the United States Department of Justice and any of its successor departments or agencies;

"EPA" means the United States Environmental Protection Agency and any of its successor departments or agencies;

"Effective Date" means the definition provided in Section XV;

"Facilities" means the Wastewater Treatment Facilities, the Crow Public Water Systems, and the Solid Waste Transfer Stations located on the Reservation;

"Financial Information" means those financial documents and other information regarding the Tribe's financial condition submitted by the Tribe to the United States and listed in Appendix A;

"Indirect Discharge" means the introduction of pollutants into a Publicly Owned Treatment Works from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA, as defined in 40 C.F.R. §§ 403.3(i), (j);

"Industrial User" means a source of Indirect Discharge;

"Lodge Grass SWTS" means the Lodge Grass Solid Waste Transfer Station;

"NPDES" means the National Pollutant Discharge Elimination System, 40 C.F.R. Part 122;

"NPDES Permit" means NPDES Permit Number MTG589009 issued by EPA for the Crow Agency WWTF;

"NPDWR" means the National Primary Drinking Water Regulations, 40 C.F.R. Part 141;

"Open Dump" means any facility, site, or location that is not permitted for disposal of solid waste and where Open Dumping has occurred and has not been adequately remediated, or where Open Dumping is occurring. A facility, site, or location that is permitted for disposal of solid waste may also be an Open Dump if solid waste disposal is not being conducted in compliance with solid waste handling criteria applicable to the facility, site, or location, or if such disposal is not otherwise controlled to minimize the possibility of adverse effects to human health or the environment from such solid waste handling;

"Open Dumping" means the disposal of solid waste, special waste, or hazardous waste, at any location not permitted for disposal. Dumping or discarding any type of waste into or near a body of water within the Tribe's jurisdictional boundaries is also considered Open Dumping;

"Paragraph" means a portion of this Decree identified by an Arabic numeral;

"Parties" means the United States and Defendants;

"Phase 3C Project" means the Phase 3C Wastewater Collection System Improvement Project that is intended to improve portions of the Crow Agency WWTF collection system and includes, but is not limited to, repair or replacement of deficient sewer mains and service line connections in the vicinity of Faraway Drive, Takes Gun Drive, Moccasin/Bala Street, and Two

Leggins Avenue, such that sewage is no longer inadvertently released from the collection system in any of these locations, and relocation and replacement of the East Frontage Road Lift Station;

"Pryor PWS" means the Pryor Public Water System, EPA Identification Number 083090012;

"Pryor SWTS" means the Pryor Solid Waste Transfer Station;

"Pryor WWTF" means the Pryor Wastewater Treatment Facility, a Publicly Owned Treatment Works serving the community of Pryor, currently assigned NPDES Identification Number MTU000059 by the EPA;

"Public Water System" or "PWS" means a system that provides piped drinking water for human consumption to persons within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R § 141.2;

"Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the CWA, which is owned by a State or municipality (as defined by Section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant, which means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. The term also means the municipality as defined in Section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works, 40 C.F.R. §§ 403.3(q) and (r);

"RCRA" means the federal Solid Waste Disposal Act (as amended by and also known as the "Resource Conservation and Recovery Act"), 42 U.S.C. § 6901, *et seq.*;

"Reservation" means the Crow Tribe Reservation, located in south-central Montana, bordered by the State of Wyoming to the south and the Northern Cheyenne Indian Reservation to the East, encompassing approximately 2,300,000 acres;

"SDWA" means the federal Public Health Service Act (also known as the "Safe Drinking Water Act"), 42 U.S.C. § 300f *et seq.*;

"Section" means a portion of this Decree identified by a Roman numeral;

"Solid Waste Transfer Stations" means the Pryor, Wyola, St. Xavier, Lodge Grass, and Crow Agency solid waste transfer stations;

"State" means the State of Montana;

"St. Xavier SWTS" means the St. Xavier Solid Waste Transfer Station;

"United States" means the United States of America, acting on behalf of EPA;

"Wastewater Treatment Facilities" or "WWTFs" means the Crow Agency WWTF, Pryor WWTF, and Wyola WWTF;

"Wyola PWS" means the Wyola Public Water System, EPA Identification Number 083090014;

"Wyola SWTS" means the Wyola Solid Waste Transfer Station; and

"Wyola WWTF" means the Wyola Wastewater Treatment Facility, a Publicly Owned Treatment Works serving the community of Wyola, currently assigned NPDES Identification Number MTU000096 by the EPA.

V. CIVIL PENALTY

10. Defendants provided Financial Information, which is generally described in Appendix A, that demonstrates Defendants have a limited ability to pay a civil penalty. Within 30 Days after the Effective Date, Defendants shall pay the sum of $1,750.00 (one thousand,

seven hundred and fifty dollars) as a civil penalty, together with interest accruing from the date on which the Consent Decree is lodged with the Court, at the rate specified in 28 U.S.C. § 1961 as of the date of lodging.

11. Civil Penalty Based on Inability to Pay. The civil penalty required to be paid is based on the United States' review of Financial Information submitted by Defendant Crow Tribe and the United States' subsequent determination that Defendants have a limited ability to pay a civil penalty for the violations alleged in this case.

12. Defendants shall pay the civil penalty due, together with interest, by FedWire Electronic Funds Transfer ("EFT") to the DOJ account, in accordance with instructions provided to Defendants by the Financial Litigation Unit ("FLU") of the United States Attorney's Office for the District of Montana after the Effective Date. The payment instructions provided by the FLU will include a Consolidated Debt Collection System ("CDCS") number, which Defendants shall use to identify all payments required to be made in accordance with this Consent Decree. The FLU will provide the payment instructions on behalf of Defendants to:

Chairman Frank White Clay
Crow Tribe of Montana
P.O. Box 159
Crow Agency, MT 59022
(406) 638-3709
Frank.Whiteclay@crow-nsn.gov

Defendants may change the individual to receive payment instructions on their behalf by providing written notice of such change to DOJ and EPA in accordance with Section XIV (Notices).

13. At the time of payment, Defendants shall send notice that payment has been made: (i) to EPA via email at cinwd_acctsreceivable@epa.gov or via regular mail at EPA Cincinnati

Finance Office, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45268; and (ii) to DOJ via email or regular mail in accordance with Section XIV; and (iii) to EPA in accordance with Section XIV. Such notice shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in *United States v. Crow Tribe of Montana, et al.* and shall reference the civil action number, CDCS Number and DOJ case number 90-5-1-1-12359.

VI. COMPLIANCE REQUIREMENTS

14. Defendants shall comply with all applicable requirements of Defendants' NPDES Permit, the SDWA, CWA, and RCRA, maintain required permit coverage, and comply with all appropriate implementing regulations alleged to have been violated with respect to the Facilities.

15. Defendants shall perform the work required by this Consent Decree in compliance with the requirements of all applicable federal, Tribal, and local laws, regulations and permits, including, but not limited to, any NPDES permits, the SDWA, CWA, RCRA, and all appropriate implementing regulations.

CROW PUBLIC UTILITIES

16. Reserve Fund Account. By the Effective Date, Defendants shall establish an interest-bearing account (the "Reserve Fund Account" or "Account"), in the initial amount of $50,000, to ensure funding for CPU expenditures on drinking water, wastewater, and solid waste capital improvements or emergency situations only. Within one year of the Effective Date, Defendants shall add $50,000 to fund the Account in the amount of $100,000. Within two years of the Effective Date, Defendants shall add an additional $50,000 to fully fund the Account in the amount of $150,000. Beginning two years after the Effective Date, Defendants shall add up to $25,000 on a semi-annual basis to replenish any withdrawals until the Account is fully funded at $150,000. It shall not be a violation of this Paragraph if qualified withdrawals are made and as a

result the Account is not fully funded at $100,000 within one year of the Effective Date or $150,000 within two years of the Effective Date, as long as Defendants are adding $50,000 per year within one year and two years of the Effective Date, respectively. In each report required under Section VII, Defendants shall submit a summary describing all Reserve Fund Account activity for the previous six months, including the purpose for each withdrawal.

17. Crow Public Utilities Budget. Starting with the fiscal year 2027 budget and annually thereafter for the duration of the Consent Decree, at least 90 Days prior to the start of the Tribe's fiscal year (January 1), Defendants shall develop and submit to EPA an annual projected operating budget for the Crow Public Utilities that covers all CPU drinking water, wastewater, and solid waste activities. Defendants shall also submit a copy of the approved final CPU budget in the next report required under Section VII. The projected operating budget shall include Defendants' best estimate of its annual financial forecast needed to pay for CPU drinking water, wastewater, and solid waste activities. The annual projected budget shall include, at a minimum, line items for:

a. Funds needed for operation, maintenance, and equipment;

b. Funds needed to pay for operator/employee labor;

c. Funds needed to pay for training necessary to meet and maintain operator certification requirements, including certification exam and renewal fees, continuing education credits, study materials, operator training schools and conferences, and travel and overnight accommodations; and

d. Funds needed for vehicles, gas, and other necessities for employees to use to fulfill related job responsibilities or funds necessary for timely reimbursing operators for personal vehicle use at the federal

reimbursement rate.

18. Utilities Customer Database. Within 365 Days of the Effective Date, Defendants shall develop and maintain a Customer Database that ensures, for each PWS and WWTF, all commercial and governmental drinking water and wastewater users are accounted for. The Customer Database must include user categorization (e.g., commercial, governmental) and current customer information (e.g., name, address, and applicable user fee(s)). Defendants must update the Customer Database at least annually to reflect any changes in user categorization and customer information. Defendants shall include a status update on the completion of the Customer Database and annual updates in the relevant reports required under Section VII.

19. Utilities Initial Rates Study ("Initial Rates Study"). Defendants shall engage a third-party to conduct an Initial Rates Study (or separate studies) for considering full implementation of the drinking water, wastewater, and solid waste services and develop an Initial Rates Study Report.

a. The Initial Rates Study Report shall be completed and submitted to EPA within 30 Days of the Effective Date. At a minimum, the Initial Rates Study Report shall evaluate and make recommendations on:

(1) Current and potential target service rates and/or user fees for residential and commercial users and;

(2) Current and potential annual budgets for drinking water, wastewater, and solid waste services, respectively.

b. If the Initial Rates Study(ies) demonstrates that current drinking water, wastewater, and/or solid waste service rates and/or user fees and any additional funding received is insufficient to capture the full costs of

providing each respective service, then the Initial Rates Study Report must identify target service rates and provide specific recommendations that ensure the ability of each service to remain financially solvent, provide reliable utility service, and properly operate and maintain each facility.

20. Utilities Billing and Collection Policy. Within eighteen months of the Effective Date, Defendants shall develop and implement a Billing and Collection Policy that at a minimum, covers commercial and governmental users of drinking water and wastewater services and obtain approvals from any necessary governing bodies in the Crow Tribe's government to enact the policy. Defendants shall submit the Billing and Collection Policy to EPA in the next report required under Section VII. The Billing and Collection Policy must include:

a. Procedures to ensure timely billing and collection for implemented utility service rates, including notification of balances due and delinquent accounts for drinking water and wastewater utilities; and

b. Enforceable mechanisms for addressing delinquent accounts for implemented utility service rates.

PUBLIC WATER SYSTEMS

21. PWS Plan of Operations. Defendants shall develop and implement a PWS Plan of Operations for the Crow Agency PWS, Wyola PWS, and Pryor PWS in accordance with the requirements and schedules in Appendix B. The PWS Plan of Operations and its components must be reviewed and updated, as necessary, at least annually. The PWS Plan of Operations and each update to the plan or any of its components, or a notification that the annual review was completed and no update is needed, shall be submitted to EPA in the relevant reports required under Section VII.

22. Crow Agency PWS Required Corrective Actions. Within 180 Days of the Effective Date, Defendants shall correct or submit a plan and schedule to EPA for review and approval for correcting all significant deficiencies identified in the December 3, 2025 Sanitary Survey Report for the September 24, 2025 Sanitary Survey of the Crow Agency PWS (including the eight new significant deficiencies identified and the six uncorrected significant deficiencies from the October 12, 2022 Sanitary Survey). An excerpt of the list of significant deficiencies and recommendations from the December 3, 2025 Sanitary Survey Report is attached as Attachment 5 to Appendix B. Documentation demonstrating completion in accordance with the requirements set forth in the December 3, 2025 Sanitary Survey Report, including a completed significant deficiency correction notice listing each individual deficiency and the date of correction and labeled photos of each correction, shall be submitted to EPA in the relevant reports required under Section VII.

23. Pryor PWS Required Corrective Actions. Within 180 Days of the Effective Date, Defendants shall correct or submit a plan and schedule to EPA for review and approval for correcting all significant deficiencies identified in the December 8, 2025 Sanitary Survey Report for the September 24, 2025 Sanitary Survey of the Pryor PWS (including the four new significant deficiencies identified and the seven uncorrected significant deficiencies from the August 30, 2016 and July 11, 2022 Sanitary Surveys). An excerpt of the list of significant deficiencies and recommendations from the December 8, 2025 Sanitary Survey Report is attached as Attachment 6 to Appendix B. Documentation demonstrating completion in accordance with the requirements set forth in the December 8, 2025 Sanitary Survey Report, including a completed significant deficiency correction notice listing each individual deficiency

and the date of correction and labeled photos of each correction, shall be submitted to EPA in the relevant reports required under Section VII.

24. Wyola PWS Required Corrective Actions. Within 180 Days of the Effective Date, Defendants shall correct or submit a plan and schedule to EPA for review and approval for correcting all significant deficiencies identified in the October 29, 2025 Sanitary Survey Report for the September 23, 2025 Sanitary Survey of the Wyola PWS (including the seven new significant deficiencies identified and the three uncorrected significant deficiencies from the August 31, 2016 and July 11, 2022 Sanitary Surveys). An excerpt of the list of significant deficiencies and recommendations from the December 8, 2025 Sanitary Survey Report is attached as Attachment 7 to Appendix B. Documentation demonstrating completion in accordance with the requirements set forth in the October 29, 2025 Sanitary Survey Report, including a completed significant deficiency correction notice listing each individual deficiency and the date of correction and labeled photos of each correction, shall be submitted to EPA in the relevant reports required under Section VII.

25. Public Notices. Defendants shall submit public notices for all outstanding significant deficiency violations identified in Paragraphs 22-24 on a quarterly basis as long as the violations persist and shall submit documentation of the notices to EPA in the relevant reports required under Section VII.

26. Public Water System Sampling and Reporting - Crow Agency PWS.

a. Beginning 30 Days after the Effective Date, Defendants shall provide the Monthly Operating Reports ("MORs") for Crow Agency TP02 to EPA by the 10th Day of the month following each monthly monitoring period.

b. Beginning 180 Days after the Effective Date, Defendants shall provide filter effluent turbidity results recorded at a minimum frequency of once every 15 minutes for a three-year period or demonstrate that Supervisory Control and Data Acquisition ("SCADA") system modifications have been completed so that it can store and export three years of turbidity data.

WASTEWATER TREATMENT FACILITIES

27. Required Corrective Actions. Within 365 Days of the Effective Date, Defendants shall complete all corrective actions pertaining to Findings 4-7, 9, 10, 12, and 13 in EPA's October 31, 2023 Report for the August 9, 2022 inspection of the Crow Agency WWTF. An excerpt of the findings, corrective actions, and recommendations from the October 31, 2023 Report is attached as Attachment 1 to Appendix C. Defendants shall submit documentation demonstrating completion to EPA in the relevant report required under Section VII.

28. Phase 3C Project. Defendants shall complete the following minimum elements of the Phase 3C Project by September 1, 2027, and shall submit documentation demonstrating completion to EPA in the relevant report required under Section VII:

a. Relocation and replacement of the East Frontage Road Lift Station;

b. Improvements to deficient sewer mains and service line connections in the vicinity of Faraway Drive, including cessation of the suspected sanitary sewer overflow originating in this area;

c. Improvements to deficient sewer mains and service line connections in the vicinity of Takes Gun Drive, including repair of offset sewer main in this area; and

d. Improvements to deficient sewer mains and service line connections in

the vicinity of Two Leggins Avenue and Moccasin/Bala Street, including appropriate isolation of the suspected uncapped service connection, cleanout, or manhole west of the intersection of Two Leggins Avenue and Moccasin/Bala Street and cessation of the suspected sanitary sewer overflow at this location.

29. Wyola Lift Station Improvements. Defendants shall complete the Indian Health Service ("IHS") supported Wyola lift station improvement project (IHS Project Number: BI20P08) by December 31, 2026. Defendants shall submit documentation demonstrating completion to EPA in the next report required under Section VII.

30. Industrial Waste Management. Within 180 days of the Effective Date, Defendants shall develop, and submit to EPA for review, an Industrial Waste Survey for the Crow Agency WWTF conducted in accordance with the requirements of Section 4.1 of the NPDES Permit and accompanying October 19, 2022 authorization letter, including onsite Industrial User inspections of, at a minimum, the Awe Kualawaache Care Center and the Indian Health Service Crow/Northern Cheyenne Hospital. During these Industrial User inspections, Defendants shall evaluate waste streams entering the sewer system and meet with Industrial User management to discuss any issues impacting the sewer system that could potentially be related to service of these Industrial Users and the importance of preventing industrial solids, including disposable rags and towels, and other waste, from entering the collection system and interfering with wastewater collection, pumping, and treatment operations. Defendants shall also comply with the Industrial Waste Management requirements of Section 6.11 of the NPDES Permit and any similar requirements applicable in subsequent NPDES permits or federal regulations.

