



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 05 2019

2019 SEP -5 PM 2:44

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-NW

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

The Honorable Kim Aipperspach, Mayor
City of Ronan
207 Main Street, SW, Suite A
Ronan, Montana 59864

Re: City of Ronan Wastewater Treatment Facility and Water Treatment Plant, Administrative Orders for Compliance under Section 309(a) of the Clean Water Act, Docket Nos.

CWA-08-2019-0007

CWA-08-2019-0008

Dear Mayor Aipperspach:

The U.S. Environmental Protection Agency is issuing the City of Ronan (City) the enclosed Administrative Orders for Compliance (Orders) for alleged violations of the Clean Water Act (CWA) at the City's Wastewater Treatment Facility (WWTF) and Water Treatment Plant (WTP). The EPA is authorized to issue these Orders pursuant to section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3).

Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into waters of the United States except as in compliance with, among other things, section 402 of the CWA, 33 U.S.C. § 1342, under which the EPA may issue National Pollutant Discharge Elimination System (NPDES) permits authorizing discharges of pollutants. The EPA previously authorized the City to discharge pollutants from the WWTF under EPA Region 8 NPDES Permit No. MT0021474; however, the City allowed this permit to expire on June 30, 2018. The EPA previously authorized the City to discharge pollutants from the WTP under EPA Region 8 NPDES Permit No. MT0030821; however, the City allowed this permit to expire on August 31, 2017. The EPA has been in communication with the City since December 2016 via letters, telephone conversations, and email, to offer assistance in renewing its permit coverage. To date, the City has not obtained NPDES permit coverage for either the WWTF or WTP. Each day the City has discharged pollutants from the WWTF and WTP since the permit expirations constitutes a violation of section 301(a) of the CWA.

Please read the enclosed Orders carefully. The Orders identify the violations of the CWA and require the City to take actions to ensure the violations are corrected. The Orders contain specific requirements and deadlines, and compliance with the Orders by the City is mandatory. The Orders are effective immediately upon your receipt.

The CWA authorizes the EPA to take appropriate enforcement actions necessary to secure prompt compliance. Section 309 of the CWA, 33 U.S.C. § 1319, authorizes the EPA to seek civil judicial penalties against persons violating an order issued under section 309(a) of the CWA. The CWA authorizes a variety of possible enforcement actions for violations, including civil actions and administrative penalty actions. Please be advised that issuance of the Orders does not preclude any civil lawsuit or administrative penalty assessment for the violations cited in the Orders or for any other violations.

If you have any questions relating to technical issues raised in the Orders, please contact Mr. Kenneth Champagne at (406) 457-5025 or by email at champagne.kenneth@epa.gov. Any questions from counsel for the City should be directed to Ms. Peggy Livingston, Senior Assistant Regional Counsel, at (303) 312-6858 or by email at livingston.peggy@epa.gov. Thank you for your attention to this matter.

Sincerely,



Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

Enclosures

1. Ronan Wastewater Treatment Facility - Findings of Violation and Order for Compliance
2. Ronan Water Treatment Plant - Findings of Violation and Order for Compliance
3. Small Business Regulatory Enforcement and Fairness Act Information Sheet

cc: The Honorable Ron Trahan Chairman, CSKT
Wilhelmina Keenan, Environmental Director, CSKT (email)
Evan Smith, Water Quality Regulatory Specialist, CSKT (email)

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaa/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline

to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

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IN THE MATTER OF:)
)
The City of Ronan, Montana)
)
)
Respondent.)

ADMINISTRATIVE ORDER
Docket No. **CWA-08-2019-0007**

AUTHORITY

1. This Administrative Order (Order) is issued to the City of Ronan, Montana (Respondent) under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 309(a)(3) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(3), as delegated to the undersigned official.

STATUTORY AND REGULATORY BACKGROUND

2. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. 33 U.S.C. § 1251(a).
3. The CWA prohibits any person from discharging any pollutant, unless authorized by certain other provisions of the CWA. 33 U.S.C. § 1311(a).
4. The EPA may issue permits authorizing discharges of pollutants, subject to terms and conditions. Permits issued under section 402 of the CWA, 33 U.S.C. § 1342, are known as National Pollutant Discharge Elimination System (NPDES) permits.

