

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2017 SEP 26 PM 2:03

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EPA REGION VIII
HEARING CLERK

IN THE MATTER OF: The City of Billings, Montana, Respondent. NPDES Permit No. MT0022586	Docket No. CWA-08-2017-0025 ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT Proceeding under Section 309(a)(3) of the Clean Water Act, 33 U.S.C. § 1319(a)(3)
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INTRODUCTION

1. This Administrative Order for Compliance on Consent (Consent Order) is entered into voluntarily by the City of Billings, Montana (Respondent) and the United States Environmental Protection Agency (EPA). The EPA has authority to issue this Consent Order pursuant to section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3), which authorizes the EPA to issue an order requiring compliance by a person found to be in violation of certain provisions of the Act.
2. The Findings of Fact and of Violation (Findings) in paragraph numbers 20 through 128, below, are made solely by the EPA. In signing this Consent Order, the Respondent neither admits nor denies the Findings. Without any admission of liability, the Respondent consents to issuance of this Consent Order and agrees to abide by all of its conditions. The Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review the Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. The Respondent further agrees not to challenge the jurisdiction of the EPA or any of the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

STATUTORY AND REGULATORY BACKGROUND

The NPDES Program

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters, except as in compliance with other sections of the Act, including section 402, 33 U.S.C. § 1342, which allows discharges authorized by National Pollutant Discharge Elimination System (NPDES) permits.
4. The Act defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
5. The Act defines “pollutant” to include “sewage . . . chemical wastes, biological materials . . . and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
6. The Act defines “navigable waters” as the “waters of the United States.” 33 U.S.C. § 1362(7).
7. “Waters of the United States” are defined in 40 C.F.R. § 122.2.
8. The Act defines “point source” to include any “discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure [or] container . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
9. The EPA, and states with NPDES programs approved by the EPA, may issue NPDES permits that authorize discharges of pollutants into waters of the United States, subject to conditions and limitations set forth in such permits. 33 U.S.C. § 1342.
10. Among the types of dischargers that can receive NPDES permits authorizing pollutants to be discharged into waters of the United States are publicly owned treatment works, or POTWs. The term “POTW” encompasses a treatment works itself and a municipality with jurisdiction over discharges to and from such a treatment works. 40 C.F.R. § 403.3(q).

The EPA's Pretreatment Program

11. Pollutants from non-domestic sources that are introduced to a POTW are subject to the EPA's pretreatment regulations at 40 C.F.R. chapter I, subchapter N, parts 400 through 471 (the Pretreatment Regulations) and section 307 of the Act, 33 U.S.C. § 1317.
12. Non-domestic sources that introduce pollutants to POTWs are known as "Industrial Users" or "IUs," as defined in 40 C.F.R. § 403.3(j).
13. The introduction of pollutants from an IU to a POTW is known as "Indirect Discharge" or "Discharge," as defined in 40 C.F.R. § 403.3(i). Unless otherwise stated, any reference to a "discharge" in this Consent Order shall be the introduction of pollutants to a POTW, as distinguished from the POTW's discharge of pollutants to waters of the United States.
14. The Pretreatment Regulations include regulations containing pollutant discharge limits, known as Pretreatment Standards. 40 C.F.R. § 403.3(l). Other requirements relating to pretreatment are known as Pretreatment Requirements. 40 C.F.R. § 403.3(t).
15. The Pretreatment Regulations distinguish between categorical and non-categorical dischargers. Categorical dischargers are IUs in specific industrial categories for which the EPA has promulgated industry-specific regulations in 40 C.F.R. parts 405-471. Dischargers not covered by any of these specific categories are known as non-categorical dischargers.
16. According to 40 C.F.R. § 403.3(v), an IU is a "Significant Industrial User" or "SIU" if, among other things,
 - it is subject to the EPA's categorical pretreatment standards under 40 C.F.R. § 403.6 and 40 C.F.R. chapter I, subchapter N, and is, therefore, a categorical industrial user, or CIU;
 - it discharges an average of at least 25,000 gallons per day of wastewater other than sanitary, non-contact cooling water, or boiler blowdown water to a POTW; or

- it is designated by an appropriate authority as an SIU on the basis of having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
17. The Pretreatment Regulations require certain POTWs to establish approved pretreatment programs. An NPDES permit issued to a POTW must, among other things, incorporate the requirements of the POTW's pretreatment program. 40 C.F.R. §§ 122.44(j) and 403.8(c).
18. According to 40 C.F.R. § 403.8, a POTW with an approved pretreatment program must develop and implement procedures to ensure compliance with its pretreatment program. These procedures must ensure that the POTW is able, among other things:
- to operate pursuant to enforceable legal authority that authorizes or enables the POTW to apply and to enforce the requirements of sections 307(b) and (c) and 402(b)(8) of the Act and any regulations implementing those sections,
 - to identify IUs that may be subject to the pretreatment program,
 - to identify the character and volume of pollutants contributed to the POTW by these IUs,
 - to issue permits, orders, or other control mechanisms to control Indirect Discharges by SIUs, which include specific information required by 40 C.F.R. § 403.8(f)(1)(iii),
 - to evaluate SIUs for the need to develop a plan or other actions to control Slug Discharges, as defined in 40 C.F.R. § 403.8(f)(2)(vi),
 - to receive and analyze the self-monitoring reports and other notices that 40 C.F.R. § 403.12 requires IUs to submit,
 - to investigate instances of noncompliance by IUs with Pretreatment Standards and Requirements and to perform sampling and inspections with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions,
 - to sample the effluent from SIUs at least once a year,