31. WWTF Plan of Operations. Defendants shall develop and implement a WWTF Plan of Operations for the Crow Agency, Pryor, and Wyola WWTFs in accordance with the requirements and schedules in Appendix C. The WWTF Plan of Operations and its components must be reviewed and updated, if necessary, at least annually. The WWTF Plan and any updates to the WWTF Plan of Operations or any of its components, or a notification that the annual review was completed and no update is needed, shall be submitted to EPA in the relevant reports required under Section VII.

32. WWTF Operation and Maintenance Manual ("WWTF O&M Manual"). Defendants shall develop and implement an O&M Manual for each WWTF in accordance with the requirements and schedules in Appendix C. The O&M Manual must detail procedures for safe and reliable WWTF operation and maintenance at the Crow Agency, Pryor, and Wyola WWTFs consistent with applicable CWA and NPDES permit requirements and adequate protection of human health and the environment. The WWTF O&M Manual and its components must be reviewed and updated, if necessary, at least annually. The WWTF O&M Manual and any updates to the WWTF O&M Manual or any of its components, or a notification that the annual review was completed and no update is needed, shall be submitted to EPA in the relevant reports required under Section VII.

33. Emergency Response Plan. Within 365 Days of the Effective Date, Defendants shall develop and implement separate or combined Emergency Response Plan(s) for each of the WWTFs. The Emergency Response Plan(s) for the WWTFs must be reviewed and updated, if necessary, annually. The Emergency Response Plan and any updates to the Emergency Response Plan(s) for each WWTF, or a notification that the annual review was completed and no update is

needed, shall be submitted to EPA for review and approval in the relevant reports required under Section VII.

SOLID WASTE PROGRAM AND FACILITIES

34. Integrated Solid Waste Management Plan ("ISWMP"). Defendants shall develop and implement an ISWMP in accordance with the requirements and schedules in Appendix D.

35. Investigation Plans, Investigation Reports, and Remediation Plans. Defendants shall develop and implement Investigation Plans, Investigation Reports, and Remediation Plans in accordance with the requirements and schedules in Appendix D.

36. Community Education and Outreach Plan. Within 180 Days of the Effective Date, Defendants shall develop a Community Education and Outreach Plan that describes barriers to proper solid waste handling by the community and proposes initial education and outreach materials and communication plans. Initial education and outreach plans must be designed to effectively communicate: the hazards from open dumping and burning; sound solid waste recycling and disposal practices; information to the community on resources available for proper disposal; and presently existing locations for proper solid waste drop off, recycling, and disposal. Longer term education and outreach materials and efforts must be developed based on experience with the effectiveness of early outreach efforts. The Community Education and Outreach Plan, and any updates, must be submitted to EPA for review in the relevant reports required under Section VII.

GENERAL COMPLIANCE REQUIREMENTS

37. Approval of Deliverables. After review of any plan, report, or other item that is required to be submitted for approval pursuant to this Consent Decree, EPA will in writing:

a. approve the submission;

b. approve the submission upon specified conditions;

c. approve part of the submission and disapprove the remainder; or

d. disapprove the submission.

38. If the submission is approved pursuant to Paragraph 37.a., Defendants shall take all actions required by the plan, report, or other document, in accordance with the schedules and requirements of the plan, report, or other document, as approved. If the submission is conditionally approved or approved only in part pursuant to Paragraphs 37.b. or c., Defendants shall, upon written direction from EPA, take all actions required by the approved plan, report, or other item that EPA determines are technically severable from any disapproved portions.

39. If the submission is disapproved in whole or in part pursuant to Paragraph 37.c. or d., Defendants shall, within 45 Days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the plan, report, or other item, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, Defendants shall proceed in accordance with Paragraph 38.

40. If a resubmitted plan, report, or other item, or portion thereof, is disapproved in whole or in part, EPA may again require Defendants to correct any deficiencies, in accordance with the preceding Paragraphs, or may itself correct any deficiencies.

41. If Defendants elect to invoke Dispute Resolution as set forth in Section X (Dispute Resolution) concerning a decision by EPA to disapprove, approve on specified conditions, or modify a deliverable, Defendants shall do so by sending a Notice of Dispute in accordance with Paragraph 69 within 30 Days (or such other time as the Parties agree to in writing) after receipt of the applicable decision.

42. Any stipulated penalties applicable to a timely original submission, as provided in Section VIII, accrue during the 45 Day period or other specified period, but shall not be payable unless the resubmission is untimely or is disapproved in whole or in part; provided that, if the original submission was so deficient as to constitute a material breach of Defendants' obligations under this Decree, the stipulated penalties applicable to the original submission shall be due and payable notwithstanding any subsequent resubmission.

43. Permits. Where any compliance obligation under this Section requires Defendants to obtain a federal, Tribal, or local permit or approval, Defendants shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. Defendants may seek relief under the provisions of Section IX (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if Defendants have submitted timely and complete applications and have taken all other actions necessary to obtain all such permits or approvals.

VII. REPORTING REQUIREMENTS

44. Defendants shall submit the following reports to EPA at the addresses set forth in Section XIV (Notices):

a. Semi-Annual Reports. By July 31st and January 31st of each year after the lodging of this Consent Decree, until termination of this Decree pursuant to Section XVIII, Defendants shall submit by email a semi-annual report for the preceding six months (i.e., January through June or July through December) that includes Defendants' progress in implementing the requirements set forth in Section VI (Compliance Requirements) including, but not limited to the items listed in Appendices B-D of this

Consent Decree, and any problems encountered or anticipated, together with implemented or proposed solutions.

b. The report shall also include a description of any non-compliance with the requirements of this Consent Decree and an explanation of the violation's likely cause and the remedial steps taken, or to be taken, to prevent or minimize such violation. If Defendants violate, or have reason to believe that they may violate, any requirement of this Consent Decree, Defendants shall notify DOJ and EPA of such violation and its likely duration, in writing, within ten business days of the Day Defendants first become aware of the violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, Defendants shall so state in the report. Defendants shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, within 30 Days of the Day Defendants become aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves Defendants of its obligation to provide the notice required by Section IX (Force Majeure).

45. Whenever any violation of this Consent Decree or of any applicable permits or any other event affecting Defendants' performance under this Decree may pose an imminent threat to the public health or welfare or the environment, Defendants shall notify EPA by email as soon as possible, but no later than 24 hours after Defendants first knew of the violation or event. This procedure is in addition to the requirements set forth in the Paragraph 44.

46. Each report submitted by Defendants under this Section shall be signed by an official of the submitting party and include the following certification:

> I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

47. The certification requirement in Paragraph 46 does not apply to emergency or similar notifications where compliance would be impractical.

48. The reporting requirements of this Consent Decree do not relieve Defendants of any reporting obligations required by the CWA, SDWA, and RCRA or implementing regulations, or by any other federal, Tribal, or local law, regulation, permit, or other requirement.

49. Any information provided pursuant to this Consent Decree may be used by the United States in any proceeding to enforce the provisions of this Consent Decree and as otherwise permitted by law.

VIII. STIPULATED PENALTIES

50. Defendants shall be liable for stipulated penalties to the United States for violations of this Consent Decree as specified below, unless excused under Section IX (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Decree, including any work plan or schedule approved under this Decree, according to all applicable requirements of this Decree and within the specified time schedules established by or approved under this Decree.

51. Late Payment of Civil Penalty. If Defendants fail to pay the civil penalty required to be paid under Section V (Civil Penalty) when due, Defendants shall pay a stipulated penalty of $50 per Day for each Day that the payment is late.

52. Penalty Amounts. The following stipulated penalties shall accrue per violation per Day for each violation of a requirement in Section VI (Compliance Requirements), Section VII (Reporting Requirements), or any requirement of the NPDES Permit, including the failure to timely submit electronic discharge monitoring reports ("DMRs"):

Penalty Per Violation Per Day	Period of Noncompliance
$50	1st through 14th Day
$100	15th through 30th Day
$200	31st Day and beyond

53. Transfer of Ownership. If Defendants fail to: (a) provide a copy of this Consent Decree to any proposed transferee; (b) provide written notice to the United States at least 30 Days prior to any transfer of any portion of the Facility; or (c) provide a copy of the proposed written agreement with the transferee as required by Paragraph 5, Defendants shall pay a stipulated penalty of $1,500 per occurrence.

54. Stipulated penalties under this Section shall begin to accrue on the Day after performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of this Consent Decree.

55. Defendants shall pay any stipulated penalty within 30 Days of receiving the United States' written demand.

56. The United States may in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Decree.

57. Stipulated penalties shall continue to accrue as provided in Paragraph 54, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by agreement of the Parties or by a decision of EPA that is not appealed to the Court, Defendants shall pay accrued penalties determined to be owing, together with interest, to the United States within 30 Days of the effective date of the agreement or the receipt of EPA's decision or order.

b. If the dispute is appealed to the Court and the United States prevails in whole or in part, Defendants shall pay all accrued penalties determined by the Court to be owing, together with interest, within 60 Days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, Defendants shall pay all accrued penalties determined to be owing, together with interest, within 15 Days of receiving the final appellate court decision.

58. Defendants shall pay stipulated penalties owing to the United States in the manner set forth in Paragraph 12 and with the confirmation notices required by Paragraph 13, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid.

59. If Defendants fail to pay stipulated penalties according to the terms of this Consent Decree, Defendants shall be liable for interest on such penalties, as provided for in 28 U.S.C. § 1961, accruing as of the date payment became due. Nothing in this Paragraph shall be construed to limit the United States from seeking any remedy otherwise provided by law for Defendants' failure to pay any stipulated penalties.

60. The payment of penalties and interest, if any, shall not alter in any way Defendants' obligation to complete the performance of the requirements of this Consent Decree.

61. Non-Exclusivity of Remedy. Stipulated penalties are not the United States' exclusive remedy for violations of this Consent Decree. Subject to the provisions of Section XII (Effect of Settlement/Reservation of Rights), the United States expressly reserves the right to seek any other relief it deems appropriate for Defendants' violation of this Decree or applicable law, including but not limited to an action against Defendants for statutory penalties, additional injunctive relief, mitigation or offset measures, and/or contempt. However, the amount of any statutory penalty assessed for a violation of this Consent Decree shall be reduced by an amount equal to the amount of any stipulated penalty assessed and paid pursuant to this Consent Decree.

IX. FORCE MAJEURE

62. "Force majeure," for purposes of this Consent Decree, means any event arising from causes beyond the control of Defendants, of any entity controlled by Defendants, or of Defendants' contractors, that delays or prevents the performance of any obligation under this Consent Decree despite Defendants' best efforts to fulfill the obligation. Given the need to protect public health and welfare and the environment, the requirement that Defendants exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure and best efforts to address the effects of any potential force majeure (a) as it is occurring and (b) following the potential force majeure, such that any delay or non-performance is, and any adverse effects of the delay or non-performance are, minimized to the greatest extent possible. "Force majeure" does not include financial inability to perform any obligation under this Consent Decree.

63. If any event occurs for which Defendants will or may claim a force majeure, Defendants shall provide notice by email to EPA. The deadline for the initial notice is three days after Defendants first knew or should have known that the event would likely delay or prevent

performance. Defendants shall be deemed to know of any circumstance of which any contractor of, subcontractor of, or entity controlled by Defendants knew or should have known.

64. If Defendants seek to assert a claim of force majeure concerning the event, within seven Days after the notice under Paragraph 63, Defendants shall submit a further notice to EPA that includes (a) an explanation and description of the event and its effect on Defendants' completion of the requirements of the Consent Decree; (b) a description and schedule of all actions taken or to be taken to prevent or minimize the delay and/or other adverse effects of the event; (c) if applicable, the proposed extension of time for Defendants to complete the requirements of the Consent Decree; (d) Defendants' rationale for attributing such delay to a force majeure; (e) a statement as to whether, in the opinion of Defendants, such event may cause or contribute to an endangerment to public health or welfare or the environment; and (f) all available proof supporting the claim that the delay was attributable to a force majeure.

65. Failure to submit a timely or complete notice or claim under Paragraph 63 or 64 regarding an event precludes Defendants from asserting any claim of force majeure regarding that event, provided, however, that EPA may, in its unreviewable discretion, excuse such failure if it is able to assess to its satisfaction whether the event is a force majeure, and whether Defendants have exercised their best efforts, under Paragraph 62.

66. After receipt of any claim of force majeure, EPA will notify Defendants of its determination whether Defendants are entitled to relief under Paragraph 62, and, if so, the excuse of, or the extension of time for, performance of the obligations affected by the force majeure. An excuse of, or extension of the time for, performance of the obligations affected by the force majeure does not, of itself, excuse or extend the time for performance of any other obligation.

67. If Defendants elect to invoke the dispute resolution procedures set forth in Section X (Dispute Resolution), they shall do so no later than 15 Days after receipt of EPA's notice. In any such proceeding, Defendants have the burden of proving that they are entitled to relief under Paragraph 62, that their proposed excuse or extension was or will be warranted under the circumstances, and that they complied with the requirements of Paragraphs 62 - 64. If Defendants carry this burden, the delay or non-performance at issue shall be deemed not to be a violation by Defendants of the affected obligation of this Consent Decree identified to EPA and the Court.

X. DISPUTE RESOLUTION

68. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Decree. Defendants' failure to seek resolution of a dispute under this Section concerning an issue of which they had notice and an opportunity to dispute under this Section prior to an action by the United States to enforce any obligation of Defendants arising under this Decree precludes Defendants from raising any such issue as a defense to any such enforcement action.

69. Informal Dispute Resolution. Any dispute subject to Dispute Resolution under this Consent Decree shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when Defendants send DOJ and EPA a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 60 Days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the United States shall be considered binding unless, within 30 Days after

the conclusion of the informal negotiation period, Defendants invoke formal dispute resolution procedures as set forth below.

70. Formal Dispute Resolution. Defendants shall invoke formal dispute resolution procedures, within the time period provided in the Paragraph 69, by sending DOJ and EPA a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting Defendants' position and any supporting documentation relied upon by Defendants.

71. The United States will send Defendants its Statement of Position within 45 Days of receipt of Defendants' Statement of Position. The United States' Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the United States. The United States' Statement of Position is binding on Defendants, unless Defendants file a motion for judicial review of the dispute in accordance with Paragraph 72.

72. Judicial Dispute Resolution. Defendants may seek judicial review of the dispute by filing with the Court and serving on the United States a motion requesting judicial resolution of the dispute. The motion (a) must be filed within ten Days of receipt of the United States' Statement of Position pursuant to the Paragraph 71; (b) may not raise any issue not raised in informal dispute resolution pursuant to Paragraph 68, unless the United States raises a new issue of law or fact in the Statement of Position; (c) shall contain a written statement of Defendants' position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation; and (d) shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Decree.

73. The United States shall respond to Defendants' motion within the time period allowed by the Local Rules of this Court. Defendants may file a reply memorandum, to the extent permitted by the Local Rules.

74. Standard of Review.

a. Disputes Concerning Matters Accorded Record Review. Except as otherwise provided in this Consent Decree, in any dispute brought under Paragraph 70 pertaining to the adequacy or appropriateness of plans, procedures to implement plans, schedules, or any other items requiring approval by EPA under this Consent Decree; the adequacy of the performance of work undertaken pursuant to this Consent Decree; and all other disputes that are accorded review on the administrative record under applicable principles of administrative law, Defendants shall have the burden of demonstrating, based on the administrative record, that the position of the United States is arbitrary and capricious or otherwise not in accordance with law.

b. Other Disputes. Except as otherwise provided in this Consent Decree, in any other dispute brought under Paragraph 70, Defendants shall bear the burden of demonstrating that their position complies with this Consent Decree and better furthers the Objectives of the Consent Decree.

75. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of Defendants under this Consent Decree, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first Day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 57. If

Defendants do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section VIII (Stipulated Penalties).

XI. INFORMATION COLLECTION AND RETENTION

76. The United States and its representatives, including attorneys, contractors, and consultants, shall have the right of entry into any location or facility covered by this Consent Decree, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Decree;

b. verify any data or information submitted to the United States in accordance with the terms of this Consent Decree;

c. obtain samples and, upon request, splits of any samples taken by Defendants or their representatives, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess Defendants' compliance with this Consent Decree.

77. Upon request, Defendants shall provide EPA or its authorized representatives splits of any samples taken by Defendants. Upon request, EPA shall provide Defendants splits of any samples taken by EPA.

78. Until five years after the termination of this Consent Decree, Defendants shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in their or their contractors' or agents' possession or control, or that come into their or their contractors' or agents' possession or control, and that relate in any manner to Defendants' performance of their obligations under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or

procedures. At any time during this information-retention period, upon request by the United States, Defendants shall provide copies of any documents, records, or other information required to be maintained under this Paragraph.

79. At the conclusion of the information-retention period provided in Paragraph 78, Defendants shall notify the United States at least 90 Days prior to the destruction of any documents, records, or other information subject to the requirements of Paragraph 76 and, upon request by the United States, Defendants shall deliver any such documents, records, or other information to EPA. Defendants may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If Defendants assert such a privilege, they shall provide the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of each author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by Defendants. However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Decree shall be withheld on grounds of privilege.

