

Expedited Settlement Offer Worksheet Violations Form For Wastewater

Version 1 (updated June 2025)

Consult instructions regarding eligibility criteria and procedures prior to use.



FILED

Nov 20, 2025

5:14 pm

**U.S. EPA REGION 8
HEARING CLERK**

LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY		NPDES Permit Number			
1	City of Cut Bank 221 West Main Street Cut Bank, Montana 59427	Permit Effective Date: February 7, 2022 Permit Expiration Date: June 30, 2024 (Administratively Extended)			
LOCATION AND ADDRESS OF FACILITY		EPA Contact Name: Lisa-kay Prideaux EPA Contact Title: NPDES Enforcement EPA Office: R8-Montana			
2	Water Treatment Plant 82 Pendergrass Road Cut Bank, Montana 59427 Latitude: 48.642222°N; Longitude: 112.344722°W				
FACILITY DESCRIPTION / CONTACT NAMES					
3		Name of Facility Contact (ESO Worksheet recipient): Vince Burley Name of Authorized Official (40 CFR 122.22): Mayor Kim Winchell Are any findings a result of an inspection? Yes Inspection Date(s) (if applicable): 05/14/2025 Name of Receiving Water Body (Indicate whether 303(d) listed): Cut Bank Creek			
PRIVATE ENTITY ADJUSTMENT FACTOR					
4	Is the entity privately owned (i.e., not municipal)?	If yes, adjustment factor of 2.0 is applied.	No		1.0
FLOW ADJUSTMENT FACTOR					
5	Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGD). If a facility discharges only on a periodic basis, do <u>not</u> include days with zero flow when calculating the average flow:				
	A <0.050 mgd (no adjustment is applied)	No adjustment factor is applied.	X		0.0

	B	≥0.050 mgd and <0.250 mgd	Adjustment factor of 1.5 is applied.			
	C	≥0.250 mgd and <1 mgd	Adjustment factor of 3.0 is applied.			
	D	≥1 mgd and <5 mgd	Adjustment factor of 6.0 is applied.			
	E	≥5 mgd and <10 mgd	Adjustment factor of 10.0 is applied.			
	F	≥10 mgd and <50 mgd	Adjustment factor of 15.0 is applied.			
	G	≥50 mgd	Adjustment factor of 20.0 is applied.			
REPEAT VIOLATOR ADJUSTMENT FACTOR						
6	A	How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	For each enforcement action, adjustment factor is increased 50%.	0		1.0
				TOTAL ADJUSTMENT FACTOR		1.00

Notes: * RCA = Requires Corrective Action

		Violation(s) / Corrective Action(s)	CWA / Permit Citation	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total	
MONITORING / REPORTING		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
7	Failure to submit compliance schedule report:							
A	Late but less than 30 days late					\$50	=	
B	Submitted more than 30 days late					\$75	=	
C	Not submitted					\$150	=	
8	Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring:	Quarterly discharge monitoring reports (DMRs) for the timeframe of August 1, 2023,through May 14, 2025 (date of inspection), were not submitted . In addition, the facility has not submitted annual reports for the years 2023, and 2024. CORRECTIVE ACTION: submit all past DMRs and missing annual reports.	Part 3, Part 4.4, and Part 5.1 of the General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country					
A	DMR late but less than 30 days late					\$50	=	
B	DMR submitted more than 30 days late					\$75	=	
C	DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)			Yes	10	\$75	=	\$750
D	DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants (count each toxic pollutant not reported or not sampled as a violation)					\$75	=	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)					\$25	=	
10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):							
A	Late but less than 30 days late					\$50	=	
B	Submitted more than 30 days late					\$75	=	

	C	Not submitted				\$150	=	
11		24-Hour Noncompliance Notice						
	A	Failure to provide notice of noncompliance				\$75	=	
	B	Noncompliance notice late				\$50	=	
12		5-Day Written Noncompliance Follow-up Report:						
	A	Failure to provide report				\$75	=	
	B	Report provided late and/or incomplete				\$50	=	
13		Noncompliance Not Required Within 24 Hours:						
	A	Failure to provide report with DMR				\$25	=	
	B	Report provided late and/or incomplete				\$10	=	
Subtotal Monitoring / Reporting Violations								\$750