- to develop and implement a procedure to evaluate and provide annual public notices of any Significant Non-Compliance (SNC), as defined in 40 C.F.R. § 403.8(f)(2)(viii), by any IUs,
- to develop specific limits, known as “local limits,” to ensure that IUs comply with the prohibitions in 40 C.F.R. § 403.5(a) and (b),
- to develop and implement an enforcement response plan for investigating and responding to instances of noncompliance by IUs, and
- to have sufficient resources and qualified personnel to carry out its authorities and procedures.

19. Permits that POTWs issue to IUs or SIUs to authorize discharges of pollutants to POTWs are known as “IU permits” or “SIU permits,” respectively. These are collectively referred to by the Respondent as “Industrial Waste Discharge Permits.”

FINDINGS OF FACT AND OF VIOLATION

The following findings apply at all times relevant to this proceeding. For simplicity, any references to requirements or violations of any permit are for dates when those permits are or were in effect, even if this Consent Order uses the present tense.

The Respondent’s POTW

20. The Respondent is a “municipality” as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4), and a “person” as defined by section 502(5) of the Act, 33 U.S.C. § 1362(5).
21. The Respondent owns and operates a wastewater treatment plant (WWTP) located at 725 Highway 87 East, Billings, Montana.
22. The WWTP discharges treated wastewater into the Yellowstone River.
23. The Yellowstone River is an interstate water. The Yellowstone River is a navigable-in-fact water.

24. The Yellowstone River is a “water of the United States” as defined in 40 C.F.R. § 122.2 and a “navigable water” as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7).
25. The WWTP and the sewers, pipes, and other conveyances leading to it are part of the Respondent’s POTW.
26. As a municipality with jurisdiction over discharges to and from its treatment works, the Respondent itself is a “POTW” as defined in 40 C.F.R. §§ 122.2 and 403.3(q).
27. Unless otherwise stated, any references to “the POTW” below in this Consent Order shall mean the POTW that is owned and operated by the Respondent, or the Respondent itself, as the context requires.
28. The SIUs that discharge to the POTW include the following SIUs:
- Industrial Coatings Solutions, LLC (ICS), which performs iron phosphating, a core process subject to the Metal Finishing Point Source Category regulations in 40 C.F.R. part 433 and, therefore, a CIU,
 - Apex Manufacturing Services (Apex), which is also a metal finisher subject to 40 C.F.R. part 433 and, therefore, a CIU, and
 - Phillips 66, which is a refinery subject to the Petroleum Refining Point Source Category in 40 C.F.R. part 419 and, therefore, a CIU.
29. Other IUs that discharge to the POTW include Cummins Rocky Mountain, Wajax Limited (Wajax), Baker Commodities (Baker), Aspen Air Corporation (Aspen Air), and Powderkote Unlimited.

The Respondent’s NPDES Permit

30. The State of Montana issued NPDES Permit Number MT0022586 (the 2006 NPDES Permit) to the Respondent, effective November 1, 2006, and expiring October 31, 2011. The 2006 NPDES

Permit was automatically extended until April 1, 2015, in accordance with section 17.30.1313 of the Administrative Rules of Montana.

31. The State of Montana issued NPDES Permit Number MT0022586 (the 2015 NPDES Permit) to the Respondent, effective April 1, 2015, and expiring March 31, 2020.
32. The 2006 and 2015 NPDES Permits authorize the Respondent to discharge from the WWTP into the Yellowstone River.
33. The State of Montana is an “NPDES State,” because the EPA has approved the State of Montana’s NPDES program pursuant to section 402(b) of the Act, 42 U.S.C. § 1342(b).
34. The State of Montana has not sought or received approval for a pretreatment program from the EPA. Therefore, at all times relevant to this Consent Order, the EPA has been the “Approval Authority” as defined in 40 C.F.R. § 403.3(c).
35. The 2006 and 2015 NPDES Permits require the Respondent to develop, implement, document, and enforce an industrial pretreatment program in accordance with the Pretreatment Regulations. Part I.E of the 2006 and 2015 NPDES Permits.
36. The EPA approved the Respondent’s pretreatment program on February 13, 1986, at which time the Respondent became the “Control Authority” as defined in 40 C.F.R. § 403.3(f). The program as approved by the EPA on February 13, 1986, and subsequently modified (most recently on August 30, 2017) will be referenced in this Consent Order as the Pretreatment Program.
37. The Respondent has enacted pretreatment provisions in its municipal code (the Municipal Code), which the EPA approved as part of the Pretreatment Program.