FINDINGS

5. Respondent is a "municipality" as defined by section 502(4) of the CWA, 33 U.S.C. § 1362(4), and 40 C.F.R. § 122.2.

6. Respondent is a “person” as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
7. Respondent owns and operates the City of Ronan Wastewater Treatment Facility (Facility) located within the exterior boundaries of the Flathead Indian Reservation (Reservation) in Montana.
8. The Facility discharges wastewater into an unnamed tributary to Crow Creek, which flows to Crow Creek, which flows southwest into the Flathead River. The unnamed tributary of Crow Creek and Crow Creek are relatively permanent waters. The Flathead River is a traditionally navigable water.
9. The Flathead River and each tributary referenced in paragraph 8, above, constitute “waters of the United States” within the meaning of 40 C.F.R. § 122.2 and, therefore, are “navigable waters” as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
10. The wastewater referenced in paragraph 8, above, is a “pollutant” as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
11. The discharge referenced in paragraph 8, above, is from the Facility.
12. The Facility includes at least one outfall that is a “point source” as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
13. The discharge referenced in paragraph 8, above, constitutes the “discharge of a pollutant” as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
14. The EPA authorized Respondent to discharge pollutants from the Facility to an unnamed tributary to Crow Creek referenced in paragraph 8 under EPA Region 8 NPDES Permit No.

MT0021474 to the City of Ronan (the Permit), in accordance with the conditions set forth in the Permit, effective July 1, 2013.

15. On September 27, 2017, EPA sent Respondent notice of the upcoming NPDES permit expiration date and enclosed NPDES permit application including Form 1 and Form 2A.
16. The Permit expired June 30, 2018.
17. On July 30, 2019, EPA Inspectors (Inspectors) conducted an inspection of the Facility, during which the Inspectors interviewed Facility personnel, made field observations, performed a document review, and reviewed compliance information from the EPA's Integrated Compliance Information System.
18. During the July 30, 2019 inspection at the Facility, the Inspectors observed that the Facility was discharging wastewater into the unnamed tributary of Crow Creek, as described in paragraph 8, above.
19. For extending coverage following the expiration, Part 4.4 of the Permit provides, "If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit."
20. In addition, for extending coverage following the expiration of a permit, 40 C.F.R. § 122.21(d)(2) requires a permittee to submit a new application 180 days before an existing permit expires, absent permission from the EPA Regional Administrator to apply later.
21. Respondent has not obtained permission from the EPA Regional Administrator to apply for a permit later than 180 days prior to the expiration of the Permit.

22. Respondent did not submit a timely permit application, 180 days prior to the expiration date of June 30, 2018.
23. On October 17, 2018, EPA notified Respondent that it was currently discharging without a permit and enclosed NPDES permit applications, Form 1 and Form 2A.
24. Respondent submitted a permit application after the permit expiration date of June 30, 2018. The submitted permit application was untimely and incomplete.
25. On October 29, 2018, EPA notified Respondent that its permit application was incomplete: Respondent had submitted Form 1, but had not submitted Form 2A.
26. Respondent has not updated its incomplete permit application.
27. Each day on which Respondent has discharged pollutants from the Facility since the permit expiration date of June 30, 2018, constitutes a violation of section 301(a) of the CWA.

ORDER

28. Respondent shall:
 - a. Immediately cease discharge of pollutants from the Facility and provide a report to the EPA within 10 days after the effective date of this Order (see paragraph 39, below). The report shall contain the date the discharge ceased and a photograph of the former discharge location showing no remaining discharge. If discharges do not cease immediately, the report shall specify the reason(s). The report shall include a signed certification as required by paragraph 32, below.
 - b. No later than 30 days after the effective date of this Order (see paragraph 39, below), Respondent shall submit to the EPA a complete application for a permit for any anticipated discharge. The application shall include both (1) NPDES

Application Form 1: General Information and (2) NPDES Application Form 2A: New and Existing Publicly Owned Treatment Works. Both forms may be accessed at: <https://www.epa.gov/npdes/npdes-applications-and-forms>.

29. Within 15 days of receiving this Order, Respondent shall provide to the EPA a plan and schedule describing how Respondent will prevent unpermitted discharges of wastewater and provide treatment for any future discharge. Any plan to provide wastewater treatment will include a plan for treatment of, at a minimum, Biochemical Oxygen Demand (including Percent Biochemical Oxygen Demand Removal), Total Suspended Solids, Percent Total Suspended Solids Removal, E. coli, and Ammonia Nitrogen per Part 1.3.1. of the Permit, and provide the expected concentration of the pollutants upon any discharge. Respondent may seek assistance from any contractor, consultant, or federal agency other than the EPA to design, fund, and/or perform any work included in developing or implementing any such plans but remains solely liable for complying with this Order. The EPA may require modifications to any such schedule.
30. Upon the effective date of any NPDES permit issued for discharges from the Facility, Respondent shall comply with all requirements of that permit.
31. All notices and reports to the EPA required by this Order shall be submitted to:

Kenneth Champagne
U.S. EPA Region 8
Montana Operations Office
10 West 15th Street, Suite 3200
Helena, Montana 59626
32. All reports and information required by this Order shall include the following certification statement, signed and dated by a duly authorized representative of Respondent:

I hereby certify under penalty of law 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 responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

GENERAL PROVISIONS

33. Respondent shall fully implement each requirement of this Order. Any failure by Respondent to implement all requirements of this Order in the manner and time period required shall be deemed a violation of this Order and may subject Respondent to penalties as provided under section 309 of the CWA, 33 U.S.C. § 1319 as described in paragraph 34, below.
34. Violation of this Order, the CWA, or any permit condition or limitation implementing section 301, 302, 306, 307, 308, 318, or 405 of the CWA may subject Respondent to a civil penalty of up to \$54,833 per day for each violation, a court injunction requiring compliance, or both. 33 U.S.C. § 309; 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 19, 2019).
35. This Order does not constitute a permit authorizing any discharge of a pollutant.
36. This Order does not constitute a waiver, suspension, or modification of any requirement of the CWA, any regulation implementing the CWA, or any permit.
37. Nothing in this Order shall be construed to preclude further action by the EPA under section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order. Nor shall this Order shall relieve Respondent from responsibilities, liabilities, or penalties established or authorized pursuant to any applicable law or regulation.

38. Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

39. This Order shall be effective upon receipt by Respondent.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 9/5/19



Suzanne J. Bohan, Director
Enforcement and Compliance
Assurance Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 5, 2019, a copy of the preceding Administrative Order was transmitted by certified mail, return receipt requested to:

The Honorable Kim Aipperspach
Mayor, City of Ronan
207 Main Street, SW, Suite A
Ronan, Montana 59864

Certified Mail No. 7009 3410 0000 2596 1663

By: Joan Detty
Date: 9/5/19

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2019 SEP -5 PM 2: 44

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IN THE MATTER OF:)
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The City of Ronan, Montana)
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Respondent.)

ADMINISTRATIVE ORDER

Docket No. **CWA-08-2019-0008**

AUTHORITY

1. This Administrative Order (Order) is issued to the City of Ronan, Montana (Respondent) under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 309(a)(3) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(3), as delegated to the undersigned official.

STATUTORY AND REGULATORY BACKGROUND

2. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. 33 U.S.C. § 1251(a).
3. The CWA prohibits any person from discharging any pollutant, unless authorized by certain other provisions of the CWA. 33 U.S.C. § 1311(a).
4. The EPA may issue permits authorizing discharges of pollutants, subject to terms and conditions. Permits issued under section 402 of the CWA, 33 U.S.C. § 1342, are known as National Pollutant Discharge Elimination System (NPDES) permits.

FINDINGS

5. Respondent is a "municipality" as defined by section 502(4) of the CWA, 33 U.S.C. § 1362(4), and 40 C.F.R. § 122.2.

6. Respondent is a “person” as defined in section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
7. Respondent owns the City of Ronan Water Treatment Plant (Facility) located within the exterior boundaries of the Flathead Indian Reservation (Reservation).
8. The Facility discharges wastewater into Pablo Feeder Canal, which flows into an unnamed tributary of Middle Crow Creek, and into Middle Crow Creek, which flows southwest into the Flathead River. Pablo Feeder Canal, the unnamed tributary of Middle Crow Creek, and Middle Crow Creek are relatively permanent waters. The Flathead River is a traditionally navigable water.
9. The Flathead River and each tributary referenced in paragraph 8, above, constitute “waters of the United States” within the meaning of 40 C.F.R. § 122.2 and, therefore, are “navigable waters” as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7).
10. The wastewater referenced in paragraph 8, above, is a “pollutant” as defined in section 502(6) of the CWA, 33 U.S.C. § 1362(6).
11. The discharge referenced in paragraph 8, above, is from the Facility.
12. The Facility includes at least one outfall that is a “point source” as defined in section 502(14) of the CWA, 33 U.S.C. § 1362(14).
13. The discharge referenced in paragraph 8, above, constitutes the “discharge of a pollutant” as defined in section 502(12) of the CWA, 33 U.S.C. § 1362(12).
14. The EPA authorized Respondent to discharge pollutants from the Facility into the Pablo Feeder Canal under EPA Region 8 NPDES No. MT0030821 (the Permit), in accordance with the conditions set forth in the Permit, effective September 1, 2012.

