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January 14, 2015

ENVIRONMENTAL
PROTECTION AGENCY

JAN 16 2015

MONTANA OFFICE

Shaun McGrath, Acting Administrator
US EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Violation of the Safe Drinking Water Act by the Town of Browning on the Blackfeet Indian Reservation.

Dear Mr. McGrath:

I am writing as a concerned citizen to inform you that the Town of Browning is supplying the Browning community with untreated water in violation of the Safe Drinking Water Act, which is adversely affecting my livelihood. Browning is the biggest community on the Blackfeet Indian Reservation, which serves as headquarters for the Blackfeet Tribe.

As you may be aware, the Blackfeet Tribe, with the help of EPA and other federal agencies, invested over \$19 million to construct a new water supply system that brings safe clean drinking water from Two Medicine Lake to Browning. As a resident of Browning for the past 30 years, the change in water source from the Flat Iron well system to Two Medicine Lake drastically changed the taste, appearance and availability of water to my household. I was so happy that the Flat Iron water source would not be used again.

Unfortunately, the Town of Browning now claims, and my research supports, that the Flat Iron water source is currently being used to supply the Browning community with water. This is outrageous! I pay \$35.00 month for safe drinking water to help pay the Water Revenue Bonds that were issued to the Blackfeet Tribe for the construction of the new water system, so we can finally receive safe drinking water from a clean water source. But now, the Town pumps untreated water into our community water system? And, the EPA allows them to do this? Something is wrong with this picture, and I request that the EPA take appropriate actions to stop the Town from pumping untreated dirty water into our system, when we are trying to receive clean treated water from Two Medicine Lake. The Town's actions are unsafe for our community.

To give you a background of how I received the information on the Town's violation of the Safe Drinking Water Act, and its continued pursuit to supply the community with unsafe

dirty water from the Flat Iron water source, I am currently a plaintiff in a lawsuit against the Town of Browning. I filed my lawsuit because the Town would not provide me with any information regarding its ostensible drinking water services. Specifically, I wanted to know why I was being charged \$32.00 a month by the Town for drinking water services and how much the Town spent treating the water to be in compliance with the Safe Drinking Water Act, and how much it spent operating and maintaining the Browning water system. The Town refused to provide me with any information on my drinking water services and instead, told me to ask Two Medicine Water Company. (Attachment 1).

In the Answer to my Complaint, the Town claims that all water being served in Browning is treated by Two Medicine Water Company. (Attachment 2). Then, in a related federal court matter, the Town claims to be supplying the Browning community from the Flat Iron wells, and that EPA is requiring the Town to continue to do so. (Attachment 3). I recently asked a representative of Two Medicine Water Company whether they treat water from the Flat Iron water source and they said no, all water is treated at the treatment facility in East Glacier and then delivered to Browning for consumption and use. However, they mentioned that the Flat Iron wells were turned on for a brief period, not to exceed 30-days, due to an emergency, but the wells were suppose to be shut-off when the water storage tank was full. (Attachment 4). I question whether this "emergency" turn-on of the Flat Iron wells was actually required, or whether it was an attempt by the local EPA Montana Office to support the Town of Browning. In any event, this water source is still on and according to the Town of Browning, the EPA is ordering the Town to supply the Browning community with untreated water. This is asinine.

Assuming that EPA carelessly requires that the Flat Iron water source continued to be used, as the Town claims, the water would have to be treated by the Tribe at its chlorinator booster station. (Attachment 5). So, in actuality, the EPA is ordering and allowing the Town to contaminate my water from a water source that was condemned and abandoned, which is in violation of the Safe Drinking Water Act.

The EPA is creating an environmental and human health risk in the Indian community of Browning by allowing the Town of Browning to continually contaminate the community water system with water from the Flat Iron water source. The Tribe, nor federal agencies, would have invested millions of dollars to bring a new water supply to Browning (Two Medicine Lake) if the Flat Iron water source was good for our community. Even Town Mayor Willy Morris commented in a national newspaper article how bad and dirty the water is from the Flat Iron water source (Attachment 6). It is high in iron, manganese, sediment and turbidity creating serious health risks for members of our community. So how can the EPA allow this misconduct to continue?