The EPA’s 2013 Pretreatment Audit

38. On August 12 and 13, 2013, the EPA conducted a Pretreatment Audit (2013 Audit) of the Pretreatment Program. The EPA mailed a report of the 2013 Audit to the Respondent on November 25, 2013.

The EPA's 2015 Pretreatment Compliance Inspection

39. On May 4, 5, and 6, 2015, the EPA conducted a Pretreatment Compliance Inspection (2015 PCI) of the Pretreatment Program. The EPA mailed a report of the 2015 PCI to the Respondent on January 21, 2016.
40. As part of the 2015 PCI, the EPA reviewed the Respondent's files for the following IUs: ICS, Apex, Phillips 66, Cummins Rocky Mountain, Wajax, Baker, and Aspen Air.
41. As part of the 2015 PCI, the EPA visited Powderkote Unlimited, an unpermitted IU.

Count I: Failure to Identify and Locate All Possible IUs Subject to Pretreatment Program and to Characterize IUs' Waste

42. The Respondent is required to develop and implement a procedure to identify and locate all possible IUs that might be subject to the Pretreatment Program, to identify the character and volume of pollutants contributed to the POTW by the IUs that it has identified, and to make this information, including any inventory of IUs, available to the EPA Regional Administrator upon request. 40 C.F.R. § 403.8(f)(2)(i) and (ii). The Respondent is also required to prepare and maintain a list of those IUs that meet the criteria for classification as SIUs under 40 C.F.R. § 403.3(v)(1).
43. The 2006 and 2015 NPDES Permits require the Respondent to update information on IUs "at a minimum of once per year or at that frequency necessary to ensure that all IUs are properly permitted and/or controlled," and to maintain and update this information as necessary. Part I.E.1.a of the 2006 and 2015 NPDES Permits.
44. The 2013 Audit found that the Respondent's IU inventory did not include information that characterized IUs. Furthermore, the Respondent's IU inventory did not appear to include IUs located in the City of Lockwood service area.

45. The 2015 PCI found that the Respondent did not have an adequate, written procedure to identify and locate all IUs that may be subject to the Pretreatment Program or to classify the IUs to determine whether Pretreatment Regulations and Standards apply. In addition, the Respondent had no list of which IUs had been evaluated.
46. The Respondent's failures to identify and locate all possible IUs that might be subject to the Pretreatment Program and to identify the character and volume of pollutants contributed to the POTW by IUs violate 40 C.F.R. § 403.8(f)(2)(i) and (ii).
47. The Respondent's failure to update its IU information at a minimum of once per year (or at a frequency necessary to ensure that all IUs are properly permitted and/or controlled) violates part I.E.1.a of the 2006 and 2015 NPDES Permits.

Count II: Failure to Update Local Limits

48. The Respondent is required to develop specific local limits on discharges to the POTW and to continue to develop these limits as necessary. 40 C.F.R. §§ 403.5(c) and 403.8(f)(4).
49. The Respondent most recently updated its local limits and the corresponding provisions of its ordinance in 2013. The EPA approved this modification to the Pretreatment Program on July 11, 2013. However, the EPA's approval indicated that the Respondent would need to conduct a re-evaluation of its local limits after the Phillips 66 refinery started discharging to the POTW and in accordance with the terms of the upcoming renewal of the NPDES permit then held by the Respondent.
50. Part I.E.2 of the 2015 NPDES Permit states, "In accordance with EPA policy and with the requirements of 40 C.F.R. sections 403.8(f)(4) and 403.5(c), the [Respondent] shall determine if existing technically based local limits are adequate to implement the general and specific prohibitions of 40 C.F.R. sections 403.5(a) and (b) ... Where the [Respondent] determines that revised or new local limits are necessary, the [Respondent] shall submit the proposed local limits

to the EPA in approvable form based upon the findings of the technical evaluation within two-hundred and seventy (270) days from the effective date of this permit.” The effective date of the 2015 NPDES Permit was April 1, 2015, making the submittal deadline December 27, 2015.

51. In the reports of its 2013 Audit and 2015 PCI, the EPA requested that the Respondent develop and submit updated local limits to the EPA. During a conference call on November 13, 2015, the EPA and the Respondent discussed the timeframe for the Respondent to complete its technical evaluation of its local limits.
52. On February 28, 2017, the Respondent submitted draft local limits to the EPA. The EPA reviewed the submittal and provided comments to the Respondent on March 10, 2017.
53. The Respondent’s failure to meet the deadline of December 27, 2015, for submitting updated local limits to the EPA violates part I.E.2 of the 2015 NPDES Permit.