15. On December 13, 2016, the EPA sent Respondent notice of the upcoming NPDES permit expiration date and enclosed NPDES permit application, including Form 1 and Form 2C.
16. The Permit expired August 31, 2017.
17. On July 30, 2019, EPA Inspectors (Inspectors) conducted an inspection of the Facility, during which the Inspectors interviewed Facility personnel, made field observations, performed a document review, and reviewed compliance information from the EPA's Integrated Compliance Information System.
18. During the July 30, 2019 inspection at the Facility, the Inspectors observed that the Facility was not operating. Facility personnel informed the Inspectors that the Facility was shut down in approximately December 2018 due to mechanical issues. Prior to the shutdown in December 2018, the Facility was discharging wastewater into Pablo Feeder Canal.
19. For extending coverage following the expiration, Part 4.4 of the Permit provides, "If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit."
20. In addition, for extending coverage following the expiration of a permit, 40 C.F.R. § 122.21(d)(2) requires a permittee to submit a new application 180 days before an existing permit expires, absent permission from the EPA Regional Administrator to apply later.
21. Respondent has not obtained permission from the EPA Regional Administrator to apply for a permit later than 180 days prior to the expiration of the Permit.
22. Respondent has not applied for a renewal of the Permit.

23. Each day on which Respondent has discharged pollutants from the Facility since the permit expiration date of August 31, 2017, constitutes a violation of section 301(a) of the CWA.

ORDER

24. Respondent shall:
- a. Immediately cease discharge of pollutants from the Facility and provide a report to the EPA within 10 days after the effective date of this Order (see paragraph 35, below). The report shall contain the date the discharge ceased and a photograph of the former discharge location showing no remaining discharge. If discharges do not cease immediately, the report shall specify the reason(s). The report shall include a signed certification as required by paragraph 28, below.
 - b. No later than 30 days after the effective date of this Order (see paragraph 35, below), Respondent shall submit to the EPA a complete application for a permit for any anticipated discharge from the Facility. The application shall include both (1) NPDES Application Form 1: General Information and (2) NPDES Application From 2C: Existing Manufacturing, Commercial, Mining, and Silvicultural Operations. Both forms may be accessed at: <https://www.epa.gov/npdes/npdes-applications-and-forms>.
25. Within 15 days of receiving this Order, Respondent shall provide to the EPA a plan and schedule describing how Respondent will prevent unpermitted discharges of wastewater and provide treatment for any future discharge. Any plan to provide wastewater treatment will include a plan for treatment of, at a minimum, Total Suspended Solids and Oil and Grease per Part 1.3.1. of the Permit and provide the expected concentration of the

pollutants upon any discharge. Respondent may seek assistance from any contractor, consultant, or federal agency other than the EPA to design, fund, and/or perform any work included in developing or implementing any such plans but remains solely liable for complying with this Order. The EPA may require modifications to any such schedule.

26. Upon the effective date of any NPDES permit issued for discharges from the Facility, Respondent shall comply with all requirements of that permit.

27. All notices and reports to the EPA required by this Order shall be submitted to:

Kenneth Champagne
U.S. EPA Region 8
Montana Operations Office
10 West 15th Street, Suite 3200
Helena, Montana 59626

28. All reports and information required by this Order shall include the following certification statement, signed and dated by a duly authorized representative of Respondent:

I hereby certify under penalty of law 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 responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

GENERAL PROVISIONS

29. Respondent shall fully implement each requirement of this Order. Any failure by Respondent to implement all requirements of this Order in the manner and time period required shall be deemed a violation of this Order and may subject Respondent to penalties as provided under section 309 of the CWA, 33 U.S.C. § 1319 and as described in paragraph 30, below.

30. Violation of this Order, the CWA, or any permit condition or limitation implementing section 301, 302, 306, 307, 308, 318, or 405 of the CWA may subject Respondent to a civil penalty of up to \$54,833 per day for each violation, a court injunction requiring compliance, or both. 33 U.S.C. § 309; 40 C.F.R. part 19; 84 Fed. Reg. 2056, 2059 (February 6, 2019) and 84 Fed. Reg. 5955 (February 19, 2019).
31. This Order does not constitute a permit authorizing any discharge of a pollutant.
32. This Order does not constitute a waiver, suspension, or modification of any requirement of the CWA, any regulation implementing the CWA, or any permit.
33. Nothing in this Order shall be construed to preclude further action by the EPA under section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order. Nor shall this Order shall relieve Respondent from responsibilities, liabilities, or penalties established or authorized pursuant to any applicable law or regulation.
34. Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
35. This Order shall be effective upon receipt by Respondent.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 9/5/19



Suzanne J. Bohan, Director
Enforcement and Compliance
Assurance Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 5, 2019, a copy of the preceding Administrative Order was transmitted by certified mail, return receipt requested to:

The Honorable Kim Aipperspach
Mayor, City of Ronan
207 Main Street, SW, Suite A
Ronan, Montana 59864
Certified Mail No. 7009 3410 0000 2596 1663

By: JOAN Dethy
Date: 9/5/19