OPERATIONS AND MAINTENANCE		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.					
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)					\$40	=
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)	The May 14, 2025 inspection observed a timeframe of April 1, 2024 though June 30, 2024. Weekly self inspections were not documented, and have continued to not be documented through to the inspection on May 14, 2025. CORRECTIVE ACTION: submit a blank facility inspection form showing the elements for evaluation.	Parts 4.7, 5.1, 5.5.1, 5.5.2, and 5.5.3 of the General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country	Yes	13	\$20	= \$260
16	Failure to identify and document corrective actions					\$20	=
17	Failure to meet operation and maintenance requirement of the permit					\$100	=
18	Failure to manage removed substances in accordance with the permit					\$250	=
Subtotal Operations and Maintenance Violations							\$260
EFFLUENT LIMITATIONS		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.					
19	Failure to meet effluent limitations:						
A	Months with effluent exceedance less than 40% above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)					\$50	=
B	Months with effluent exceedance 40% or more above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)					\$75	=
C	Months with effluent exceedance less than 20% above the limit - toxic pollutants (count each toxic pollutant separately as a violation)					\$100	=

	E	Months with effluent exceedance 20% or more above the limit - toxic pollutants (count each toxic pollutant separately as a violation)					\$200	=	
Subtotal Effluent Limitations Violations									\$0
	RECORDS		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.						
20		Failure to create/maintain sampling and/or analysis records (count each month with one or more failure)					\$40	=	
21		Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22)					\$25	=	
Subtotal Records Violations									\$0
	EPA/STATE CONTROLLED INDUSTRIAL USERS		ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer.						
22		Industrial user's discharge to a POTW that contributed to interference with its operations, or pass-through of treatment without stream impacts (General Prohibition, duration <= 7 days)		40 CFR 403.5(a)	Yes		\$8,600	=	
23		Industrial user's discharge to a POTW that violated one or more national Specific Prohibitions, elevating risks, but without realizing the stated impacts.		40 CFR 403.5(b)	Yes		\$7,500	=	
24		Significant Industrial User discharging categorical wastewater to a POTW without all pretreatment equipment necessary to meet applicable standards fully installed and in operating condition (duration <= 90 days).		40 CFR 403.6(b)	Yes		\$710	=	
25		Unauthorized dilution of a discharge by an Industrial User to meet standards in lieu of operating adequate pretreatment equipment (unwillful violation; duration <= 90 days).		40 CFR 403.6(d)			\$700	=	
26		Significant Industrial User's discharge to a POTW without a valid/current individual control mechanism, and no negative impacts yet to the POTW or its receiving stream (duration <= 90 days).		40 CFR 403.10(e); 403.8(f)(1)(iii)			\$700	=	

27	Any Industrial User's discharge exceeding or otherwise failing applicable pretreatment standards or requirements (other than 403.5(a/b)), and qualifying as industrial user SNC.		40 CFR 403.10(e); 403.8(f)(2)(iv)/(v); 403.8(f)(2)(viii)			\$250	
28	Significant Industrial User's discharge exceeding or otherwise failing applicable pretreatment standards or requirements (other than 403.5(a/b)), but not qualifying as industrial user SNC.		40 CFR 403.10(e); 403.8(f)(2)(iv)/(v); 403.8(f)(2)(viii)			\$150	
29	Non-Significant Industrial User's discharge exceeding or otherwise failing applicable pretreatment standards or requirements (other than 403.5(a/b)), but not qualifying as industrial user SNC.		40 CFR 403.10(e); 403.8(f)(2)(iv)/(v); 403.8(f)(2)(viii)			\$100	
30	Categorical Industrial User's failure to submit a complete 403.12(b) report (and/or equivalent permit application content as control authority may allow) at least 90 days prior to commencing discharge to a POTW.		40 CFR 403.10(e); 403.8(f)(2)(iv); 403.12(b)			\$200	
31	Categorical Industrial User's failure to submit a complete 403.12(d) report (and/or equivalent permit report as may be required by control authority) at least 90 days after commencing discharge to a POTW.		40 CFR 403.10(e); 403.8(f)(2)(iv); 403.12(d)			\$200	
32	Categorical Industrial User's submission of late or incomplete 403.12(e) periodic reports due in July and December (or as more frequently required by control authority).		40 CFR 403.10(e); 403.8(f)(2)(iv); 403.12(e)			\$200	
33	Any Industrial User's failure to self-monitor as required, or follow required procedures for valid collection/analyses.		40 CFR 403.10(e); 403.8(f)(2)(iv); 403.12			\$200	
34	Any Industrial User's failure to timely submit required notifications.		40 CFR 403.10(e); 403.8(f)(2)(iv); 403.12			\$100	
Subtotal Records Violations						\$0	
ECONOMIC BENEFIT ESTIMATE							
ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer.							
24	Enter total estimate economic benefit calculated rounded up to the nearest \$50			ESA eligible			
Total Expedited Settlement						\$1,010	