Count III: Failure to Operate According to Approved Pretreatment Program

54. The Respondent is required to implement a pretreatment program in accordance with the program it submitted to the EPA and the EPA approved. 40 C.F.R. § 403.8(f)(2) and part I.E.1 of the 2006 and 2015 NPDES Permits.
55. When the EPA approved the Respondent’s local limits on July 11, 2013, as mentioned in paragraph 49, above, the EPA approved maximum allowable industrial loads (MAILs) for arsenic (As) and selenium (Se). These were expressed as mass-based local limits to be allocated among all SIUs. However, Section 26-604(c) of the Municipal Code indicates that each SIU receives the full MAIL for As and Se. Thus, Respondent’s local limits on arsenic and selenium limits as stated in the Municipal Code are inconsistent with the local limits submitted to and approved by the EPA.
56. The change from allocating MAILs among all SIUs to allocating the full MAIL to each SIU constitutes a relaxation of local limits that increases industrial loadings for these pollutants and,

therefore, must be submitted to the EPA as a substantial modification pursuant to 40 C.F.R. § 403.18(b)(2).

57. The Respondent's incorporation of less stringent local limits in its Municipal Code than those that the EPA approved as part of the Pretreatment Program violates 40 C.F.R. § 403.8(f)(2) and part 1.E.1 of the 2006 and 2015 NPDES Permits.

Count IV: Failure to Request EPA Approval of Substantial Modification

58. For any substantial modifications to the Pretreatment Program, the Respondent is required to obtain approval from the EPA. 40 C.F.R. § 403.18 and part I.E.1.h of the 2006 and 2015 NPDES Permits.
59. The Respondent's failure to submit the modification described in paragraph 56, above, to the EPA as a modification to the Pretreatment Program is a violation of 40 C.F.R. § 403.18 and part I.E.1.h of the 2006 and 2015 NPDES Permits.

Count V: Failure to Control SIUs Through Permit, Order, or Similar Means

60. The Respondent is required to control discharges from SIUs through permit, order, or similar means. 40 C.F.R. § 403.8(f)(1)(iii) and part I.E.1.f of the 2006 NPDES Permit.
61. The Respondent implements the requirement referenced in paragraph 60, above, through permits. Section 26-606 (Industrial Discharge Permits) of the Respondent's Municipal Code.
62. For ICS, one of the SIUs described in paragraph 28, above, the Respondent incorrectly determined that the Metal Finishing Standards in 40 C.F.R. part 433 were not applicable. Accordingly, on April 26, 2012, Respondent discontinued an IU permit it had issued to ICS. The report of the 2013 Audit found that the Respondent had incorrectly made this determination and that ICS was discharging to the POTW without authorization. The Respondent re-permitted ICS in October 2013, following the 2013 Audit finding.

63. The Respondent's failure to control the discharges from ICS through a permit or other control mechanism from April 26, 2012, to October 2013, violates 40 C.F.R. § 403.8(f)(1)(iii) and part I.E.1.f of the 2006 NPDES Permit.

Count VI: Failure to Include All Required Elements in SIU Permits

64. As described below, Respondent's IU permits failed to include various required conditions.

Statement of Non-Transferability in SIU Permits

65. In each permit it issues to an SIU, the Respondent is required to include a statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator. 40 C.F.R. § 403.8(f)(1)(iii)(B)(2) and part I.E.1.f.2 of the 2006 and 2015 NPDES Permits.
66. In the ICS and Phillip 66 permits, the Respondent did not require that a copy of the permit be provided to the new owner or operator upon transfer of the permit. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(2) and part I.E.1.f.2 of the 2006 and 2015 NPDES Permits.

Effluent Limits in SIU Permits

67. In each permit it issues to an SIU, the Respondent is required to include effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 C.F.R. part 403, categorical Pretreatment Standards, local limits, and State and local law. 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.
68. The CIU permits that the Respondent issued to Phillips 66 and Apex were issued after the EPA's July 11, 2013 approval of the Respondent's local limits.
69. In the Apex and ICS permits, Respondent did not include any maximum monthly average limits for cyanide (CN) or cadmium (Cd), despite the fact that 40 C.F.R. part 433 establishes limits for these pollutants. This omission is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3

of the 2006 and 2015 NPDES Permits. The Respondent did include a daily maximum limit for these pollutants, based on a local limit in section 26-604(c) of the Municipal Code.

70. In the Apex and ICS permits, the Respondent used direct discharge standards (New source performance standards, or NSPS, in 40 C.F.R. § 433.16), which do not apply to indirect discharges from IUs, instead of indirect discharge standards (pretreatment standards for new sources, or PSNS, in 40 C.F.R. § 433.17), which do apply. As a result, these permits included oil and grease and TSS limitations that were not based on any applicable categorical pretreatment standards or apparently on any other applicable provision. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permit.
71. In the Apex and ICS permits, the Respondent allowed each IU to discharge the entire MAIL for As and Se, which, as indicated in paragraph 56, above, was inconsistent with the MAIL the EPA had approved. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permit.
72. In the Apex and ICS permits, the Respondent did not apply its local limits, which are set forth in section 26-604(c) of the Municipal Code, for chromium VI (Cr VI), mercury (Hg), benzene, toluene, ethylbenzene and xylene (BTEX), methylene chloride, and tetrachloroethene (TCE). This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.
73. In the ICS permit, Respondent included a site-specific upper bound pH limit of 9.0, with no explanation of why the upper limit of 12.5 from section 26-604(b)(2) of the Municipal Code was not used or whether there had been any public notice of the 9.0 limit. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.
74. In the Phillips 66 permit, Respondent applied a TCE limit of 1.60 milligrams per liter (mg/l), with no explanation of why this was different from the value of 1.6 mg/l in section 26-604(c) of the

Municipal Code. The two values are different, because, for example, a reading of 1.64 mg/l could be interpreted as a violation of the 1.60 mg/l limit but not necessarily a violation of the 1.6 mg/l limit. The failure to use the value in the Municipal Code is a violation of 40 C.F.R.