80. Defendants may also assert that information required to be provided under this Section is protected as Confidential Business Information ("CBI") under 40 C.F.R. Part 2. As to any information that Defendants seek to protect as CBI, Defendants shall follow the procedures set forth in 40 C.F.R. Part 2.

81. This Consent Decree in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States pursuant to applicable federal laws, regulations, or permits, nor does it limit or affect any duty or obligation of Defendants to

maintain documents, records, or other information imposed by applicable federal, tribal, or local laws, regulations, or permits.

XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

82. This Consent Decree resolves only the civil claims of the United States for the violations alleged in the Complaint filed in this action through the date of lodging of this Consent Decree.

83. The United States' agreement to the amount of the civil penalty required by Paragraph 10 of this Consent Decree is based on the Financial Information identified in Appendix A. Defendants certify that, to the best of their knowledge and belief, after thorough inquiry, they have submitted to EPA and DOJ financial information that fairly, accurately, and materially sets forth their financial circumstances, and that those circumstances have not materially changed between the time Defendants submitted the financial information and the time Defendants execute this Consent Decree.

84. The United States reserves all legal and equitable remedies available to enforce the provisions of this Consent Decree. This Consent Decree shall not be construed to limit the rights of the United States to obtain penalties or injunctive relief under the SDWA, CWA, RCRA, or their implementing regulations, or under other federal laws, regulations, or permit conditions, except as expressly specified in Paragraph 82. The United States further reserves all legal and equitable remedies to address any conditions if there is or may be an imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Defendants' Facilities or Open Dumps, whether related to the violations addressed in this Consent Decree or otherwise.

85. The United States reserves, and this Consent Decree is without prejudice to, the right to reinstitute or reopen this action, or to commence a new action seeking relief other than as provided in this Consent Decree, if the Financial Information, or the financial certification made by Defendants in Paragraph 83, is false or, in any material respect, inaccurate.

86. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, civil penalties, other appropriate relief relating to the Facilities, Open Dumps, or Defendants' violations, Defendants shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, claim preclusion (res judicata), issue preclusion (collateral estoppel), claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph 82.

87. This Consent Decree is not a permit, or a modification of any permit, under any federal, tribal, or local laws or regulations. Defendants are responsible for achieving and maintaining complete compliance with all applicable federal, tribal, and local laws, regulations, and permits; and Defendants' compliance with this Consent Decree shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States does not, by its consent to the entry of this Consent Decree, warrant or aver in any manner that Defendants' compliance with any aspect of this Consent Decree will result in compliance with provisions of the SDWA, CWA, or RCRA, or with any other provisions of federal, or local laws, regulations, or permits.

88. This Consent Decree does not limit or affect the rights of Defendants or of the United States against any third parties, not party to this Consent Decree, nor does it limit the

rights of third parties, not party to this Consent Decree, against Defendants, except as otherwise provided by law.

89. This Consent Decree shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Decree.

XIII. COSTS

90. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by Defendants.

XIV. NOTICES

91. Unless otherwise specified in this Decree, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and sent by mail or email, with a preference for email, addressed as follows:

As to DOJ by email (preferred):	eescdcopy.enrd@usdoj.gov Re: DJ # 90-5-1-1-12359
As to DOJ by mail:	EES Case Management Unit ENRD U.S. Department of Justice P.O. Box 7611 Washington, D.C. 20044-7611 Re: DJ # 90-5-1-1-12359
As to EPA by email (preferred):	castelli.matthew@epa.gov
As to EPA by mail:	Matthew Castelli Office of Regional Counsel 8ORC-LE-R 1595 Wynkoop Street Denver, CO 80202
As to the Crow Tribe by email (preferred):	Frank.Whiteclay@crow-nsn.gov

As to the Crow Tribe by mail:	Chairman Frank White Clay Crow Tribe of Montana P.O. Box 159 Crow Agency, MT 59022 RE: EPA Consent Decree
As to the CPU by email (preferred):	brandon_goodluck@yahoo.com laura@ctlb.org Johndoyle91@gmail.com Re: EPA Consent Decree
As to the CPU by mail:	Natural Resource Committee Chair Crow Legislative Branch P.O. Box 309 Crow Agency, MT 59022 RE: EPA Consent Decree

92. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

93. Notices submitted pursuant to this Section shall be deemed submitted upon mailing or transmission by email, unless otherwise provided in this Consent Decree or by mutual agreement of the Parties in writing.

XV. EFFECTIVE DATE

94. The Effective Date of this Consent Decree shall be the date upon which this Consent Decree is entered by the Court or a motion to enter the Consent Decree is granted, whichever occurs first, as recorded on the Court's docket.

XVI. RETENTION OF JURISDICTION

95. The Court shall retain jurisdiction over this case until termination of this Consent Decree, for the purpose of resolving disputes arising under this Decree or entering orders

modifying this Decree, pursuant to Sections X and XVII, or effectuating or enforcing compliance with the terms of this Decree.

XVII. MODIFICATION

96. Except as otherwise set forth in Appendices A-D, the terms of this Consent Decree, including any attached appendices, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Decree, it shall be effective only upon approval by the Court. Any change to a schedule or deadline in this Consent Decree of less than one year shall not be considered a material change.

97. Any disputes concerning modification of this Decree shall be resolved pursuant to Section X (Dispute Resolution), provided, however, that, instead of the burden of proof provided by Paragraph 74, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XVIII. TERMINATION

98. After Defendants have completed the requirements of Section VI (Compliance Requirements), have maintained satisfactory compliance with this Consent Decree and Defendants' permit for a period of three years, and have paid the civil penalty and any accrued stipulated penalties as required by this Consent Decree, Defendants may serve upon the United States a Request for Termination, stating that Defendants have satisfied those requirements, together with all necessary supporting documentation.

99. Following receipt by the United States of Defendants' Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Defendants have satisfactorily complied with the requirements for termination of this Consent Decree. If the United States agrees that the Consent Decree may be

terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Decree.

100. If the United States does not agree that the Decree may be terminated, Defendants may invoke Dispute Resolution under Section X. However, Defendants shall not seek Dispute Resolution of any dispute regarding termination until 30 Days after service of its Request for Termination.

101. At any time, if the United States has sufficient information to determine that Defendants have met the requirements for termination under Paragraph 98, the United States, after notice to Defendants, may file a motion to terminate the Decree. If the parties are in agreement, a joint stipulation of termination may be filed with the Court.

102. If the United States does not have sufficient information to determine whether Defendants have met the requirements of termination under Paragraph 98, the United States may request additional information from Defendants, as permitted in Section XI (Information Collection and Retention), which Defendants shall provide within 30 Days of receiving the United States' request.

XIX. PUBLIC PARTICIPATION

103. This Consent Decree shall be lodged with the Court for a period of not less than 30 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. This Consent Decree is also subject to the opportunity for a public meeting in the affected area requirement in accordance with RCRA Section 7003(d), 42 U.S.C. § 6973(d). The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. Defendants consent to entry of this Consent Decree without further notice and agree

not to withdraw from or oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the United States has notified Defendants in writing that it no longer supports entry of the Decree.

XX. SIGNATORIES/SERVICE

104. Each undersigned representative of Defendants and the Principal Deputy Assistant Attorney General for ENRD of the Department of Justice identified on the DOJ signature page below, certifies that that person is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party that person represents to this document.

105. This Consent Decree may be signed in counterparts, and its validity shall not be challenged on that basis. Defendants agree to accept service of process by mail with respect to all matters arising under or relating to this Consent Decree and to waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons. Defendants need not file an answer to the Complaint in this action unless or until the Court expressly declines to enter this Consent Decree.

XXI. INTEGRATION

106. This Consent Decree, including deliverables that are subsequently approved pursuant to this Decree, constitutes the entire agreement among the Parties regarding the subject matter of the Decree and supersedes all prior representations, agreements, and understandings, whether oral or written, concerning the subject matter of the Decree herein.

XXII. HEADINGS

107. Headings to the Sections and Subsections of this Consent Decree are provided for convenience and do not affect the meaning or interpretation of the provisions of this Consent Decree.

XXIII. FINAL JUDGMENT

108. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment of the Court as to the United States and Defendants.

XXIV. APPENDICES

109. The following Appendices are attached to and part of this Consent Decree:

"Appendix A" is the Financial Information;

"Appendix B" is the Public Water Systems Compliance Requirements;

"Appendix C" is the Wastewater Treatment Facilities Compliance Requirements; and

"Appendix D" is the Solid Waste Compliance Requirements.

Dated and entered this __ day of _____, 20__

_____
UNITED STATES DISTRICT JUDGE

Signature Page for *United States v. Crow Tribe of Montana et al.* Consent Decree

FOR THE UNITED STATES OF AMERICA:

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
Energy and Natural Resources Division
U.S. Department of Justice

9/4/2026
Date

EMILY L. DEVILLE
MAE BOWEN
Environmental Enforcement Section
Energy and Natural Resources Division
U.S. Department of Justice
Washington, DC 20044-7611

Signature Page for *United States v. Crow Tribe of Montana et al.* Consent Decree

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8:

7/13/26
Date

CYRUS WESTERN
Regional Administrator
U.S. Environmental Protection Agency, Region 8

7/9/2026
Date

KENNETH C. SCHEFSKI
Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 8

7/13/2026
Date

SUZANNE J. BOHAN
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 8

7/9/2026
Date

MATTHEW CASTELLI
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 8

Signature Page for *United States v. Crow Tribe of Montana et al.* Consent Decree

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

JEFFREY A. HALL
Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

7/13/2026
Date

CECIL RODRIGUES
Deputy Assistant Administrator for Management
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

Signature Page for *United States v. Crow Tribe of Montana et al.* Consent Decree

FOR DEFENDANTS:

11-3-26
Date

Frank White Clay
Chairman
Crow Tribe of Montana

11/3/26
Date

Lawrence DeCrane
Vice-Chairman
Crow Tribe of Montana

10/30/26
Date

Levi Black Eagle
Secretary
Crow Tribe of Montana

10/30/26
Date

Channis D. Whiteman
Vice-Secretary
Crow Tribe of Montana

10/30/26
Date

John Doyle
Chair, Crow Public Utilities Board
Crow Public Utilities

Appendix A – Financial Documents

1. Crow Tribe Response to Tribal Ability to Pay Initial Request for Information, April 12, 2022, Crow-ATP-Docs_0000032.
2. Crow Tribe Response to Follow-up Requests to March 2022 Ability to Pay Submission, June 21, 2022.
3. AWWWA Response to Tribal Ability to Pay Initial Request for Information, n.d., Crow-ATP-Docs_0000030.
4. Letter from U.S. EPA Region 8 to Crow Tribe, December 13, 2018.
5. Letter from U.S. EPA Region 8 to Crow Tribe. January 7, 2021.
6. Email from Scott Sturm, Westmoreland Mining LLC, to Frank Whiteclay, Chairman of the Crow Tribe of Indians, August 6, 2024.
7. Email from Georgette Boggio, Re: Crow matter: additional info needed for financial ATP review, February 22, 2024.
8. Verbal communications with the Crow Tribe, May 17, 2024.
9. Crow Tribe Governmental Department Financial Statements and Independent Auditors' Reports for September 30, 2020.
10. Crow Tribe of Indians Statement of Net Position, February 11, 2022, Crow-ATP-Docs_0000040.
11. Crow Tribal Legislature Bill No. CLB 19-04, Approval of Annual Budget Fiscal Year 2020.
12. Crow Tribal Legislature Bill No. CLB 20-02, Approval of Annual Budget Fiscal Year 2021.
13. Crow Tribal Legislature Bill No. CLB 21-03, Approval of Annual Budget Fiscal Year 2022.
14. Crow Tribal Legislature Bill No. CLB 22-03, Approval of Annual Budget Fiscal Year 2023.
15. Crow Tribe Summary Budget Comparison, In-kind Contributions Code 100H5 Breakdown, October 1, 2014 – September 30, 2015.
16. Crow Tribe Summary Budget Comparison, In-kind Contributions Code 100H5 Breakdown, October 1, 2021 through September 30, 2022.
17. Crow Tribe of Indians Adjusting Journal Entries Excel Summary, October 1, 2019 through September 30, 2020.

18. Crow Tribe of Indians Funds Excel Report with Adjusting Journal Entries, September 30, 2019 through September 30, 2020.

19. Email from Kathleen A Staas, Accountant, Crow Tribe of Indians, re: Clarification on amounts FY2020 financial statements, March 25, 2024.

20. Letter from United States Bureau of Indian Affairs to the Crow Tribe of Indians, May 7, 2012.

21. Agreement between Bureau of Indian Affairs, the Crow Tribe, and the Crow Tribal Housing Authority, November 22, 1991.

22. Letter from the Crow Tribe Executive Branch to the United States Bureau of Indian Affairs, Re: Letter of Intent pertaining to the Wastewater System at Crow Agency, Montana, May 2, 2012.

23. Letter from the United States Bureau of Indian Affairs, Crow Indian Agency, to the U.S. Department of Agriculture Rural Development, October 16, 2012.

Appendix B: Public Water Systems Compliance Requirements

I. Public Water Systems ("PWS") Plan of Operations

The PWS Plan of Operations required pursuant to Paragraph 21 of the Consent Decree shall include the following components:

A. Preventative Maintenance Plan. Within one year of the Effective Date, Defendants shall develop and submit to EPA for review and approval, a Preventative Maintenance Plan for all PWS infrastructure. The Preventative Maintenance Plan shall include a proposed timeline and schedule for implementation.

B. Annual Monitoring. Within 60 Days of receipt of the annual monitoring document (provided by EPA) detailing all PWS sampling needs for the year, Defendants shall assign monitoring tasks to meet the needs identified in the EPA annual monitoring document and submit a copy of the assignments to EPA in the next report required under Section VII of the Consent Decree.

C. Quarterly Inspections. Within 90 Days of the Effective Date, Defendants shall conduct quarterly inspections for each PWS as outlined in Attachments 1-3. Within twenty Days following the end of a quarter, Defendants shall submit the quarterly compliance report to EPA and include a summary of the inspection findings for the previous quarter, identify any repair needs, and specify whether the repair has been completed or provide a schedule for completing the repair.

    i. Defendants shall ensure staff are adequately trained to conduct these inspections within 90 Days of the Effective Date, and any new hires are trained within 90 Days of starting work.

D. Staffing and Management Plan. Within one year of the Effective Date, Defendants shall develop and submit to EPA for review and approval, a Staffing and Management Plan for each PWS that includes:

    i. A list of current management and staff positions and associated job descriptions, qualifications, training requirements, training procedures, and salaries for each position.

    ii. A description of any staffing increases or changes needed to ensure regular and emergency PWS operations in compliance with all legal requirements and the PWS operator schedules described in Section I, Paragraph E (Certified Operators).

iii. A corresponding schedule to be implemented for the hiring of additional staff, and associated budgetary adjustments, if additional staff are necessary to ensure regular and emergency PWS operations in compliance with all legal requirements. This includes management, administrative, and financial staff.

iv. The Staffing and Management Plan may be combined with the WWTF Staffing and Management Plan required in Appendix C.

E. Certified Operators. Within 180 Days of the Effective Date, Defendants shall submit a Certified Operators Plan and Schedule to EPA for review and approval for maintaining certified operators with the appropriate certification levels[1] for each PWS consistent with the following requirements:

i. Crow Agency PWS Operators and Schedule. A minimum of one certified operator must be on-site and one certified operator must be on call whenever the Crow Agency PWS is running. Crow Agency PWS certified operators must have the appropriate level of certification pursuant to the Montana or EPA rubric for classifying water system operator level requirements, currently Montana DEQ Level 1B or EPA Level 3 treatment certification and Montana DEQ Level 2A or EPA Level 1 distribution certification.

ii. Pryor and Wyola PWS Operators and Schedule. A certified operator must be on-site to inspect the Pryor and Wyola PWSs daily. Pryor and Wyola PWS certified operators must have the appropriate level of certification pursuant to the Montana or EPA rubric for classifying water system operator level requirements, currently Montana DEQ Level 4 AB or EPA Very Small Water System certification.

iii. PWS Certified Operator Replacement Requirements. If the employment of a certified operator needed to meet the minimum requirements terminates or their operator certification otherwise expires for any reason, then a replacement certified operator must be trained or hired within the timeframe set forth in the Certified Operators Plan and Schedule.

iv. Changes to Required Certification Levels. If the appropriate level of operator certification for the Crow Agency PWS, Pryor PWS, or Wyola PWS increases, then the current certified operator or new certified operator must be certified at the new appropriate level within the timeframe set forth in the Certified Operators Plan and Schedule.

[1] The Montana rubric for classifying water system operator level requirements can be found at https://deq.mt.gov/water/Programs/operator#accordion1-collapse1. The EPA rubric is available by contacting EPA.

v. Maintenance. Maintain at least two workers on staff to complete water main and sewer main repairs, separate from the required minimum number of certified PWS operator staff.

