



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

6/29/2022

2:06PM

Received by
EPA Region VIII
Hearing Clerk

DOCKET NO.: CWA-08-2021-0017

IN THE MATTER OF:)
)
The City of Helena, Montana) FINAL ORDER
)
)
)
)
RESPONDENT)

Pursuant to 40 C.F.R. § 22.13(b) and §§ 22.18(b)(2) and (3) of EPA’s Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon filing this Consent Agreement and Final Order.

SO ORDERED THIS 29th DAY OF June, 2022.

KATHERIN HALL
Digitally signed by KATHERIN HALL
Date: 2022.06.29 14:01:25 -06'00'

Katherin E. Hall
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:)	
)	
)	CONSENT AGREEMENT
The City of Helena, Montana)	
)	Docket No. CWA-08-2021-0017
)	
Respondent)	

In this Consent Agreement (Agreement), the undersigned complainant (Complainant), on behalf of Region 8 of the United States Environmental Protection Agency (EPA), and the City of Helena, Montana (Respondent), agree as follows:

1. On September 3, 2021, the Complainant issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging that the Respondent had violated or was violating certain provisions of the EPA's pretreatment regulations at 40 C.F.R. part 403 and certain provisions of a National Pollutant Discharge Elimination System Permit MT0022641, which was issued by the Montana Department of Environmental Quality to the Respondent. The Complaint proposed that the Respondent pay a civil administrative penalty for its alleged violations, pursuant to section 309(g) of the Clean Water Act (Act), 33 U.S.C. § 1319(g).
2. For purposes of this proceeding, the Respondent admits the jurisdictional allegations of the Complaint. In accordance with 40 C.F.R.

§ 22.18(b)(2), the Respondent neither admits nor denies the specific allegations contained in the Complaint.

3. The Respondent waives its rights to contest the allegations in the Complaint and to appeal any final order (Final Order) an EPA Regional Judicial Officer or Regional Administrator may issue to ratify this Agreement.

4. The Respondent agrees to pay **\$20,000**, and agrees to the EPA's assessment of, an administrative civil penalty in this amount, as described below:

- a. Payment shall be due no later than 30 calendar days after the date of the Final Order;
- b. Payment shall be made using any method provided on the following website: <https://www.epa.gov/financial/makepayment>;
- c. The check or other means of payment shall indicate the name and docket number of this matter, i.e., In the Matter of the City of Helena, Montana, Docket No. CWA-08-2021-0017;
- d. Within 24 hours of payment, a copy of the check or other proof of payment shall be sent by U.S. mail or email to each of the following:

Emilio Llamozas, Environmental Engineer
U.S. EPA Region 8 (8ENF-W-NW)
1595 Wynkoop Street
Denver, CO 80202-1129
Email: llamozas.emilio@epa.gov

and

Shea Love, Regional Hearing Clerk
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129
Email: love.shea@epa.gov

5. Any failure by the Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and such other relief as may be appropriate.

6. Nothing in this Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of any failure by the Respondent to comply with this Agreement.

7. Nothing in this Agreement shall relieve the Respondent of the duty to comply with all applicable provisions of the Act or any other federal, state, or local laws.

8. This Agreement, upon ratification by the Final Order and full satisfaction by the Respondent, shall resolve the Respondent's liability only for federal civil penalties for the violations alleged in the Complaint.

9. Nothing in this Agreement shall be construed to limit the power of the EPA to pursue injunctive or other equitable relief, or criminal sanctions for any violations of law or to undertake any action against the Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

10. The parties agree to submit this Agreement to the EPA Region 8 Regional Judicial Officer or the EPA Region 8 Regional Administrator, with a request it be ratified by a Final Order.

11. Except as qualified by paragraph 6, above, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

12. The undersigned representative of the Respondent certifies s/he is fully authorized to enter into and bind the Respondent to this Agreement.

13. The parties agree to service of the executed Final Order via email at the following addresses: livingston.peggy@epa.gov for the Complainant and cathyl@bkbh.com for the Respondent.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

**COLLEEN
RATHBONE**

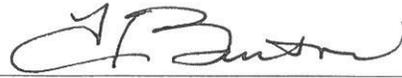
Digitally signed by COLLEEN
RATHBONE
Date: 2022.06.27 09:58:09
-06'00'

Date: June 27, 2022

Colleen Rathbone, Manager
Water Enforcement Branch
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Complainant

CITY OF HELENA, MONTANA
Respondent

Date: 6-21-2022



Tim Burton
Interim City Manager
City of Helena
316 North Park Avenue
Helena, Montana 59623

CERTIFICATE OF SERVICE

The undersigned certifies that the attached CONSENT AGREEMENT and FINAL ORDER in the matter of The City of Helena, Montana; DOCKET NO.: CWA 08-2021-0017 were sent via certified receipt email on June 29, 2022, to:

Respondent

Catherine A. Laughner
Browning, Kaleczyc, Berry & Hoven, P.C.
cathyl@bkbh.com

EPA Region 8

Peggy Livingston
Enforcement Attorney
Office of Regional Counsel

June 29, 2022

Shea Love
Regional Hearing Clerk