§ 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.

75. The Phillips 66 facility includes a cooling tower. In the Phillips 66 permit, the Respondent failed to include any categorical total chromium limit for indirect discharges from the cooling tower, although 40 C.F.R. part 419 establishes a limit of 1 mg/l for all indirect cooling tower discharges in the petroleum refining category. The omission of a total chromium limit from the Phillips 66 permit is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.
76. In the Phillips 66 permit, the Respondent included limits on flow (1.0 million gallons per day, or mgd) and total nitrogen (100 mg/l). These appeared to be site-specific limitations. The Respondent cited no explanation for these limits. Nor did it indicate that it had promulgated them in accordance with any process involving public notice as required by the Municipal Code. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the NPDES 2006 and 2015 Permits.
77. In the Phillips 66 permit, the Respondent allowed the discharge of groundwater associated with remediation. Discharges of groundwater are not covered by 40 C.F.R. part 419, and there is no indication that the permit limits for discharges of groundwater were derived through a combined wastestream formula. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.E.1.f.3 of the 2006 and 2015 NPDES Permits.

Self-Monitoring and Sampling Requirements in SIU Permits

78. In each permit it issues to an SIU, Respondent is required to include self-monitoring and sampling requirements. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
79. Respondent issued permits that did not reflect the self-monitoring and sampling requirements applicable to IUs. For example:
- (a) the permits the Respondent issued to Apex and ICS stated that no sampling was required for total toxic organics (TTOs), even though there was no indication that either Apex or ICS had provided a certification or solvent management plan that 40 C.F.R. § 433.12 requires in order to allow IUs not to sample for TTOs, and
 - (b) the permit the Respondent issued to Apex did include the requirement from 40 C.F.R. § 403.12(g)(5) and section 26-610(c) of the Municipal Code for addressing situations where no sampling method under 40 C.F.R. part 136 exists.
80. The Respondent's failure to include a sampling requirement for TTOs in the Apex and ICS permits violates 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), 40 C.F.R. § 433.12(a) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
81. The Respondent's failure to include a provision in the Apex permit for sampling not covered by 40 C.F.R. part 136 violates 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), 40 C.F.R. § 433.12(a) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
82. The Respondent issued a permit to Apex that did not require sampling from all rinse tanks and wash tanks that contain regulated wastewater.
83. The Respondent's failure to require sampling from all regulated discharge points in the Apex permit is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.

Sampling Location Requirements in SIU Permits

84. In each permit it issues to an SIU, the Respondent is required to specify sampling locations. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
85. In the Phillips 66 permit, Respondent did not specify where continuous monitoring is to occur for turbidity, flow, pH, and lower explosive limit. Part I.C.4 of the Phillips 66 permit states that specific requirements for supplemental monitoring are specified in the Phillips 66 Monitoring Plan, but this plan was not included with the permit.
86. The Respondent's failure to specify sampling locations in the Phillips 66 permit is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.

Sample Type Requirements in SIU Permits

87. In each permit it issues to an SIU, the Respondent is required to include the required sample type. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
88. The Phillips 66 permit does not indicate the type of composite sample required (flow proportional composite samples versus time proportional composite samples). This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
89. The Phillips 66 permit included internally inconsistent provisions for the frequency of pH sampling. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.

Reporting and Notification Requirements in SIU Permits

90. In each permit it issues to an SIU, the Respondent is required to include reporting and notification requirements. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
91. The Respondent issued permits that did not reflect the reporting and notification requirements that apply to SIUs. For example,

- (a) the ICS and Apex permits did not include the requirement from 40 C.F.R. § 403.12(p) for reporting any discharge of waste that would otherwise be hazardous waste, the requirement from 40 C.F.R. § 403.12(g) to report additional sampling data, or the requirement from 40 C.F.R. § 403.12(l) to include a signed certification with Baseline Monitoring Reports, 90-Day Compliance Reports, and Periodic Compliance Reports,
- (b) the Phillips 66 and Apex permits did not include the requirement from 40 C.F.R. § 403.12(d) for a 90-Day Compliance Report, and
- (c) the Phillips 66 permit did not include the requirement from 40 C.F.R. § 403.12(e) enabling the Control Authority to require more detailed reporting of average and maximum daily flows.