F. PWS Asset Inventory and Management Plan. Defendants shall engage an engineering firm or technical assistance provider with the expertise and capacity to conduct an asset inventory and to develop an asset management plan for each PWS. The engineering firm or technical assistance provider shall complete the Asset Inventory and Asset Management Plan within one year of the Effective Date. Defendants shall submit the Asset Inventory and Asset Management Plan to EPA for review and approval within 30 Days of completion.

i. The PWS Asset Inventory and Management Plan shall include, at a minimum:

1. A summary describing the existing system;
2. A detailed list of all drinking water related assets;
3. An evaluation of historic water production, historic water consumption, and significant historic water loss in the last three years;
4. An equipment and spare parts inventory. A list of minimum required equipment, tools, and spare parts is included as Attachment 4 to this Appendix; and
5. A plan and schedule for acquiring any items from Attachment 4 not in the inventory and a schedule for replacing essential equipment, tools, and spare parts.

Attachments:

Attachment 1: Crow PWS Quarterly Inspection Form
Attachment 2: Pryor PWS Quarterly Inspection Form
Attachment 3: Wyola PWS Quarterly Inspection Form
Attachment 4: Equipment and Spare Parts Inventory Requirements
Attachment 5: Excerpt of December 3, 2025 Sanitary Survey Report for Crow Agency PWS
Attachment 6: Excerpt of December 8, 2025 Sanitary Survey Report for Pryor PWS
Attachment 7: Excerpt of October 29, 2025 Sanitary Survey Report for Wyola PWS

Consent Decree Attachment 1 to Appendix B

United States v. Crow Tribe of Montana et al.

083090011 CROW AGENCY WATER SYSTEM QUARTERLY INSPECTION FORM

Please submit photos of any broken components or concerns with the PWS

INTAKE AND ASSOCIATED PUMPS- Surface Water Only

1. Intake Current yield (gpm): _____
2. Are there any known sources of pollution near the intake? ☐ Yes ☐ No
3. Are pumps operable and in good condition? ☐ Yes ☐ No
4. Are spare parts available? ☐ Yes ☐ No
5. Is emergency power available? ☐ Yes ☐ No

TREATMENT- Surface Water Only

1. Are 3 months of treatment coagulant supply available? ☐ Yes ☐ No
2. Current coagulant feed rate _____
3. Current filter aid feed rate _____
4. Are 3 months of chlorine gas supply available? ☐ Yes ☐ No
5. Last time online turbidimeter, colorimeter, and pH meter were calibrated _____
6. Is there is any leakage or water spills in the treatment plant? ☐ Yes ☐ No
7. Are all the pressure gages working and in a good condition? ☐ Yes ☐ No
8. Current filter run time prior to backwash _____
9. Current filter backwash rate _____
10. Current filter backwash duration _____
11. Current filter ripening timeframe _____
12. Have you retained a copy of your backwash records? ☐ Yes ☐ No
13. Settled water turbidity (NTU) _____
14. Does the reading on the compliance turbidimeter and chlorine analyzer controller match what's displayed in the SCADA? ☐ Yes ☐ No

DISTRIBUTION

1. Are there any unfixed water main brakes in the system? ☐ Yes ☐ No
2. Have valves and water hydrants been exercised within the last six months? ☐ Yes ☐ No
3. Have the distribution lines been flushed in the last six months? ☐ Yes ☐ No
4. Are the booster station pumps operable and in a good condition? ☐ Yes ☐ No
5. Is the pressure in the distribution lines above 20 psi at all times? ☐ Yes ☐ No
6. Are there appropriate levels of chlorine residual in distribution? ☐ Yes ☐ No
7. What is the residual in mg/L? _____

STORAGE TANKS

1. Are there unprotected openings in the tank (breaches, leaks, etc.)? ☐ Yes ☐ No
2. Is the overflow #24-mesh screen competent? ☐ Yes ☐ No
3. Is air vent #24-mesh screen competent? ☐ Yes ☐ No
4. Is the hatch cover locked and the rubber gasket competent? ☐ Yes ☐ No
5. Is the tank area fenced and secure? ☐ Yes ☐ No
6. Does the tank appear structurally sound? ☐ Yes ☐ No

Signature:_____ Date: _____

Consent Decree Attachment 2 to Appendix B

United States v. Crow Tribe of Montana et al.

083090012 PRYOR WATER SYSTEM QUARTERLY INSPECTION FORM

Please submit photos of any broken components or concerns with the PWS

WELL- Groundwater Only

1. Does SW runoff drain away from the wellhead? ☐ Yes ☐ No
2. Any holes or openings observed in the well or its appurtenances? ☐ Yes ☐ No
3. Does the well have a sanitary seal with tightly bolted cap? ☐ Yes ☐ No
4. Is the well vent screened with competent #24-mesh? ☐ Yes ☐ No
5. Are there any known sources of pollution near the wells which could possibly impact water quality? ☐ Yes ☐ No
6. Mice or other animals and their droppings in immediate area? ☐ Yes ☐ No
7. Is the well adequately protected from vehicle damage? ☐ Yes ☐ No

TREATMENT- Groundwater Only

1. Do the day tanks contain adequate levels of chlorine chemical? ☐ Yes ☐ No
2. Is there extra chlorine available to fill the day tanks? ☐ Yes ☐ No
3. Is there redundant treatment equipment available (injection quills, tubing, pumps)? ☐ Yes ☐ No
4. Is emergency power available? ☐ Yes ☐ No

DISTRIBUTION

1. Are there any unfixed water main brakes in the system? ☐ Yes ☐ No
2. Have valves and water hydrants been exercised within the last six months? ☐ Yes ☐ No
3. Have the distribution lines been flushed in the last six months? ☐ Yes ☐ No
4. Are the booster station pumps operable and in a good condition? ☐ Yes ☐ No
5. Is the pressure in the distribution lines above 20 psi at all times? ☐ Yes ☐ No
6. Are there appropriate levels of chlorine residual in distribution? ☐ Yes ☐ No
7. What is the residual in mg/L? _____

STORAGE TANKS

1. Are there unprotected openings in the tank (breaches, leaks, etc.)? ☐ Yes ☐ No
2. Is the overflow #24-mesh screen competent? ☐ Yes ☐ No
3. Is air vent #24-mesh screen competent? ☐ Yes ☐ No
4. Is the hatch cover locked and the rubber gasket competent? ☐ Yes ☐ No
5. Is the tank area fenced and secure? ☐ Yes ☐ No
6. Does the tank appear structurally sound? ☐ Yes ☐ No

Signature:_____ Date: _____

Consent Decree Attachment 3 to Appendix B

United States v. Crow Tribe of Montana et al.

083090014 WYOLA WATER SYSTEM QUARTERLY INSPECTION FORM

Please submit photos of any broken components or concerns with the PWS

WELL- Groundwater Only

1. Does SW runoff drain away from the wellhead? ☐ Yes ☐ No
2. Any holes or openings observed in the well or its appurtenances? ☐ Yes ☐ No
3. Does the well have a sanitary seal with tightly bolted cap? ☐ Yes ☐ No
4. Is the well vent screened with competent #24-mesh? ☐ Yes ☐ No
5. Are there any known sources of pollution near the wells which could possibly impact water quality? ☐ Yes ☐ No
6. Mice or other animals and their droppings in immediate area? ☐ Yes ☐ No
7. Is the well adequately protected from vehicle damage? ☐ Yes ☐ No

TREATMENT- Groundwater Only

1. Do the day tanks contain adequate levels of chlorine chemical? ☐ Yes ☐ No
2. Is there extra chlorine available to fill the day tanks? ☐ Yes ☐ No
3. Is there redundant treatment equipment available (injection quills, tubing, pumps)? ☐ Yes ☐ No
4. Is emergency power available? ☐ Yes ☐ No

DISTRIBUTION

1. Are there any unfixed water main brakes in the system? ☐ Yes ☐ No
2. Have valves and water hydrants been exercised within the last six months? ☐ Yes ☐ No
3. Have the distribution lines been flushed in the last six months? ☐ Yes ☐ No
4. Are the booster station pumps operable and in a good condition? ☐ Yes ☐ No
5. Is the pressure in the distribution lines above 20 psi at all times? ☐ Yes ☐ No
6. Are there appropriate levels of chlorine residual in distribution? ☐ Yes ☐ No
7. What is the residual in mg/L? _____

STORAGE TANKS

1. Are there unprotected openings in the tank (breaches, leaks, etc.)? ☐ Yes ☐ No
2. Is the overflow #24-mesh screen competent? ☐ Yes ☐ No
3. Is air vent #24-mesh screen competent? ☐ Yes ☐ No
4. Is the hatch cover locked and the rubber gasket competent? ☐ Yes ☐ No
5. Is the tank area fenced and secure? ☐ Yes ☐ No
6. Does the tank appear structurally sound? ☐ Yes ☐ No

Signature:_____ Date: _____

Consent Decree Attachment 4 to Appendix B

United States v. Crow Tribe of Montana et al.

Attachment 4 to Appendix B – PWS Equipment and Spare Parts Inventory Requirements

PWS Spare Parts Inventory. At a minimum, the spare parts inventory required by Section I, Paragraph F of Appendix B shall include the following equipment, tools, and spare parts. Upon consultation with EPA, Defendants may substitute specific equipment, tools, and spare parts listed below with substantially equivalent items.

A. General PWS Equipment and Spare Parts: 1 handheld digital chlorine meters (e.g., Hach Pocket Colorimeter); 100 Free Chlorine reagent packets; portable turbidimeter (e.g., Hach 2100Q); and 2 pressure gauges (0-100 psi) fitted with hose bib connection.

B. Pryor and Wyola Liquid Chlorination System Equipment and Spare Parts: 2 chlorine meter pumps; 2 chlorine meter pump heads; 20 feet of tubing; 3 injection quills; 2 flow switches; and 3-month supply of sodium hypochlorite.

C. Distribution System Equipment and Spare Parts: 4 inch, 6 inch, and 8 inch gate valves; and 4 inch, 6 inch, and 8 inch curb stop gate valves.

D. Crow Agency Equipment and Spare Parts: Intake pump; high service pump; 3-month supply of gas chlorine cylinders; 2 polymer meter pumps; 50 feet of tubing; 3-month supply of primary coagulant (currently Aqua Pure AF75200); 3-month supply of filter aid (currently Hawkins Aqua Hawk 79207); calibration standards for turbidimeters; calibration standards for pH analyzer; and 3-month supply of reagents for the Hach CL 17 chlorine analyzer.

E. Pryor and Wyola Equipment and Spare Parts: 1 submersible pump.

Recommended PWS Spare Parts Inventory. Defendants shall also consider the following recommended spare parts inventory:

A. General PWS Equipment and Spare Parts: 10 square feet of #24 mesh screen; 10 stainless steel hose clamps (4 inch to 8 inch sizes); 30 linear feet of neoprene gasket material; and 20 linear feet of electrical conduit.

B. Pryor and Wyola Liquid Chlorination System Equipment and Spare Parts: 3-month supply of cartridge filters.

C. Distribution System Equipment and Spare Parts: 4 valve keys; 2 metal detectors; 3 fire hydrant valve wrenches; 20 feet each of 4 inch, 6 inch, and 8 inch tubing (same type of tubing used for operation of the system, for example PVC); 10 reducers; 10 tees; 10 adapters; and other specialized fittings, including joint restraint, and different pipe sizes (for each type of material used by the system).

D. Crow Agency Equipment and Spare Parts: Static mixer and 2 wye strainers for Hach CL 17 online meters.

E. Pryor and Wyola Equipment and Spare Parts: Trash pump and hose/tubing; 1 submersible pump; 2 gate valves; 10 reducers; 10 tees; 10 adapters; and other specialized fittings, including joint restraint, and pipes in different sizes for each type of material used by the system).

Consent Decree Attachment 5 to Appendix B

United States v. Crow Tribe of Montana et al.

System Name: Crow Agency Water System PWS ID: 083090011
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

Significant Deficiencies

Significant deficiencies include, but are not limited to, defects in the design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system, that the EPA determines to be causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers. Please note the instructions for responding to significant deficiencies in the attached cover letter. Failure to provide a response that includes documentation of corrective actions to the EPA could result in a violation.

1) Storage Tank ID: ST04 – Tribal Clearwell

Storage tank not sealed (see photo ST04-13)

Other than the openings afforded by the #24-mesh screens on the vents and overflows, all openings must be sealed completely to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The clearwell sidewall is leaking from outside. It must be sealed and watertight.

2) Storage Tank ID: ST04 – Tribal Clearwell

Storage tank not cleaned and inspected within the last 10 years.

The tank must be cleaned and inspected. Please see the enclosed Finished Water Storage Tank Inspection/Cleaning Checklist for a list of items that must be evaluated during the inspection. Tanks need to be periodically cleaned and inspected to prevent the growth of potentially harmful pathogens in the accumulated sediments and to address construction issues before they require major repairs. Inspections and cleaning may be done by a third-party professional or appropriately trained in-house staff. Please be aware that some tanks may be considered as confined spaces or hazardous environments; personnel working in or near the tanks should have all OSHA-required training, and proper safety equipment and procedures should be always used. After inspection and cleaning the tank must be disinfected according to AWWA standards (C652-92: Disinfection of Water Storage Facilities).

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Finished Water Storage Tank Inspection/Cleaning Checklist.
- A copy of inspection results and labeled photographs, which must include tank cleaning method, depth of sediment, disinfection method, and findings.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the results and may require additional corrective actions.

3) Storage Tank ID: ST02 - South Blue Storage Tank (750K Gal)

Storage tank inspection/cleaning report not available.

During the sanitary survey, the water system could not provide a copy of the most recent storage tank inspection report to the surveyor. Systems are required to maintain all relevant

records from at least the past 12 years (Title 40 Code of Federal Regulations Section 141.33). The system must obtain documentation of the most recent storage tank inspection and/or cleaning and provide this documentation to EPA Region 8.

4) Storage Tank ID: ST02 - South Blue Storage Tank (750K Gal)

Unknown integrity of storage tank air vent and access hatch

The sanitary surveyor was unable to evaluate the tank air vent and access hatch, and the water system was not able to produce documentation of the condition of these components. Each item that could not be inspected during the sanitary survey must be inspected and the structure/condition must be compared to the enclosed Tech Tips for Finished Water Storage Facilities to determine if corrective action is needed. Tank inspectors can be third-party professionals or appropriately trained in-house staff.

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Unknown Integrity Checklist.
- A copy of the inspection report. The inspection report must describe the condition of each specified tank component and include photographs.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the inspection report and may require additional corrective actions.

5) Storage Tank ID: ST02 - South Blue Storage Tank (750K Gal)

Overflow screening on finished water storage tank improvement needed (see photo #ST02-3).

Overflows must be fitted with non-corrodible #24-mesh screen, or a properly sealed flapper or duckbill valve to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system, and must exit the tank below the air vent. If a flapper is used, it must be well fitted (closes properly with no gaps) and have a #4 to #24 mesh screen. In cold climates, use of a flapper or duckbill valve should be considered to minimize air movement and hence ice formation in the tank. Overflows must be free of debris behind any screen or duckbill.

The interior screen is torn and needs to be replaced.

6) Leaking system components were identified:

There are 9 active leaks in the distribution system. The leaks at Takes the Gun St and Plenty Hawk Dr have been ongoing for more than a year. This area has a potential cross-connection due to an active sewage break.

7) Treatment Plant ID: TP02 - Tribal Filtration Plant

Coagulant dose must be tracked to ensure compliance with regulatory requirements.

The system does not currently maintain records of the historic coagulant dosage. The coagulant dose must be monitored and records of the dose maintained to ensure compliance with the acrylamide and epichlorhydrin dosing limits of 40 CFR 141.111. Additionally, the system is currently turning the coagulant pump on and off manually. Concurrently, the treatment plant is often operated without an operator physically present. This could result in significant coagulant overfeeds if the control system shuts off the raw water pumps based on exceedance of a threshold value that triggers a shutdown (like high filter effluent turbidity).

8) Unknown integrity of backflow prevention on bulk water fill station.

Bulk water fill stations present a potential cross-connection. Cross-connections provide a pathway for contamination to enter the drinking water system during backflow events and therefore present a potential public health threat. A reduced pressure backflow assembly (RPZ) or permanent air gap device must be installed at this facility. An RPZ must be inspected and tested at least annually to ensure proper function.

The surveyor was unable to access the fill station during the survey and therefore was unable to verify the presence of a backflow prevention device.

Uncorrected Significant Deficiencies from Prior Sanitary Survey

1) Gravity Tank ID: TP02 - Clearwell

Hatch on Finished Water Storage Tank does not have a watertight seal. The gasket is worn and requires replacement. (See photo #25-27) The tank hatch must have a rubber gasket to seal the hatch lid to the frame tightly to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system.

2) Gravity Tank ID: ST02 - South Blue Tank (750K GAL)

Air vent screening on finished water storage tank needs improvement*. (see photo #52)

The vent must be fitted with non-corrodible #24-mesh screen to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The screen should preferably be installed within the vent at a location least susceptible to vandalism. Prior to installing the screen, the PWS should evaluate whether the tank needs a vacuum/pressure relief valve or another mechanism to prevent damage to the tank. Correction of this deficiency will require an evaluation by an engineering firm to ensure that no damage will occur to the existing water tank as a result of the modifications to address the significant deficiencies.