I recently asked a representative from Two Medicine Water Company how the Town can continue to supplement our water supply with dirty water from the Flat Iron wells. I was told that Two Medicine continues to try and shut off water from the Flat Iron wells from entering

the community water system, however, the Town turns them back on, and has since “dead bolted” any access to the pumps at Flat Iron – so that the Town can continue to pump untreated water into our water system. I was also told that the EPA is “staying neutral” on the dispute between the Town of Browning and the Blackfoot Tribe. In other words, the EPA is “staying neutral” for political and bureaucratic reasons while putting the entire community’s health at risk by allowing us to receive dirty water from the Flat Iron water source when an adequate safe drinking water supply is available from Two Medicine Lake. I was also told that EPA is allowing the Town to “operate” without licensed water operators. This is also a violation of the Safe Drinking Water Act.

It is quite troubling that EPA is “staying neutral” on this issue between the Blackfoot Tribe and the Town of Browning when EPA has an Indian Policy that supports tribal self-government and program management. (Attachment 7). Correct me if I am wrong, but isn’t that what the Tribe is trying to do by taking care of its own water resources on the Blackfoot Nation in Browning? As a concerned citizen and tribal member, EPA has a duty and federal trust responsibility to work and support the Blackfoot Tribe in achieving tribal self-government. It also has a duty and responsibility to me, as a private citizen, to make sure there are no violations of the Safe Drinking Water Act, such as allowing the Town to pump untreated water into our community water system, from a water source that is dirty and not even needed, by people who are not even licensed to operate a water system, which was condemned and replaced several years ago.

I request that the EPA immediately issue an order to the Town of Browning demanding that the Flat Iron well system be shut off since it is not needed, contaminating our water supply, and otherwise violating the Safe Drinking Water Act. I also request that the EPA follow its Indian Policy and support the Blackfoot Tribe in its quest for tribal self-government over its own natural resources – tribal water.

If I do not receive a copy of an Order from the EPA in the next 10 days requiring the Town of Browning to shut off the pumps to the Flat Iron well system, I am going to file a citizen suit against the EPA under 42 USC § 300j-8. This is an abnormal circumstances that require immediate action on behalf of the EPA. I will also file a separate suit against EPA for violating EPA’s Indian Policy by actively supporting the Town of Browning, which is an ongoing criminal enterprise, violating the rights of Blackfoot people and causing economic hardship on us – it doesn’t treat the water, it doesn’t do operations and maintenance (Attachment 8), yet it bills me for such services. And, the EPA is enabling them to do that.

In my lawsuit against the Town, they use the EPA as a scapegoat for the informational request regarding the operations and maintenance of the system – claiming they only operate and maintain the system when the EPA directs them to. Then, in the federal lawsuit it claims that the EPA continues to mandate that the Town pump untreated water from the Flat Iron water source into the community water system. This lends me to believe that the local EPA

Montana Office and its Compliance Officer are in cahoots with the Town of Browning and its Mayor. If true, EPA is causing me and other members of the community economic hardship and emotional distress by enabling the Town of Browning to commit fraud on us. I will get to the bottom of this.

The Town of Browning is a corrupt government that has not had an audit since FY2010. Its last audit shows that \$689,906 of customer payments for water, sewer and garbage funds were commingled and misappropriated with \$619,906 inappropriately advanced out of the water fund. (Attachment 9). With a community that has 70% unemployment and many of us live in poverty, how can the EPA continue to support such a government? Let alone, allow them to contaminate the community water system with untreated water in violation of the Safe Drinking Water Act.

I look forward to your immediate response and order requiring the Town to shut off the pumps from the Flat Iron well system so dirty water will stop contaminating our community water system. It is apparent from my lawsuit that the Town of Browning does not provide me with any drinking water services and it is foolish for the EPA to recognize them as doing so. The only thing they are doing is collecting money for services they do not provide, while using the EPA as justification for their ongoing criminal activity.

Sincerely,



Sandra Reevis
Browning, MT

cc: Julie DalSoglio, Administrator, EPA Region 8 Montana Office
Larry Anderson, Attorney at law, Great Falls, MT