92. Each omission described in paragraph 91, above, is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.

Recordkeeping Requirements in SIU Permits

93. In each permit it issues to an SIU, the Respondent is required to include recordkeeping requirements. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.
94. The Respondent issued permits that did not reflect the recordkeeping requirements for sampling records (e.g., documentation of the sample place, method, time, analysis date, who performed the analysis, analysis method, and results) from 40 C.F.R. § 403.12(o).
95. By omitting recordkeeping requirements from the Apex and ICS permits, the Respondent has violated 40 C.F.R. § 403.8(f)(1)(iii)(B)(4), part I.E.1.f.4 of the 2006 and 2015 NPDES Permits.

Statement of Applicable Penalties in SIU Permits

96. In each permit it issues to an SIU, the Respondent is required to include a statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any

applicable compliance schedule. 40 C.F.R. § 403.8(f)(1)(iii)(B)(5) and part I.E.1.f.5 of the 2006 and 2015 NPDES Permits.

97. The statement of civil and criminal penalties in the Apex and ICS permits is by reference only, and the reference is incorrect. In Attachment VI.A, the permits reference section 26-610 of the Municipal Code instead of 26-614. This is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(5) and part I.E.1.f.5 of the 2006 and 2015 NPDES Permits.

Unclear Legal Authority for Permit Conditions and Limitations

98. According to 40 C.F.R. § 403.8(f)(1), the Respondent is required to “operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307(b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.”
99. The Respondent included effluent limits in IU permits for which the legal authority was unclear. For example,
- (a) some permits issued to IUs that were not identified as SIUs included limitations and other conditions that according to the Municipal Code apply only to SIUs,
 - (b) the fact basis for the Baker permit indicated that it was a categorical user subject to 40 C.F.R. part 432, although part 432 does not include pretreatment standards,
 - (c) the Wajax and Aspen Air permits included an upper pH limit of 9.0, although the local limit in the Municipal Code is 12.5, and
 - (d) the Cummins Rocky Mountain permit required monitoring at a manhole, although the permit documentation did not indicate if that location included domestic wastewater.

100. The Respondent's issuance of IU permits with conditions and limitations described in paragraph 99, above, violates 40 C.F.R. § 403.8(f)(1).

Count VII: Failure to Evaluate SIUs for the Need to Develop a Slug Plan or Other Slug Controls

101. The Respondent is required to evaluate whether each SIU needs a plan or other action to control slug discharges. For IUs identified as SIUs prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional SIUs must be evaluated within one year of being designated a SIU. 40 C.F.R. § 403.8(f)(2)(vi) and part I.E.1.c of the 2006 and 2015 NPDES Permits.
102. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through [as defined in 40 C.F.R. § 403.3], or in any other way violate the POTW's regulations, local limits or permit conditions. 40 C.F.R. § 403.8(f)(2)(vi).
103. The Respondent has not evaluated Apex or Phillips 66 to determine whether either of those SIUs needs a plan or other action to control slug discharges. For each SIU, this is a violation of 40 C.F.R. § 403.8(f)(2)(vi) and part I.E.1.c of the 2006 and 2015 NPDES Permits.

Count VIII: Failure to Conduct Inspections and Sampling

104. The Respondent is required to develop and implement procedures to investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in reports and notices, or indicated by analysis, inspection, and surveillance activities. 40 C.F.R. § 403.8(f)(2) and part I.E.1 of the 2006 and 2015 NPDES Permits.
105. According to 40 C.F.R. § 403.8(f)(2)(vii), sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

106. According to 40 C.F.R. § 403.8(f)(2)(v), the Respondent is required to develop and implement procedures to inspect each SIU at least once a year.
107. The 2013 Audit found that the Respondent's inspection reports were not adequate to provide information to characterize the IU discharging to the POTW or to determine compliance with Pretreatment Standards and Requirements. The 2013 Audit also found that the Respondent was not providing notification of status under the Pretreatment Program for IUs after facility inspection reports are completed.
108. The 2015 PCI found that the Respondent's 2014 and 2015 annual reports stated that the Respondent had not missed inspections, but the Respondent had no documentation of any SIU inspections in 2014 and 2015, other than documentation in the file for the Cummins Rocky Mountain IU of an inspection conducted on December 8, 2014.
109. The 2013 Audit found that the Respondent had not developed a sampling plan for gathering reportable and legally defensible data.
110. The 2015 PCI found that the Respondent provided the EPA with metal sampling results for Apex and ICS in an electronic spreadsheet, but there was no hard copy documentation of metals sampling for 2014 that described the analytical results or chain of custody (COC). For 2014, the electronic spreadsheet had no TSS value for ICS, although the COC record for ICS dated December 5, 2014, indicates that sampling for TSS was requested. The 2014 spreadsheet also showed inconsistent data for Apex: a flow value of zero but a measurement for selenium.
111. Respondent did not sample ICS in 2012. In 2013 and 2014, the sample type, preservation method, and sample personnel were not recorded for the ICS samples taken by the Respondent, and two of three samples were not on ice when received by the lab. It was unclear if the pH analysis was conducted within 15 minutes or met the requirements of 40 C.F.R. part 136. The COC for COD and TSS sampling on December 5, 2014, did not indicate the year in the collection date box and

had temperature, turbidity, and pH values in the margins that were unclear as to what they were unassociated with; it also appeared that temperature, pH, and flow depth were not associated with ICS's indirect dischargers to the POTW, and there was no flow or location information associated with the other data in the margin.