3) Inadequate treatment process operations. Operations at the water treatment plant create the potential for sending inadequately treated water to distribution.

The current operation of the filter exceeds the recommended loading rate. The maximum flow rate through the water treatment plant, based on the single mixed-media filter is 284 gpm. The maximum flow rate is based on the recommended loading rate of 4 gpm/sq.ft. with the single 70.9 sq.ft. filter.

Limit flow rate to 284 gpm.

4) Inadequate Treatment Process Monitoring, Recording, and Recordkeeping for Surface Water Treatment Plants.

The SCADA system does not allow for 3-years of data to be readily viewed. While it appears all of the correct parameters are logged (filter effluent valve status, high service pump status, post filter turbidity, chlorine post high service pump, etc), the surveyor was not able to review the historical data. The SCADA system currently allows only 2 hours to be viewed at a time. Additionally, the system computer is too slow to illustrate the trending data that is more than a couple days old. SCADA should be modified to record 15-minute IFE reading data in a viewable format, in either large tables or monthly IFE trending plots.

Alternatively, a printer must be purchased, and the water operators must print each daily 15-minute IFE record and maintain the monthly hard-copy records in a binder for a minimum of 3 years of past data.

5) Treatment plant is frequently operated remotely and the alarm and filter to waste triggers for filter effluent turbidity could not be verified.

The SCADA system did not indicate the alarm settings that would prevent finished water exceeding 0.29 NTU from going to the clear well. Provide SCADA output that shows the alarm settings that would shut the actuated valve to the clear well and shutdown the intake pumps.

6) Inadequate inactivation design or operation (CT).

The water treatment system operation and/ or design does not provide for adequate inactivation of Giardia lamblia. The SWTR requires that water systems achieve at least 99.9% (3-log) removal and/or inactivation of Giardia lamblia cysts and 99.99% (4-log) removal and/or inactivation of viruses. As documented in this sanitary survey, the filtration system when properly operated does not achieve the required reduction of Giardia; therefore, the system must achieve additional reduction of Giardia through inactivation.

The system does not routinely collect and record the data necessary to determine the level of inactivation. Inactivation calculations made based on data collected during the sanitary survey and standard conservative estimates for peak hourly flows and tank and pipeline volumes indicated that the system was not obtaining enough Giardia inactivation to achieve a total reduction (removal plus inactivation) of 99.9%.

The system must ensure adequate Giardia reduction; the disinfection profiling spreadsheet provided to the water system should be used weekly (daily calculations strongly recommended) to document that the inactivation necessary to achieve the required total reduction of Giardia is achieved. A completed copy must be provided to the EPA to show that this significant deficiency has been resolved. If the system is unable to obtain the required inactivation, the system should be modified to increase the level of inactivation (i.e., installation of a second method of inactivation or installation of additional storage to increase contact time).

By inputting pH and temperature from the hand-written WTP logs, the inactivation can be roughly calculated. Based on these approximate calculations, a free chlorine residual of 1.5

mg/L should be maintained on finished water being pumped from the clear well. As the system provides daily disinfection profile data, this threshold can be verified. Also, high service pump output must be held to a maximum of 350 gpm.

Additionally, since the water treatment plant is not being operated continuously, there is a tendency for the finished water in the clear well to lose chlorine residual (especially after being off during a weekend.) Therefore, operational changes are needed to start with a backwash cycle prior to every plant start up. This will allow come of the clear well volume to be used and fresh, chlorinated water to be added prior to high service pumps sending water to distribution. The system may also need to inject chlorine at a higher rate during this initial plant operation.

Recommendations

1) Intake ID: IN02 - Little Bighorn River

The intake pump piping is very rusted near the intake pumps. It is recommended that you sand down the corrosion and repaint the piping to prevent further damage.

2) Treatment Plant ID: TP02 - Tribal Filtration Plant and Storage Tank: ST04 – Tribal Clearwell

Baffling factor applied to this tank may be overestimated

This storage tank has historically been assigned a baffling factor of 0.9. This is a very high baffling factor for a storage tank. The basis for this high baffling factor has not been well established. Some initial tracer study information indicates this baffling factor may be significantly overestimated. The system should perform tracer testing to determine an accurate baffling factor to apply to this storage tank.

3) Storage Tank ID: ST04 – Tribal Clearwell
Storage Tank Mixer

Long residence times in the storage tank can result in stagnant water, inconsistent water quality, or freezing issues in the winter. Storage tank mixers can help maintain water quality consistency and prevent freezing issues in the winter. The system should consider installing a mixer in the storage tank to address these potential issues. The mixer should be regularly maintained to ensure continued operation.

4) Storage Tank ID: ST02 - South Blue Storage Tank (750K Gal)
Storage Tank Mixer

Long residence times in the storage tank can result in stagnant water, inconsistent water quality, or freezing issues in the winter. Storage tank mixers can help maintain water quality consistency and prevent freezing issues in the winter. The system should consider installing a mixer in the storage tank to address these potential issues. The mixer should be regularly maintained to ensure continued operation.

System Name: Crow Agency Water System PWS ID: 083090011
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

5) Storage Tank ID: ST04 – Tribal Clearwell
Tank Cannot be Isolated from System

The Storage Tank cannot be taken out of service for inspection and maintenance without shutting down the rest of the water system. Storage facilities should be designed with a means to isolate the facilities by closing control valves. These valves, when in place, should be exercised regularly as part of the maintenance program. EPA recommends an upgrade to your water system to allow for the isolation of your storage tank from the rest of the water system. If funding to install adequate tank controls is not available in the current budget, include funding to install these controls in a future budget.

6) Storage Tank ID: ST02 - South Blue Storage Tank (750K Gal)
Adequate Tank Controls Should be Installed

Adequate controls must be provided to maintain water levels in the storage tank. Pumps to supply the tank should be controlled from tank levels with a signal transmitted by telemetering equipment. At the time of the survey, water level indicator equipment and associated controls for the storage tank were not in place. Filling of the tank was controlled by a timer on the well pumps. EPA recommends installing these controls.

7) High Distribution Water Loss Rate

The water system representative indicated a high distribution system water loss rate (21 %). The system should consider identifying potential leaks or areas of water loss in the distribution system and repair or replace pipes as needed to mitigate water loss.

8) Booster Station ID: PF01 - Tribal Booster Pump Station
Booster Pumps not Operable or in Good Condition

Water system pumps should operate properly and be properly maintained. Pump maintenance should be part of the maintenance program. A back up pump and spare parts should be available to minimize down time and keep the system up and running. During the sanitary survey, the following conditions of inadequate maintenance were noted:

- No backup pump available
- All pumps are not operable
- Pumping system does not have a blow-off line
- Motor control system should be equipped with resets, manual override, pressure controls and failure alarm
- Elapsed time meters are not installed

EPA recommends implementing a sound maintenance program that keeps pumps and motors operating properly.

9) Booster Station ID: PF04 - Tribal High Service Pumps
Booster Pumps not Operable or in Good Condition

System Name: Crow Agency Water System PWS ID: 083090011
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

Water system pumps should operate properly and be properly maintained. Pump maintenance should be part of the maintenance program. A back up pump and spare parts should be available to minimize down time and keep the system up and running. During the sanitary survey, the following conditions of inadequate maintenance were noted:

- No backup pump available
- Elapsed time meters are not installed
- Pump is leaking excessive water

EPA recommends implementing a sound maintenance program that keeps pumps and motors operating properly.

10) Distribution System Contains Asbestos-Cement Pipe

Asbestos contained in asbestos-cement (AC) pipe can be a health hazard to personnel that dislodge, remove, tap, or handle the pipe in a manner that breaks up or causes abrasions to the pipe. Industry standard procedures have been established for handling and disposing of AC pipe. Pipe replacement is considered a renovation activity which is subject to the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, subpart M. Operators and contract personnel should follow approved procedures when repairing or replacing AC pipe.

11) Water Mains Broken due to Traffic Load or Freezing

Water mains should be covered with sufficient earth or other insulation to prevent freezing and to cushion pipe from traffic loading. A continuous and uniform bedding should be provided for all buried pipe, tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. EPA recommends installing water mains at sufficient depth and with adequate cover to support and protect the pipe from freezing and traffic loading.

12) Backflow Prevention/ Cross Connection

The system should develop and implement a cross connection/backflow prevention program. Cross connections should be classified by level of hazard and appropriate backflow prevention devices should be installed at each connection to mitigate contamination of the distribution system in the event of a pressure loss.

13) Frost Free Hydrants

Frost-free yard hydrants that drain into the soil (e.g. through a weephole or stop and waste valve) should not be used in public water systems as this drain-back feature allows the possibility of siphoning of contaminated water into the distribution system. The most protective frost-proof hydrants are those which utilize a reservoir built into the hydrant and set below the frost line. Because no external drain is necessary, the possibility of contamination from back-siphonage is eliminated. When any frost-free hydrants are replaced or when any new hydrants are installed, they must be either sanitary hydrants with a reservoir or hydrants that have a check valve and looped drain line.

System Name: Crow Agency Water System PWS ID: 083090011
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

14) Yard Hydrants Connected to Trailers/Mobile Homes

Cross connections can exist when a connected hose or other plumbing provides a potential pathway for contamination to enter the drinking water system during a backflow event, which are a potential public health threat. Yard hydrants or hose bibs that connect trailers or mobile homes to water systems should be protected by a double check valve assembly. The water supplier should also develop and maintain a record keeping program and management procedures for cross connections. These procedures should ensure the installation and certification by test or inspection of all backflow prevention devices, with annual testing and certification by a certified tester of all testable backflow prevention devices.

15) Threaded Yard Hydrants

Cross-connections exist when plumbing provides a pathway for contamination to enter the drinking water system during backflow events, which are a potential public health threat. The survey identified threaded yard hydrants in the distribution system, which are potential high hazard cross connections if connected to hoses used for irrigation or other potential contaminating activities. An approved pressure vacuum breaker, atmospheric vacuum breaker, or double check valve assembly should be installed at the hydrants. The water supplier should also develop and maintain a record keeping program and management procedures for cross connections. These procedures should ensure the installation and certification by test or inspection of all backflow prevention devices, with annual testing and certification by a certified tester of all testable backflow prevention devices.

16) Gas Chlorine Room

Separate switches for the chlorine room fan and lights should be located outside the gas chlorine room doors and at the inspection window. Outside switches should be protected from vandalism and have a signal light indicating fan operation. Pressure relief valves for the chlorine regulators should be vented to the outside atmosphere and screened. A continuous electronic chlorine leak detector that is equipped with both an audible alarm and a warning light should be installed.

17) WARN Membership

EPA recommends that water systems become members of the Water and Wastewater Agency Response Network. This network is comprised of "utilities helping utilities" within a state that respond to and recover from emergencies by sharing resources with one another. More information can be obtained at the website: https://www.epa.gov/waterutilityresponse/mutual-aid-and-assistance-drinking-water-and-wastewater-utilities.

18) Water System Budget

Your water system should review the current water rate structure and increase water rates as necessary. Good financial management provides for capital construction and replacement of

equipment while maintaining routine operation and maintenance at reasonable levels. Ultimately, financial management is reflected in the customers' utility rates. User fees, commercial fees, and the financial management of funds should be reviewed to ensure adequate user fees are being collected to cover all water system costs. A policy should be adopted whereby all water users pay for the service. The policy should also include a provision for timely disconnection of users who fail to pay for their water service. You may want to access EPA's asset management tool; CUPSS (Check Up Program for Small Systems) at www.epa.gov/cupss to help you develop or improve your asset management capabilities.

19) Delinquent Accounts

Your water system should review the current procedures for handling delinquent accounts and consider options to collect service fees from these accounts. Having a significant number of delinquent accounts can impact water system budget and ability to purchase chemicals, maintain facilities, and send samples in for lab analyses.

20) Sample Siting Plan for the Lead/Copper Rule is Needed

A sample siting plan for the Lead and Copper Rule (LCR) could not be provided to the surveyor for review. Having a written sample collection protocol helps ensure that all sampling is done correctly, even when water system personnel change. For the LCR, please contact the Rule Manager, Chelsea Ransom at 303-312-6876 or ransom.chelsea@epa.gov for more information about this requirement.

21) Disinfection Byproduct Rule (DBPR) Monitoring Plan

The system's DPBR Monitoring Plan should be accessible to each system operator, preferably on-site, in the event it is needed for reference or implementation or for review during a sanitary survey.

Consent Decree Attachment 6 to Appendix B

United States v. Crow Tribe of Montana et al.

System Name: Pryor Water System PWS ID: 083090012
Date of Survey: September 24, 2025, Document Control Number: R8FQPForm-1010 R10

Significant Deficiencies

Significant deficiencies include, but are not limited to, defects in the design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system, that the EPA determines to be causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers. Please note the instructions for responding to significant deficiencies in the attached cover letter. Failure to provide a response that includes documentation of corrective actions to the EPA could result in a violation.

1) **Well ID: WL02 – North Well**
Lack of a sanitary seal on the well casing (see photo # W0L2-3).

To prevent contamination, the well must be fitted with a functioning sanitary seal and a tightly bolted cap. Caulking/sealer must not be used. The sanitary seal must be a properly fitted neoprene gasket. *The gasket is damaged in certain areas and missing in others.*

2) **Well ID: WL01 - South Well**
Other animal droppings (dog) in immediate area of the well (see photo #WL01-6).

The dog waste next to the well casing must be removed. Dog waste can contain harmful bacteria, viruses, and parasites that can leach into the groundwater and potentially enter the well, posing a risk to water quality and public health. Regular removal of pet waste helps maintain the integrity of the water source, ensuring it remains safe and clean for consumption. Additionally, it reduces the risk of unpleasant odors and pest attraction in the area surrounding the well.

3) **Storage Tank ID: ST01 - Pryor Storage Tank (180K Gal)**
Storage tank inspection/cleaning report not available.

During the sanitary survey, the water system could not provide a copy of the most recent storage tank inspection report to the surveyor. Systems are required to maintain all relevant records from at least the past 12 years (Title 40 Code of Federal Regulations Section 141.33). The system must obtain documentation of the most recent storage tank inspection and/or cleaning and provide this documentation to EPA Region 8. The inspection report must include, at a minimum, labeled photographs, tank cleaning method (if cleaned), depth of sediment, disinfection method (if disinfected), and findings.

4) **Storage Tank ID: ST01 - Pryor Storage Tank (180K Gal)**
Unknown integrity of storage tank air vent and access hatch

The sanitary surveyor was unable to evaluate the tank air vent [add other components to consolidate], and the water system was not able to produce documentation of the condition of these components. Each item that could not be inspected during the sanitary survey must be inspected and the structure/condition must be compared to the enclosed Tech Tips for Finished Water Storage Facilities to determine if corrective action is needed. Tank inspectors can be third-party professionals or appropriately trained in-house staff.

System Name: Pryor Water System PWS ID: 083090012
Date of Survey: September 24, 2025, Document Control Number: R8FQPForm-1010 R10

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Unknown Integrity Checklist.
- A copy of the inspection report. The inspection report must describe the condition of each specified tank component and include photographs.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the inspection report and may require additional corrective actions.

Uncorrected Significant Deficiencies from Prior Sanitary Survey

1) **Gravity Tank ID ST01 Pryor Storage Tank (180K Gal)**
Air Vent on Finished Water storge tank does not have a solid cover.

The air vent on Tank ST01 must have a solid cover to prevent rain and blown debris from entering the tank. (Survey Year 2016, SD#4)

2) **Gravity Tank ID ST01 Pryor Storage Tank (180K Gal)**
Air Vent Screen on finished water tank is not elevated above the roof of the required Hight

For non-Downturned Vent screen must be at least 8" above the tank roof to prevent inhalation of contamination by the tank**. (**Survey Year 2016, SD#5)

3) **Well ID WL01 – South Well**
Groundwater Rule sample tap must be added

Survey Year 2022, SD#1: The sample tap for the well must be relocated so that it is prior to the water entering any pressure tank, treatment, or storage. (Survey Year 2022, SD#1)

4) **Well ID: WL01 - South Well**
Well not adequately protected from vehicle damage.

The WL01 well head and pumphouse are located very near a residence and driveway. The wellhead must be adequately protected to prevent damage due to vehicle operations. (Survey Year 2022, SD#2)

5) **Gravity Tank ID: ST01 - Pryor Storage Tank (180K Gal) (180K gal)**
Storage tank not sealed.

The base of the storage tank (near the wall and floor joint) has developed a sizeable leak that requires repair. Because the telemetry does not connect well operation to the storage tank, it is possible to de-water

the storage tank and allow contamination into the openings. Sizeable leaks also have the potential to compromise the tank foundation. Other than the openings afforded by the #24 mesh screens on the vents and overflows, all openings must

System Name: Pryor Water System PWS ID: 083090012
Date of Survey: September 24, 2025, Document Control Number: R8FQPForm-1010 R10

be sealed completely to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system (Survey Year 2022, SD#3)

6) **Gravity Tank ID: ST01 - Pryor Storage Tank (180K Gal) (180K gal)**
Overflow discharge point on finished water storage tank improvement needed.

Overflow must discharge over a drainage inlet structure, splash plate, or engineered riprap. (Survey Year 2022, SD#4)

7) **Gravity Tank ID: ST01 - Pryor Storage Tank (180K Gal) (180K gal)**
Unknown Integrity of the hatch seal.