112. The COC for the Respondent's December 4, 2014 sampling event at Apex for CN, oil and grease, and pH showed a lab receipt temperature of 19.2 degrees Celsius. There was no documentation of sample type, preservation, or sampler name. The file documentation indicated the sample was analyzed by Respondent's lab. There was no documentation of sample date (it was left blank on the form with no COC or other documentation), sample type, or sample personnel.
113. For the November 21, 2014, Phillips 66 sample taken by the Respondent, there were no records of metal sampling, although this was indicated in the sample data spreadsheet. No sample personnel were documented for these metals samples. There was no COC for sample data sent to the Respondent's lab (COD, TSS, Ammonia, BOD); there was no sampler name, analysis date or time for these samples.
114. Each of the Respondent's failures to document inspections and sampling for ICS, Apex and Phillips 66 is a violation of 40 C.F.R. § 403.8(f)(2) and part I.E.1 of the 2006 and 2015 NPDES Permits.

Count IX: Failure to Create and Maintain Records

115. The Respondent is required to maintain records for at least three years, including reports and notifications from IUs and sampling records. For all samples, the Respondent is required to create records that include (i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples, (ii) the dates analyses were performed, (iii) who performed the analyses, (iv) the analytical techniques/methods used, and (v) the results of such analyses. 40 C.F.R. § 403.12(o) and part I.E.1 of the 2006 and 2015 NPDES Permits.

116. As described in paragraphs 104 - 114, above, the Respondent did not document required sampling and inspection information for POTW sampling and inspection events.
117. The Apex permit indicates that Apex submitted a certification of non-use of TTOs, but the certification is not in the permit files.
118. Each instance where the Respondent failed to maintain records or create sampling and inspection records is a violation of 40 C.F.R. § 403.12(o) and part I.E.1 of the 2006 and 2015 NPDES Permits.

Count X: Failure to Analyze Self-Monitoring Reports and Other Notices Submitted by Industrial Users

119. According to 40 C.F.R. § 403.8(f)(2)(iv), the Respondent is required to “[r]eceive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12.”
120. According to 40 C.F.R. § 403.8(f)(2)(vii), the Respondent is required to “[i]nvestigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under § 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of [section 403]. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.”
121. The Respondent failed to identify violations that should have been evident from the IUs’ self-monitoring reports. For example, the periodic reports from Apex lacked proper certifications and did not include flow data. In addition, the periodic reports from ICS lacked proper certifications, did not indicate when the Respondent received them, did not indicate the sample type for some samples, did not include flow data, did not include analytical results for CN, indicated that pH sampling had exceeded the maximum holding time and indicated that some samples had not been

cooled as required by 40 C.F.R. part 136. It also appeared that the Respondent was not evaluating whether reports were being received on time, because none of the reports were marked to indicate the date the Respondent received them.

122. Each instance in which the Respondent failed to analyze self-monitoring reports is a violation of 40 C.F.R. § 403.8(f)(2)(iv), 40 C.F.R. § 403.8(f)(2)(vii), and part I.E.1 of the 2006 and 2015 NPDES Permits.

Count XI: Failure to Enforce According to the Respondent's Enforcement Response Plan

123. The Respondent is required to develop and implement an enforcement response plan (ERP) containing detailed procedures indicating how the Respondent will investigate and respond to instances of IU noncompliance. 40 C.F.R. § 403.8(f)(5) and part I.E.1.i of the 2006 and 2015 NPDES Permits.
124. The Respondent's ERP sets the response timeframe for an IU to respond to a notice of violation (NOV) at five days unless modified by the Respondent; however, the Municipal Code does not allow the response timeframe to be changed from five days. The following NOVs, which the EPA reviewed as part of the PCI, did not provide a response timeframe:
- NOV issued to Baker on November 7, 2012, for not notifying the Respondent of a change in operation and failure to monitor in July 2012;
 - NOV issued to ICS on March 15, 2012, for failure to renew its permit within 90 days of expiration. There was no response from the IU documented in the ICS file, and the next documentation in the file was a letter from the Respondent to ICS on April 26, 2012, stating a permit was unnecessary.
 - NOVs issued to Cummins Rocky Mountain on November 11, 2013, and December 10, 2014, for missing periodic compliance reports.

125. The PCI found that the Respondent was not initiating or was late in initiating enforcement responses for monitoring/reporting violations. Several NOV's were issued approximately four months after the violation. Table 1 in the ERP specifies a timeframe of no more than 14 days for responding to a monitoring/reporting violation. Self-reporting issues that were not identified by the Respondent or cited in any NOV are detailed in paragraph 121, above.
126. Apex did not submit a complete 90-day compliance report within the required timeframe. The Respondent did not initiate a formal response, even though this qualifies as SNC. The ERP specifies the Respondent will initiate a formal enforcement response to instances of SNC, and Table 1 on page 13 of the ERP lists the range of potential formal enforcement responses. Although 40 C.F.R. § 403.8(f)(2)(viii) requires the Respondent to publish a newspaper notification of any SNC violation, the Respondent did not do so for this violation.
127. The PCI found that the Respondent was not escalating enforcement actions in accordance with the ERP. Cummins Rocky Mountain, an IU, was issued NOV's on November 11, 2013, and December 10, 2014, for failing to report. However, page 13 of the ERP specifies that an administrative order or higher must be issued in this situation.
128. The Respondent's failures to respond to the IU violations cited in paragraphs 124-127, above, in accordance with the ERP violate 40 C.F.R. § 403.8(f)(5) and part I.E.1.i of the 2006 and 2015 NPDES Permits.