The gasket hatch on Finished Water Storage Tank could not be viewed during the survey, so integrity of the gasket could not be verified. The tank hatch must have a rubber gasket to seal the hatch lid to the frame tightly to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. Inspect the hatch seal and provide a photo of the gasket illustrating it creates a watertight seal. (Survey Year 2022, SD#5)

8) **TP01 and TP02 Chlorination systems.**
The treatment plants are not being operated to prevent inadequately treated water from being sent to the distribution system.

During the sanitary survey, neither of the chlorination systems (TP01 or TP02) were operating. Since that time, chlorination continues to operate only occasionally. Additionally, the chlorine meter pump at TP01 is not properly sized for chlorination of these wells outputting only 22-24 gpm each. If the current TP01 meter pump is to be used, the chlorine solution must be diluted. Training must be provided to all operator staff on all chlorination procedures, including diluting chlorine solution, calculating meter pump settings, replacing meter pump tubing, checking free chlorine residual at the point of application and in the distribution system. The chlorine meter pump at TP02 must be verified for proper operation also. (Survey Year 2022, SD#6)

9) **Low pressure or loss of pressure (less than 20 psi).**

At the time of the survey, some areas of the distribution system had pressure less than 20 psi. This low pressure creates significant risk for backflow and system contamination. In order to correct this significant deficiency, you must identify the cause(s) of the low pressure and provide documentation of how it was corrected. (Survey Year 2022, SD#7)

Recommendations

1) **Well ID: WL02 - North**
Well Log or Statement of Completion

At the time of the survey, the Statement of Completion for the well could not be located. This document has construction information that is important for determining the threats to the water supply from various contaminants. This document may also be called “well logs”, “as builts” or “lithologic logs”. The water system owner/operator should obtain a copy of the well

System Name: Pryor Water System PWS ID: 083090012
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When treatment is used for the protection of the water supply, redundant equipment should be available. The treatment setup at the water system lacks redundant equipment and/or the spare parts to avoid an interruption of treatment should the treatment units go down. EPA recommends acquiring redundant treatment equipment to be employed in a standby mode to prevent an interruption in treatment.

7) Treatment Plant ID: TP02/ Pumphouse Treatment Step: 1
Treatment System Lacks Redundant Equipment

When treatment is used for the protection of the water supply, redundant equipment should be available. The treatment setup at the water system lacks redundant equipment and/or the spare parts to avoid an interruption of treatment should the treatment units go down. EPA recommends acquiring redundant treatment equipment to be employed in a standby mode to prevent an interruption in treatment.

8) Low Chlorine Residual – Ground Water System

Weekly inspection of the chlorination equipment and testing for residual should be conducted. At the time of the survey a low chlorine residual was present in the system. While the system is not required to disinfect, it is recommended that a minimum residual of 0.2 mg/L free chlorine be maintained. The system may also consider a more active flushing program within the distribution system, to maintain a minimal chlorine residual to protect the disinfection integrity of the system.

9) Chlorine Operations

During the sanitary survey both chlorine day tanks were empty, and there was no chlorine residual in distribution. During the last 5 years, there have been several total coliform positive samples. The use of chlorine as disinfection treatment is therefore recommended. During the last two years, chlorine operates intermittently due to lack of staff and resources. To help maintain more consistent chlorine operation, training should be provided to operators on all chlorine procedures including diluting chlorine solution, calculating meter pump settings, replacing meter pump tubing, checking free chlorine residual at the point of application and in the distribution system, and cleaning the chlorine injector.

10) Yard Hydrants Connected to Trailers/Mobile Homes

Cross connections can exist when a connected hose or other plumbing provides a potential pathway for contamination to enter the drinking water system during a backflow event, which are a potential public health threat. Yard hydrants or hose bibs that connect trailers or mobile homes to water systems should be protected by a double check valve assembly. The water supplier should also develop and maintain a record keeping program and management procedures for cross connections. These procedures should ensure the installation and

certification by test or inspection of all backflow prevention devices, with annual testing and certification by a certified tester of all testable backflow prevention devices.

11) Water System Resilience

Water systems should evaluate all of their facilities to determine if they are within the 100 and/or 500-year flood plains. This information can be used to evaluate your facilities' ability to withstand and continue operating during these types of events.

12) WARN Membership

EPA recommends that water systems become members of the Water and Wastewater Agency Response Network. This network is comprised of "utilities helping utilities" within a state that respond to and recover from emergencies by sharing resources with one another. More information can be obtained at the website: https://www.epa.gov/waterutilityresponse/mutual-aid-and-assistance-drinking-water-and-wastewater-utilities.

13) Water System Budget

Your water system should review the current water rate structure and increase water rates as necessary. Good financial management provides for capital construction and replacement of equipment while maintaining routine operation and maintenance at reasonable levels. Ultimately, financial management is reflected in the customers' utility rates. User fees, commercial fees, and the financial management of funds should be reviewed to ensure adequate user fees are being collected to cover all water system costs. A policy should be adopted whereby all water users pay for the service. The policy should also include a provision for timely disconnection of users who fail to pay for their water service. You may want to access EPA's asset management tool; CUPSS (Check Up Program for Small Systems) at www.epa.gov/cupss to help you develop or improve your asset management capabilities.

14) Delinquent Accounts

Your water system should review the current procedures for handling delinquent accounts and consider options to collect service fees from these accounts. Having a significant number of delinquent accounts can impact water system budget and ability to purchase chemicals, maintain facilities, and send samples in for lab analyses.

15) Storage Tank ID ST01, Pryor Storage Tank (180K Gal)
The fenced area is broken in several places (see Phot# ST01—4-5)

To protect the storage tank, the system needs to repair all damaged sections of the fence surrounding the tank to prevent trespassing.

16) Maintain Vegetation Around Wells

Keeping vegetation cleared around wells is important to prevent contamination and protect the well structure. Plant roots can damage the well casing, allowing bacteria and chemicals to

enter the water supply. Clearing brush also improves drainage, keeps pests and animals away, and allows for easier inspection and maintenance of the wellhead.

17) Disinfection Byproduct Rule (DBPR) Monitoring Plan

The system's DPBR Monitoring Plan should be accessible to each system operator, preferably on-site, in the event it is needed for reference or implementation or for review during a sanitary survey. If you have any questions about this plan, please contact Bailey Smith at 303-312-6940.

18) Sample Siting Plans for Multiple Rules are Needed

Sample siting plans for the Revised Total Coliform Rule (RTCR), and Lead and Copper Rule (LCR) could not be provided to the surveyors for review. The RTCR requires public water systems to sample for coliforms according to a sample siting plan, which must be made available to the primacy agency for review. Having a written sample collection protocol helps ensure that all sampling is done correctly, even when there is a change in the water system's personnel. The sample siting plan specifies where in the building or in the distribution system routine samples are taken to ensure that they are "representative" of the water supplied to consumers. All Public Water Systems must have completed a Revised Total Coliform Rule (RTCR) sampling siting plan. For the RTCR, please contact the Rule Manager, Jamie Harris at 303-312-6072 or harris.jamie@epa.gov for information about this requirement. If the System has not previously completed and submitted an RTCR sample siting plan to EPA, please use the template located at www.epa.gov/region8-waterops/revised-total-coliform-rule-sample-siting-plan to complete this requirement.

For the LCR, please contact the Rule Manager, Bolor Bertelmann at 303-312-6233 or Bertelmann.Bolor@epa.gov for more information about this requirement.

Consent Decree Attachment 7 to Appendix B

United States v. Crow Tribe of Montana et al.

System Name: Wyola Water System PWS ID: 083090014
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

Significant Deficiencies

Significant deficiencies include, but are not limited to, defects in the design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system, that the EPA determines to be causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers. Please note the instructions for responding to significant deficiencies in the attached cover letter. Failure to provide a response that includes documentation of corrective actions to the EPA could result in a violation.

1) Storage Tank ID: ST01 - UG Storage Tank (30K)

Storage tank not sealed (see photo #ST01-4).

Other than the openings afforded by the #24-mesh screens on the vents and overflows, all openings must be sealed completely to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The tank water was overflowing from where the base of the sensor conduit enters the top of the tank. This must be sealed so nothing can enter the tank from the hatch vault.

2) Storage Tank ID: ST01 - UG Storage Tank (30K)

Storage tank not cleaned and inspected within the last 10 years.

The tank must be cleaned and inspected. Please see the enclosed Finished Water Storage Tank Inspection/Cleaning Checklist for a list of items that must be evaluated during the inspection. Tanks need to be periodically cleaned and inspected to prevent the growth of potentially harmful pathogens in the accumulated sediments and to address construction issues before they require major repairs. Inspections and cleaning may be done by a third-party professional or appropriately trained in-house staff. Please be aware that some tanks may be considered as confined spaces or hazardous environments; personnel working in or near the tanks should have all OSHA-required training, and proper safety equipment and procedures should be used at all times. After inspection and cleaning the tank must be disinfected according to AWWA standards (C652-92: Disinfection of Water Storage Facilities).

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Finished Water Storage Tank Inspection/Cleaning Checklist.
- A copy of inspection results and labeled photographs, which must include tank cleaning method, depth of sediment, disinfection method, and findings.
- The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the results and may require additional corrective actions.

3) Storage Tank ID: ST01 - UG Storage Tank (30K) and ST02 - UG Storage Tank (25K)

Combined overflow screening on finished water storage tank improvement needed (see photo #ST02-7).

Overflows must be fitted with non-corrodible #24-mesh screen, or a properly sealed flapper or duckbill valve to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. When a flapper valve is used, a screen must be placed inside the valve (EPA Region 8 recommends non-corrodible #24-mesh screen be used). In cold climates, use of a flapper or duckbill valve should be considered to minimize air movement and hence ice formation in the tank. In cold climates, provisions should be considered to prevent the flapper or duckbill from freezing shut.

4) Storage Tank ID: ST01 - UG Storage Tank (30K) and ST02 - UG Storage Tank (25K)

Combined overflow area allows pooling of water (see photo #ST02-6).

The grading of the overflow area allows pooling of water. Water pooling around an overflow may build up biological contamination that can be inhaled back into the tank through the overflow. Water pooling next to the tank consistently may also cause structural damage to the tank base and foundation. The overflow area must be graded such that water drains away from the tank and does not stagnate.

5) Storage Tank ID: ST02 - UG Storage Tank (25K)

Storage tank not sealed (see photo #ST02-1).

Other than the openings afforded by the #24-mesh screens on the vents and overflows, all openings must be sealed completely to prevent contamination (including contamination carried by insects, rodents, and birds) from entering the water system. The top of the storage tank hatch has several corroded holes allowing water to flow from the hatch. The hatch lid will need to be replaced.

6) Storage Tank ID: ST02 - UG Storage Tank (25K)

Storage tank not cleaned and inspected within the last 10 years.

The tank must be cleaned and inspected. Please see the enclosed Finished Water Storage Tank Inspection/Cleaning Checklist for a list of items that must be evaluated during the inspection. Tanks need to be periodically cleaned and inspected to prevent the growth of potentially harmful pathogens in the accumulated sediments and to address construction issues before they require major repairs. Inspections and cleaning may be done by a third-party professional or appropriately trained in-house staff. Please be aware that some tanks may be considered as confined spaces or hazardous environments; personnel working in or near the tanks should have all OSHA-required training, and proper safety equipment and procedures should be used at all times. After inspection and cleaning the tank must be disinfected according to AWWA standards (C652-92: Disinfection of Water Storage Facilities).

In order to correct this significant deficiency, you must provide EPA with the following documentation:

- A completed copy of the Finished Water Storage Tank Inspection/Cleaning Checklist.

- A copy of inspection results and labeled photographs, which must include tank cleaning method, depth of sediment, disinfection method, and findings.

The date that any corrective actions needed to address deficiencies with the tank components will be completed. EPA will review the results and may require additional corrective actions.

7) The chlorine day tank contains an unprotected opening (see photo #TP01-6).

The chlorine day tank should be covered and vented in a controlled way so chlorine vapors cannot escape into the room or so contaminants, animals, or debris cannot fall in. Moreover, chlorine loses potency rapidly when exposed to open atmosphere.

Uncorrected Significant Deficiencies from Prior Sanitary Survey

(1) Gravity Tank ID: ST01 - UG Storage Tank (30K) & ST02 – UG Storage Tank (25K)

The combined overflow from the ST01 and ST02 finished water storage tanks discharges at improper height.

Overflow must be piped to an elevation between 12 and 24 inches above the ground surface and discharge over a drainage inlet structure, splash plate, or engineered riprap.

(2) Gravity Tank ID: ST01 - UG Storage Tank (30K) & ST02 – UG Storage Tank (25K)

Overflow discharge point on finished water storage tank improvement needed.

Overflow must discharge over a drainage inlet structure, splash plate, or engineered riprap.

(3) Operator will update EPA, in writing, by 7/31/2019 on the status of getting fencing erected around the well heads. A plan and schedule must be received by EPA no later than 9/30/2019 on how the water system will install fencing around the wellheads.

(4) Operator will update EPA, in writing, by 7/31/2019 on the status of the SDS project request to replace the SCADA system in the pump house. A plan and schedule must be received by EPA no later than 9/30/2019 on how the water system will replace the SCADA system.

(5) Operator will update EPA, in writing, by 7/31/2019 on the status of re-establishing an internet connection in the pump house. A plan and schedule must be received by EPA no later than 9/30/2019 on how the water system will obtain an internet connection to allow the SCADA system to work.

Recommendations

1) Chlorine Operations

During the sanitary survey the chlorine feed was operational, but with only a small amount of chlorine in the day tank and low residuals under 0.2 mg/L in distribution. During the last 5 years, there have been several total coliform positive samples and E Coli positive samples in 2019. The use of chlorine as disinfection treatment is therefore recommended. During the last

two years, chlorine operates intermittently due to lack of staff and resources. To help maintain more consistent chlorine operation, training should be provided to operators on all chlorine procedures including diluting chlorine solution, calculating meter pump settings, replacing meter pump tubing, checking free chlorine residual at the point of application and in the distribution system, and cleaning the chlorine injector.

2) Well ID: WL02 - South Well and WL03 - Well #3
Well Log or Statement of Completion

At the time of the survey, the Statement of Completion for the well could not be located. This document has construction information that is important for determining the threats to the water supply from various contaminants. This document may also be called "well logs", "as builts" or "lithologic logs". The water system owner/operator should obtain a copy of the well permit and/or well log by contacting the State agency. Should the document be located, please forward a copy to EPA Region 8.

3) Maintain Vegetation Around Wells
Keeping vegetation cleared around wells is important to prevent contamination and protect the well structure. Plant roots can damage the well casing, allowing bacteria and chemicals to enter the water supply. Clearing brush also improves drainage, keeps pests and animals away, and allows for easier inspection and maintenance of the wellhead.

4) Storage Tank ID: ST01 - UG Storage Tank (30K) and ST02 - UG Storage Tank (25K)
Adequate Tank Controls Should be Installed

Adequate controls must be provided to maintain water levels in the storage tank. Pumps to supply the tank should be controlled from tank levels with a signal transmitted by telemetering equipment. At the time of the survey, water level indicator equipment and associated controls for the storage tank were not in place. Filling of the tank was controlled by a timer on the well pumps. EPA recommends installing these controls.

5) Storage Tank ID: ST01 - UG Storage Tank (30K) and ST02 - UG Storage Tank (25K)
Continuous Overflow

The storage tank was continuously overflowing at the time of the survey and/or was reported to be continuously overflowing for at least a portion of each year. Continuous overflows may be considered a point source of pollution which may require a discharge permit. Additionally, overflows are designed to only operate in an emergency and continuously overflowing the tank may lead to structural damage. The system should consider implementing controls to prevent the tank from continuing to fill with water before the water level reaches the tank overflow outlet.

6) Storage Tank ID: ST01 - UG Storage Tank (30K) and ST02 - UG Storage Tank (25K)
Air Vent Screening Not Inside Vent Pipe

System Name: Wyola Water System PWS ID: 083090014
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

To discourage vandalism the screening on an air vent pipe should be attached inside of the pipe rather than wrapped or clamped around the outside of the pipe.

7) Treatment Plant ID: TP01 - Treatment Plant
Treatment Step: 1
Treatment System Lacks Redundant Equipment

When treatment is used for the protection of the water supply, redundant equipment should be available. The treatment setup at the water system lacks redundant equipment and/or the spare parts to avoid an interruption of treatment should the treatment units go down. EPA recommends acquiring redundant treatment equipment to be employed in a standby mode to prevent an interruption in treatment.

8) Low Chlorine Residual – Ground Water System

Weekly inspection of the chlorination equipment and testing for residual should be conducted. At the time of the survey a low chlorine residual was present in the system. While the system is not required to disinfect, it is recommended that a minimum residual of 0.2 mg/L free chlorine be maintained. The system may also consider a more active flushing program within the distribution system, to maintain a minimal chlorine residual to protect the disinfection integrity of the system.

9) Water Mains Broken due to Traffic Load or Freezing

Water mains should be covered with sufficient earth or other insulation to prevent freezing and to cushion pipe from traffic loading. A continuous and uniform bedding should be provided for all buried pipe, tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. EPA recommends installing water mains at sufficient depth and with adequate cover to support and protect the pipe from freezing and traffic loading.

10) Storage Capacity not Adequate to Meet Current or Future Needs

The minimum storage capacity (or equivalent capacity) for systems not providing fire protection should be equal to the average daily consumption. This requirement may be reduced when the source and treatment facilities have sufficient capacity with standby power to supplement peak demands of the system. Where fire protection is provided, fire flow requirements are established by the appropriate state Insurance Services Office. EPA recommends initiating investigations into options available to increase system storage to recommended levels.

11) Service Connections Audit

The system should conduct an audit of the service connections to determine if any high or severe hazards are present. A spreadsheet or list of severe, high, and low hazards should be maintained so that the system is aware of potential contamination sources in the event of a

pressure loss. Appropriate backflow prevention devices should be installed at these hazards to mitigate contamination issues.

12) Backflow Prevention/ Cross Connection

The system should develop and implement a cross connection/backflow prevention program. Cross connections should be classified by level of hazard and appropriate backflow prevention devices should be installed at each connection to mitigate contamination of the distribution system in the event of a pressure loss.

13) Frost Free Hydrants

Frost-free yard hydrants that drain into the soil (e.g. through a weephole or stop and waste valve) should not be used in public water systems as this drain-back feature allows the possibility of siphoning of contaminated water into the distribution system. The most protective frost-proof hydrants are those which utilize a reservoir built into the hydrant and set below the frost line. Because no external drain is necessary, the possibility of contamination from back-siphonage is eliminated. When any frost-free hydrants are replaced or when any new hydrants are installed, they must be either sanitary hydrants with a reservoir or hydrants that have a check valve and looped drain line.

14) Yard Hydrants Connected to Trailers/Mobile Homes

Cross connections can exist when a connected hose or other plumbing provides a potential pathway for contamination to enter the drinking water system during a backflow event, which are a potential public health threat. Yard hydrants or hose bibs that connect trailers or mobile homes to water systems should be protected by a double check valve assembly. The water supplier should also develop and maintain a record keeping program and management procedures for cross connections. These procedures should ensure the installation and certification by test or inspection of all backflow prevention devices, with annual testing and certification by a certified tester of all testable backflow prevention devices.

15) Threaded Yard Hydrants

Cross-connections exist when plumbing provides a pathway for contamination to enter the drinking water system during backflow events, which are a potential public health threat. The survey identified threaded yard hydrants in the distribution system, which are potential high hazard cross connections if connected to hoses used for irrigation or other potential contaminating activities. An approved pressure vacuum breaker, atmospheric vacuum breaker, or double check valve assembly should be installed at the hydrants. The water supplier should also develop and maintain a record keeping program and management procedures for cross connections. These procedures should ensure the installation and certification by test or inspection of all backflow prevention devices, with annual testing and certification by a certified tester of all testable backflow prevention devices.

16) Chemical Area Ventilation

In areas where solvents, aerosols, and chemical feeders are in use, adequate ventilation should be provided so that personnel are not exposed to dangerous concentrations of airborne chemicals.

17) Bulk Storage of Chemicals

Areas where chemicals are stored in bulk should be physically isolated from treatment areas and other areas with water system piping and components. Secondary containment or separate rooms can prevent spills from entering the water system or impacting water system controls.

18) Operation and Maintenance (O&M) Manual

An Operation and Maintenance manual should be developed that includes manufacturers' literature and standard operating procedures (SOPs). An O&M manual promotes consistent operation of the water system from operator to operator and helps to document system operating parameters. Written procedures should cover items such as daily operations, start-up and shutdown procedures, scheduled maintenance, response to equipment failure, and other emergency conditions. An attempt should be made to collect any records pertaining to the water system, including water testing results, as-built drawings, distribution maps/schematics, master meter water usage, and any other records pertaining to the operations and management of the water system.

A safety plan should be part of the O&M manual. All facilities should be inspected for potential hazards. Safety equipment, procedures, and training should address any hazards likely to be encountered by the operators or public.

19) Security

Water system facilities should be protected against vandalism and unauthorized entry. Facilities should not be accessible by the public. The perimeter of all properties should have security-type fencing, locks, and other precautions to prevent trespassing.

20) Water System Resilience

Water systems should evaluate all of their facilities to determine if they are within the 100 and/or 500 year flood plains. This information can be used to evaluate your facilities' ability to withstand and continue operating during these types of events.

21) WARN Membership

EPA recommends that water systems become members of the Water and Wastewater Agency Response Network. This network is comprised of "utilities helping utilities" within a state that respond to and recover from emergencies by sharing resources with one another. More information can be obtained at the website:

System Name: Wyola Water System PWS ID: 083090014
Date of Survey: September 23, 2025 Document Control Number: R8FQPForm-1010 R10

https://www.epa.gov/waterutilityresponse/mutual-aid-and-assistance-drinking-water-and-wastewater-utilities.

22) Water System Budget

Your water system should review the current water rate structure and increase water rates as necessary. Good financial management provides for capital construction and replacement of equipment while maintaining routine operation and maintenance at reasonable levels. Ultimately, financial management is reflected in the customers' utility rates. User fees, commercial fees, and the financial management of funds should be reviewed to ensure adequate user fees are being collected to cover all water system costs. A policy should be adopted whereby all water users pay for the service. The policy should also include a provision for timely disconnection of users who fail to pay for their water service. You may want to access EPA's asset management tool; CUPSS (Check Up Program for Small Systems) at www.epa.gov/cupss to help you develop or improve your asset management capabilities.

23) Sample Siting Plans for Multiple Rules are Needed

Sample siting plans for the Revised Total Coliform Rule (RTCR), and Lead and Copper Rule (LCR) could not be provided to the surveyors for review. The RTCR requires public water systems to sample for coliforms according to a sample siting plan, which must be made available to the primacy agency for review. Having a written sample collection protocol helps ensure that all sampling is done correctly, even when there is a change in the water system's personnel. The sample siting plan specifies where in the building or in the distribution system routine samples are taken to ensure that they are "representative" of the water supplied to consumers. All Public Water Systems must have completed a Revised Total Coliform Rule (RTCR) sampling siting plan. For the RTCR, please contact the Rule Manager, Jamie Harris at 303-312-6072 or harris.jamie@epa.gov for information about this requirement. If the System has not previously completed and submitted an RTCR sample siting plan to EPA, please use the template located at www.epa.gov/region8-waterops/revised-total-coliform-rule-sample-siting-plan to complete this requirement.

For the LCR, please contact the Rule Manager, Bolor Bertelmann at 303-312-6233 or Bertelmann.Bolor@epa.gov for more information about this requirement.

24) Drinking Water Online and Drinking Water Watch

Access EPA's Drinking Water Online website to find useful information for water systems and operators, including how to handle contamination incidents, reporting forms, etc. This site can be accessed using the following link: https://www.epa.gov/region8-waterops.

To see EPA's publicly available information about your water system, including sample results, monitoring requirements, contact information, etc., see EPA's online Drinking Water Watch (DWW) at the following link: https://sdwisr8.epa.gov/Region8DWWPUB/default.jsp. No registration is needed to access the public version of DWW.

25) Ground Water Rule (GWR) Sampling Instruction

EPA recommends operators receive instruction in the proper procedures for Ground Water Rule triggered sampling following notification of a total coliform or *E. coli* positive sample. Please review the instructions at the following link on EPA's web site: https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8 for proper procedures.

26) Disinfection Byproduct Rule (DBPR) Monitoring Plan

The system's DPBR Monitoring Plan should be accessible to each system operator, preferably on-site, in the event it is needed for reference or implementation or for review during a sanitary survey.

Appendix C - Wastewater Treatment Facilities Compliance Requirements

I. Wastewater Treatment Facilities ("WWTF") Plan of Operations

The WWTF Plan of Operations required pursuant to Paragraph 31 of the Consent Decree shall include the following components:

A. WWTF Owner/Operator Report. Within one year of the Effective Date, Defendants shall develop, and submit to EPA, a WWTF Owner/Operator Report that:

i. Identifies each WWTF, or specific components of each WWTF (e.g., service lines/laterals, mains, manholes, lift stations, valves, treatment units, other appurtenances, etc.), with additional owners and/or operators (separate from the Crow Tribe and the CPU) and provides supporting documentation.

ii. Identifies any WWTF or specific components of any WWTF for which complete ownership documentation is not available and provides a detailed summary of the efforts to identify ownership status.

B. WWTF Owner/Operator Report Updates. Within two years of the Effective Date, Defendants shall use best efforts to update the WWTF Owner/Operator Report with formally memorialized agreements for each WWTF, or specific components of each WWTF, that has owners or operators in addition to the Crow Tribe and/or the CPU. If Defendants are not able to enter into formally memorialized agreements with other WWTF owners or operators, Defendants shall provide a detailed summary of their efforts to engage other WWTF owners and operators, including any reasons why formally memorialized agreements could not be reached. Defendants shall submit the Owner/Operator Report Updates to EPA in the next report required under Section VII of the Consent Decree.

i. Formally memorialized agreements between the relevant parties must address all owner, operator, financial (including staffing, operations and maintenance, capital improvement, and grant or loan-related), and regulatory responsibilities at each WWTF. Any transfers in ownership or operation of the WWTFs or specific components of any WWTF shall comply with the obligations set forth in Paragraph 5 of the Consent Decree.

C. Preliminary Engineering Reports ("PER"). Within two years of the Effective Date, secure funding and complete a Preliminary Engineering Report for both the Pryor and Wyola WWTFs. For the Crow Agency WWTF, confer with an engineer to evaluate the need for updates to the existing PER and prepare a technical memorandum discussing the content and outcome of the evaluation. Submit the completed PER(s) and any updates to EPA in the next report required pursuant to Section VII of the Consent Decree. Any new or updated PER(s) should include:

i. Applicable PER elements recommended in the January 16, 2013, interagency memorandum issued by USDA-RD, EPA, HUD, and IHS on PER best practices. (*See* https://www.epa.gov/sites/default/files/2017-09/documents/per_508.pdf)

ii. A condition assessment of the entire WWTF in relation to applicable regulatory standards, industry or state-recognized engineering standards, and protection of public health and the environment. This condition assessment should include a collection system cleaning and inspection.

iii. An evaluation of current wet and dry weather flows, capabilities of the WWTF and lift stations, and any gaps in hydraulic capacity.

iv. Identification of PER elements where information available at the time of the PER is insufficient to make an informed assessment and where future investigations and assessments should be performed.

v. Relevant information on ongoing or planned improvement projects for the WWTF.

vi. Prioritized recommendations for future assessment and improvement projects for the WWTF.

vii. An evaluation of whether and when a sludge depth study is needed at the Wyola WWTF.

D. PER Implementation Plan and Schedule. Within one year after finalization of each PER, develop and implement a plan and schedule for obtaining funding, engineering, and construction services to address the prioritized recommendations and planned activities within each WWTF PER, and that fall within a ten-year timeframe of each WWTF PER issuance. Submit the plan and schedule to EPA in the next report required pursuant to Section VII of the Consent Decree.

E. Staffing and Management Plan. Within one year of the Effective Date, develop and submit to EPA for review and approval, a Staffing and Management Plan for each WWTF, that includes:

i. A list of current management and staff positions and associated job descriptions, qualifications, training requirements, training procedures, and salaries for each position.

ii. A description and corresponding implementation schedule of any staffing increases or changes, including associated budgetary adjustments, needed to ensure regular and emergency WWTF operations in compliance with all legal requirements, the WWTF Training and Operator Requirements (Section I,

Paragraph F, below), the WWTF Operator Schedule (Section II, Paragraph A.i., below), and other applicable requirements in this Plan of Operations. This includes management, administrative, and financial staff.

iii. This Staffing and Management Plan may be combined with the PWS Staffing and Management Plan required in Appendix B.

F. WWTF Training and Operator Requirements.

i. WWTF Certified Operator Requirements. Within one year of the Effective Date, maintain at least one certified wastewater treatment operator with Montana Level 3C certification or equivalent EPA-recognized certification level applicable to the operation of aerated discharging lagoons. The certified operator(s) may share operational responsibilities at the Crow Agency, Wyola, and Pryor WWTFs. If a certified operator's employment terminates or operator certification otherwise expires for any reason, then a replacement certified operator must be trained and certified or hired within 180 Days. Submit the name and certification documentation of the certified operator(s) to EPA in the next report required under Section VII of the Consent Decree.

ii. WWTF Operator Training Requirements. Within 180 days of the Effective Date, train all current operators with wastewater responsibilities (certified and non-certified) to conduct the following, at a minimum, for each WWTF. Within 90 Days of hiring any new operators, train the new operators with wastewater responsibilities to conduct the following, at a minimum, for each WWTF. Provide documentation of completed training to EPA in the next report required pursuant to Section VII of the Consent Decree:

1. Operate and maintain all lift stations, control panels, and valves in the collection system and lagoon area;

2. Perform manhole and other non-intrusive collection system inspections;

3. Operate a jetter and be able to perform collection system cleanings and resolve minor sewer clogs;

4. Operate and maintain any bar screens in the collection system and lagoon area;

5. Operate and maintain specific treatment components, such as blowers, aerators, and the UV system;

6. Operate and manage general collection system performance;

7. Operate and manage general lagoon treatment and performance; and

8. Review all O&M manuals/schedules, SOPs, emergency response plans, asset management plans, facility engineering drawings and collection system maps required to be prepared and implemented under this Consent Decree.

II. WWTF Operations and Maintenance Manual

A. WWTF Operations and Maintenance Manual ("WWTF O&M Manual"). Defendants shall develop and implement the WWTF O&M Manual within one year of the Effective Date. The WWTF O&M Manual, required pursuant to Paragraph 31 of the Consent Decree, must include the following components, which Defendants may combine as long as the constituent requirements are fulfilled:

i. WWTF Operator Schedule and Duties. An operator schedule for each WWTF that provides the weekly operator hours for each certified or non-certified operator needed to properly operate and maintain each WWTF in accordance with the WWTF O&M Manual and applicable Clean Water Act and NPDES permit requirements. This should include all relevant daily, weekly, monthly, quarterly, biannual, and annual operation and maintenance tasks for each WWTF. At a minimum, the operator schedule for Crow Agency WWTF, Pryor WWTF, and Wyola WWTF shall include once weekly on-site inspections. Submit the schedule and any updates in the relevant reports required under Section VII of the Consent Decree.

ii. WWTF Standard Operating Procedures. For each WWTF, develop and submit in the next required report under Section VII of the Consent Decree, standard operating procedures, or other procedures and schedules, for the following:

1. Routine and non-routine operation and maintenance activities at each WWTF, including any applicable NPDES permit compliance activities;

2. Identifying and determining the cause of WWTF equipment failures, resolving equipment failures, and identifying and implementing preventative maintenance to minimize equipment failures; and

3. Conducting, maintaining, and replacing equipment in the WWTF Equipment and Spare Parts Inventory (below).

iii. WWTF Equipment and Spare Parts Inventory. Maintain an inventory of equipment, tools, and spare parts used for routine, emergency, and back-up purposes. Within 180 Days of the Effective Date, submit to EPA, an inventory of on hand equipment, tools, and spare parts used for routine, emergency, and back-

up purposes and a plan and schedule for purchasing any needed equipment and tools and replacing any spare parts used from the inventory. At a minimum, the Equipment and Spare Parts Inventory must include the following:

1. WWTF Shared Equipment: one jetter; one mower; and one trailer and truck with adequate capacity to haul the jetter or mower.

2. WWTF Shared Spare Parts: trash pump and hose/tubing.

3. Crow Agency Spare Parts: full set of replacement bulbs for the UV disinfection system; Field multi-probe meeting 40 C.F.R. Part 136 analytical method criteria; and 3-month supply of field multi-probe calibration solutions.

iv. Asset Inventory. Engage an engineering firm or technical assistance provider to conduct an Asset Inventory for each WWTF. The Asset Inventory must be completed within one year of the Effective Date. At a minimum, the Asset Inventory must include the equipment identified under the WWTF Equipment and Spare Parts Inventory (above) and other critical assets required to ensure safe and reliable operations of each WWTF in compliance with all applicable regulatory and permit requirements. Submit a copy of the Asset Inventory to EPA in the next report required under Section VII of the Consent Decree.

v. Collection System Cleaning and Inspection. At each WWTF, develop and implement a schedule for cleaning the entire collection system at least once every three years (may be completed in its entirety every three years or completed in partial cleaning increments annually). Provide a status update in the relevant reports required under Section VII of the Consent Decree.

vi. Crow Agency WWTF Sludge Survey and Removal Schedule. Develop and implement a schedule for conducting a sludge survey within three years of the Effective Date at each cell of the Crow Agency WWTF to determine the depth of sludge. Within 30 Days of completing the sludge survey, submit to EPA for review and approval, a proposed schedule for sludge removal or, if sludge removal is not imminently required, a proposed schedule for a future sludge depth study at the Crow Agency.

Attachments:

Attachment 1: Excerpt of October 31, 2023 Inspection Report

Consent Decree Attachment 1 to Appendix C

United States v. Crow Tribe of Montana et al.

Findings, Corrective Actions, and Recommendations

Finding 1:

Required monitoring and reporting has not been conducted.

The LGP requires routine monitoring of influent, effluent, and the receiving water. As shown in Appendix A, no monitoring was conducted in November 2022, only partial monitoring was conducted and reported for December 2022 through February 2023, and no monitoring has been reported since.

I understand the AWWWA has been conducting some or all the required monitoring, but results have not been reported since the previous AWWWA NetDMR certifying official resigned around April 2023. Based on recent conversations with representatives from the AWWWA and the Tribe, I understand AWWWA and Tribal officials are in the process of registering for NetDMR and plan to submit overdue DMRs. The EPA has provided, and will continue to provide, compliance assistance relating to registering for and using NetDMR.

Permit Requirements:

Monitoring and reporting requirements are reflected in the LGP authorization letter and Parts 3 and 5 of the LGP, which are attached to this report.

Corrective Action:

Conduct all required monitoring and reporting in accordance with the LGP authorization letter and the LGP. Ensure appropriate individual(s) obtain access to NetDMR and submit overdue DMRs from March 2023 through the present.

In a response to the EPA, provide the date this corrective action was completed and copies of any field measurement documentation (e.g. pH, temperature, flow); and laboratory analytical results supporting the data reported on DMRs for the August 2023 monitoring period.

Finding 2:

The ownership status of all facility components is unclear.

Until recently, it was the EPA's understanding the facility was wholly owned by the Tribe. However, during preparation of this report, the Tribe provided the EPA some records indicating portions of the facility's collection system, notably, several lift stations, were historically owned and could still be owned by entities other than the Tribe, including the BIA and the ANHA. I subsequently located additional EPA records to this effect.

The September 30, 2021 NOI submitted by the AWWWA and recertified by the Tribe on October 7, 2022 identifies the Tribe as the sole owner of the facility. At the times the NOI and recertification were submitted, the EPA understands the AWWWA and the Tribe were not aware any entities other than the Tribe could potentially own any facility components.

Findings, Corrective Actions, and Recommendations
NOI and Permit Requirements: Part 7.6 of the LGP states: When the Permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in the NOI or any report to the EPA, it shall promptly submit such facts or information. **Clean Water Act Requirements:** Determination of facility ownership is important to clarify liability for compliance with Clean Water Act and NPDES requirements, as both facility owners and operators may be held liable for Clean Water Act violations. **Corrective Action:** Clarify ownership and operatorship responsibilities for all facility components. As of this report, the Tribe and the EPA are in the process of obtaining and reviewing additional documents that may clarify the current ownership status of various facility components. It is expected the Tribe will eventually consult with the BIA, the ANHA, and any other relevant parties to clarify current ownership statuses of facility components and discuss potential transfer agreements, operatorship agreements, financial agreements, or other legal agreements or considerations between the parties related to ownership and operatorship of the facility. It is expected the EPA will receive copies of any relevant documentation pertaining to this clarification during the course of ongoing communications with the AWWWA and the Tribe. At this time, no response to the EPA is requested pursuant to this corrective action.
Finding 3: As of this report, the West Side Lift Station is generally inoperable. During the inspection, the lift station appeared generally operable; however, after the inspection, around January or February 2023, this lift station encountered electrical, control, and pump issues and was rendered inoperable. The lift station remains inoperable as of this report. The EPA understands necessary replacement parts have been ordered and are expected imminently and, in the interim, the AWWWA has been visiting the lift station multiple times per day to manually operate pumps and draw down the wet well. **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up

Findings, Corrective Actions, and Recommendations
or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Restore functionality to the West Side Lift Station. In a response to the EPA, provide an update on the status of the ordered parts, the expected date(s) of part delivery, and the expected date(s) of lift station repair and restoration to an operable state.
Finding 4: At the Lagoon Lift Station, several feet of what appeared to be sewage, potentially mixed with groundwater or precipitation, was present in the expansion wet well (Photograph 184). The water in the expansion wet well appeared stagnant and, based on our observations and discussions, it is presumed any sewage in the expansion wet well entered via the overflow from the primary wet well at a time when water levels in the primary wet well became elevated, potentially due to high flows or a pump or power outage. A similar observation was made during the 2019 inspection. During the subject inspection, we discussed the potentially pumping the presumed wastewater out of the expansion wet well; however, during a follow-up discussion after the inspection, IHS representatives pointed-out that, given the groundwater table is suspected to be within several feet of the surface in the vicinity of the lift station, maintaining some liquid in the expansion vault could help prevent potential vault flotation. **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Evaluate the potential pros and cons of removing or replacing water in the expansion wet well. It is recommended this evaluation be performed in consultation with the IHS. In a response to the EPA, provide a narrative explaining the considerations and outcome of this evaluation, and, if applicable, any next steps.
Finding 5: The Lagoon Lift Station controls would not automatically reset after power outages. Operators had to visit the lift station after power outages to reset the controls and restart the pumps. A similar observation was made during the 2019 inspection.

Findings, Corrective Actions, and Recommendations
Permit Requirements: Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Perform an assessment of all components of the Lagoon Lift Station, determine what, components are in need of repair or replacement, and develop and implement a plan and schedule for performing necessary repairs. In a response to the EPA, provide a narrative explaining the steps taken to perform this assessment, the findings of the assessment, and a plan and schedule for performing necessary repairs. **Recommendation:** In conjunction with the assessment of the Lagoon Lift Station controls, evaluate whether pump hours are or could be displayed or recorded. Information on pump hours may be useful in evaluating lift station performance and pump longevity. At this time, no response to the EPA is requested pursuant to this recommendation.
Finding 6: Approximately 2-3 feet of suspected infiltrated groundwater was present in the valve vault at the Lagoon Lift Station (Photographs 186-188). Pipes in the vault were fully submerged and rust was observed on their exterior. A similar observation was made during EPA inspections of the facility in 2018 and 2019. As discussed in the 2020 inspection report, the AWWWA reported the vault was pumped dry between the EPA's 2018 and 2019 inspections, but water had returned to approximately the same level. Given the similar depth of water recurring in the vault and the generally clear quality of the water (compared to sewage), it is presumed the water in the vault is infiltrated groundwater, indicating depth to groundwater is likely only several feet in the vicinity of the lift station. A sump pit was present in the valve vault floor, but no sump pump was installed (Photograph 188). We discussed potentially sealing the vault joints or installing a sump pump to keep the vault dry. **Permit Requirements:** Part 6.6 of the LGP states:

Findings, Corrective Actions, and Recommendations
The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Evaluate the potential pros and cons of removing the water in the Lagoon Lift Station valve vault and sealing the vault joints or installing a sump pump. It is recommended this evaluation be performed in consultation with the IHS. In a response to the EPA, provide a narrative explaining the considerations and outcome of this evaluation, and, if applicable, any next steps.
Finding 7: What appeared to be two pipes were present in one of the of the sides of the valve vault (Photograph 187). During the inspection, we were not able to discern what, if anything, the pipes may have been connected to, and a thorough evaluation of the pipes, compliance-based or otherwise, could not be performed. **Corrective Action:** Determine what, if anything, the subject pipes in the side of the Lagoon Lift Station valve vault are connected to. In a response to the EPA, provide a narrative explaining the outcome of this determination.
Finding 8: What appeared to be an in-line meter and associated wiring was observed along the force main leading to the lagoon (Photograph 187). During the inspection, we were not able to clarify what the meter may have been capable of measuring, where any readings from this meter might be recorded or displayed, or where the wiring leaving the vault went. After the inspection, I performed a cursory review of some engineering design drawings for this valve vault; the drawings indicate there were plans for a magnetic in-line flow meter in approximately this location. **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance

Findings, Corrective Actions, and Recommendations
with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Recommendation:** Determine the measurement capabilities of the subject meter and evaluate the feasibility and potential pros and cons of restoring functionality to the meter. At this time, no response to the EPA is requested pursuant to this recommendation.
Finding 9: Bubble patterns in the lagoon cells appeared uneven in some of the cells, and AWWWA representatives indicated some air valves, lines, or aerator heads may have been in need of repair or replacement. As discussed in Section 4.5, two of the four blowers were out of service, so it is also possible the variation in aeration intensity could have been caused or exacerbated by inadequate air flow. **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Perform an assessment of all components of the air delivery system, determine what, if any, components are in need of repair or replacement, and, if applicable, develop and implement a plan and schedule for performing necessary repairs. It is recommended this assessment be performed in consultation with the IHS. In a response to the EPA, provide a narrative explaining the steps taken to perform this assessment, the findings of the assessment, and, if applicable, a plan and schedule for performing necessary repairs.
Finding 10: Two of the four blowers for the lagoon aeration system were not operational (Photograph 194). A similar observation was made during EPA inspections of the facility in 2018 and 2019.

Findings, Corrective Actions, and Recommendations

Permit Requirements:

Part 6.6 of the LGP states:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit…

Corrective Action:

Repair the two inoperable blowers. If completion of this corrective action is not feasible within 30 days of receiving this report, develop and implement a plan and schedule for repairing the inoperable blowers.

In a response to the EPA, provide the date this corrective action was completed or narrative including a plan and schedule for performing all necessary blower repairs.

Finding 11:

Non-functioning remote alarm auto-dialers were observed in the control panel housing at the West Side Lift Station (Photograph 176) and in the blower building (Photograph 197).

AWWWA representatives indicated SCADA equipment throughout the facility had not been utilized in several years. It was unknown whether any SCADA functionality still existed or could be restored for the facility. Based on conversations with AWWWA and IHS representatives spanning several years prior to and during the subject inspection, the full potential functionality of SCADA equipment installed throughout collection system and lagoon components is not known, but it is possible connectivity could be established with at least some lift stations, the blowers, aeration system, UV disinfection system, and influent or effluent flow measurement.

Permit Requirements:

Part 6.6 of the LGP states:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit…

Findings, Corrective Actions, and Recommendations
Recommendation: Determine the current functionality, if any, of SCADA equipment installed at the facility and evaluate the potential pros and cons and feasibility of restoring, improving, and expanding facility SCADA capabilities. It is recommended this evaluation be performed in consultation with the IHS. At this time, no response to the EPA is requested pursuant to this recommendation.
Finding 12: The UV disinfection system was not being properly operated or maintained. AWWWA representatives indicated they cleaned the UV bulbs monthly but were generally unfamiliar with other O&M procedures for the UV system and did not have a copy of the UV system O&M manual. It was not clear how many bulbs were operational and whether the lamp status indicators (Photographs 198 and 201) and display panels (Photograph 199) were functioning properly. No intensity reading was displayed on the display panels (Photograph 199). It was unclear how many, if any, spare UV bulbs were available (Photograph 203). Similar observations were made during the EPA's 2018 and 2019 inspections. After the inspection, Jason located a copy of the UV system O&M manual, which has since been shared with AWWWA representatives and is maintained in IHS and EPA records. **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Perform an assessment of all components of the UV disinfection system, determine what, if any, components are in need of repair or replacement, and develop and implement a plan and schedule for performing necessary repairs. In a response to the EPA, provide a narrative explaining the steps taken to perform this assessment, the findings of the assessment, and, if applicable, a plan and schedule for performing necessary repairs. **Corrective Action:** In consultation with the UV system O&M Manual and the inspection and O&M requirements of Parts 6.5 and 6.6 of the LGP, develop and implement O&M procedures, SOPs, or other work assignment and tracking mechanisms to ensure the UV system is properly operated and maintained in accordance with the O&M manual and LGP requirements.

Findings, Corrective Actions, and Recommendations
In a response to the EPA, provide a copy of the O&M procedures, SOPs, or other work assignment and tracking mechanisms developed to ensure proper O&M of the UV system.
Finding 13: It appeared part of the concrete outfall structure in the Little Bighorn River had detached from the riverbank and fallen into the river (Photographs 204 and 205). **Permit Requirements:** Part 6.6 of the LGP states: The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit… **Corrective Action:** Perform an assessment of the concrete outfall structure's condition, determine what, if any, repairs may be needed to return it to its intended state, and, if applicable develop and implement a plan and schedule for performing necessary repairs. In a response to the EPA, provide a narrative explaining the steps taken to perform this assessment, the findings of the assessment, and, if applicable, a plan and schedule for performing necessary repairs.
Recommendation: LGP coverage was not in-effect for the facility at the time of the inspection. However, since the inspection, the facility obtained LGP coverage on October 19, 2022. Part 6 of the LGP contains multiple requirements that were not evaluated during the inspection or preparation of this report, including requirements pertaining to conducting and documenting routine inspections, developing and implementing O&M procedures, and conducting an Industrial Waste Survey. The EPA recommends the AWWWA and the Tribe review and implement these requirements and all other requirements of the LGP. At this time, no response to the EPA is requested pursuant to this recommendation.
Recommendation: In 2019, H&S Environmental, LLC performed a performance evaluation of the lagoon and issued a report dated July 26, 2019 summarizing the evaluation and providing O&M recommendations for optimizing treatment efficacy at the facility. The EPA recommends the AWWWA and the Tribe review this report and consider the recommendations therein. The EPA can provide a copy of this report, if needed. At this time, no response to the EPA is requested pursuant to this recommendation.

Appendix D – Solid Waste Compliance Requirements

I. Integrated Solid Waste Management Plan ("ISWMP")

Within 180 Days of the Effective Date, Defendants shall submit a draft of the ISWMP to EPA for review and comment. Within 180 Days of receiving EPA's comments, Defendants shall submit a final ISWMP to EPA for review and approval. The final ISWMP shall include a proposed schedule for implementation. At a minimum, the ISWMP, required pursuant to Paragraph 34 of the Consent Decree, shall include the following components:

A. Broad Programmatic Elements.

i. A complete description of the community service area;

ii. Current waste management program structure and administration;

iii. Future waste management needs and goals; and

iv. Financial and sustainability assessment of current and future program needs and goals.

B. Open Dumping Program Elements.

i. Tracking System. Develop a list of all known solid waste dump/disposal locations within Reservation boundaries and implement a system to monitor and track the clean-up of all open dumps.

1. Newly Identified Open Dumps. The Tracking System also must be designed to monitor and track the clean-up of open dumps identified after the initial list is developed.

ii. Monitoring. Regularly monitor former and current open dumping areas, including any areas where open dumping is likely to occur. All open dumps must be monitored, and clean-up activities tracked from start to finish. Records of the actions taken to address an open dump, including costs and timeframes, must be maintained for no less than five years after completion of cleanup (or longer if required by Tribal law or policy).

iii. Complaint Tracking System. Develop and implement a system to track solid waste complaints, including investigating the locations(s) identified in the complaint within ten Days, or sooner if feasible.

iv. Standard Operating Procedures for Investigations. Develop and implement a standard operating procedures document for investigating and responding to solid waste dumping and other potentially illegal solid waste handling activities, including responding to complaints from the public, regular inspection activities and locations, and a plan for responses when solid waste handling activity may present an imminent and substantial endangerment to human health or the environment.

v. Waste Removal Plan. Develop and implement a Waste Removal Plan that describes processes and procedures to ensure consistent and sustained waste removal across the Reservation.

vi. Enforcement. Develop and implement enforcement procedures to address illegal dumping and other violations of the solid waste code, solid waste regulations, and ISWMP.

II. Investigation Plans, Investigation Reports, and Remediation Plans

The Investigation Plans, Investigation Reports, and Remediation Plans required pursuant to Paragraph 35 of the Consent Decree shall include the following deliverables:

A. Existing Contamination Investigation Plans(s). Within 180 Days of the Effective Date, develop and submit to EPA for review and approval, Existing Contamination Investigation Plan(s) for all known transfer stations and open dumps. The Existing Contamination Investigation Plan(s) must include a proposed schedule for conducting and completing the investigations called for by the plan(s). These may be submitted as separate plans or submitted as one consolidated plan and may be submitted as part of the ISWMP, but must include:

i. A description of how each of the planned investigations is expected to effectively assess the nature and extent of, ground water contamination and surface soil contamination, and to identify potential harm to waterbodies, persons, or other receptors.

ii. The Existing Contamination Investigation Plan(s) must address all locations identified in the list developed pursuant to Section I, Paragraph B.i above.

B. Investigation Report(s). Investigation Report(s) must be developed and submitted to EPA for each investigation conducted pursuant to the Existing Contamination Investigation Plan(s) under Paragraph A. The Investigation Report(s) shall be submitted to EPA within 60 Days of completion of the investigations conducted according to the schedule submitted to and approved by EPA. The Investigation

Report(s) must detail the investigation(s) conducted and the results, including the location and concentrations of contaminants found, and an analysis of any potential harm to waterbodies, persons, or other potential receptors. The Investigation Reports(s) must also state whether additional investigation of any site is warranted before developing the remediation plan for that site.

C. Existing Contamination Remediation Plan(s). Existing Contamination Remediation Plan(s) must be developed and submitted to EPA for each investigation conducted pursuant to the Existing Contamination Investigation Plan(s) under Section II, Paragraph A, above. The Existing Contamination Remediation Plan(s) shall be submitted to EPA for review and approval within 120 Days of finalizing the Investigation Report(s). The Existing Contamination Remediation Plan(s) must describe the remedies considered for each site, the remedy or set of remedies proposed for each site, whether a qualified contractor or other entity with specialized expertise is necessary to conduct the selected remedies, and a proposed schedule for completion of each proposed remedy. Upon EPA approval, Defendants shall implement the remedy selected according to the schedule in the approved plan.