CONSENT ORDER

The EPA orders, and the Respondent agrees:

129. The Respondent shall (a) comply with all requirements of the 2015 NPDES Permit and 40 C.F.R. part 403 and (b) properly implement the Pretreatment Program.
130. Within 30 days after the effective date of this Consent Order (see paragraph 149, below), the Respondent shall submit to the EPA a procedure for the Respondent to identify and locate all

possible IUs that might be subject to the Pretreatment Program and to identify the character and volume of pollutants contributed to the POTW by each IU (Industrial Waste Survey Procedure).

As required by paragraph 138, below, Respondent shall implement this procedure.

131. By January 31, 2018, the Respondent shall, pursuant to the Industrial Waste Survey Procedure referenced in paragraph 130, above (as revised to address any EPA disapproval under paragraph 138, below), evaluate all IUs that discharge to the POTW and provide the EPA a list of these IUs (IU Inventory). For each IU, the Respondent shall include in the IU Inventory:
 - a. the name of the IU,
 - b. the location of the IU,
 - c. the type of business conducted by the IU,
 - d. the date the IU was inspected, if required by the Industrial Waste Survey Procedure,
 - e. the date the IU was sampled, if required by the Industrial Waste Survey Procedure,
 - f. the character and volume of pollutants contributed by the IU to the POTW,
 - g. the characterization/categorization of the IU with respect to applicable pretreatment requirements including whether the IU is subject to Categorical Pretreatment Standards, is a non-categorical Significant Industrial User, requires best management practices, or is not significant to pretreatment, and
 - h. the date the IU was issued an SIU permit, if applicable.
132. Within 30 days after the effective date of this Consent Order, the Respondent shall submit to the EPA a procedure for receiving and analyzing reports and other notices from SIUs, including but not limited to periodic self-monitoring reports, 24-hour noncompliance notifications, 30-day resampling submittals, and other required written reports. As required by paragraph 138, below, Respondent shall implement this procedure.

133. Within 30 days after the effective date of this Consent Order, the Respondent shall submit to the EPA a recordkeeping procedure to ensure that the Respondent keeps records relating to the Pretreatment Program for at least three years. As required by paragraph 138, below, Respondent shall implement this procedure.
134. Within 60 days after the effective date of this Consent Order, the Respondent shall submit to the EPA an inspection procedure to ensure that the Respondent properly collects and maintains inspection information. The procedure shall address, at a minimum, inspection processes, note taking, photographic information, and inspection reports. As required by paragraph 138, below, Respondent shall implement this procedure.
135. Within 90 days after the effective date of this Consent Order, the Respondent shall submit to the EPA a sampling procedure to ensure that:
- a. the Respondent collects random and independent samples of effluent from all SIUs for all permitted pollutants at least annually, except where the Respondent's legal authority and/or 40 C.F.R. § 403.8(f)(2)(v) requires otherwise, to independently verify compliance or identify noncompliance,
 - b. all samples meet the requirements of 40 C.F.R. part 136 (e.g., holding time, proper sample type, chemical or temperature preservation, analytical techniques, etc.),
 - c. required records listed in 40 C.F.R. § 403.12(o) are created and maintained, and
 - d. where necessary, the procedure addresses random and independent sampling of non-SIUs.
- As required by paragraph 138, below, Respondent shall implement this procedure.
136. Within 30 days after the effective date of this Consent Order, the Respondent shall submit to the EPA an SIU permit template that (a) is consistent with the Respondent's legal authority and the EPA-approved local limits and (b) contains all information required by 40 C.F.R. § 403.8(f)(1)(B).

137. Within 60 days after the effective date of this Consent Order, the Respondent shall reissue all SIU permits using the SIU permit template, and submit a notice to the EPA indicating the date this was completed.
138. For each procedure referenced in paragraphs 130, 132, 133, 134, and 135, above:
- a. if the EPA does not disapprove or provide comments on the procedure within 30 days after the Respondent's submission, the Respondent shall, no later than 40 days after submittal, implement that procedure as submitted, and
 - b. if the EPA disapproves or provides comments on the procedure within 30 days after the Respondent's submission, the Respondent shall, no later than 10 days after receiving the EPA's disapproval or comments, submit a revised procedure to the EPA for review.
- Thereafter, the Respondent shall implement the revised procedure as directed by the EPA.
139. The Respondent shall take enforcement actions against IUs in accordance with its ERP for all violations referenced in paragraphs 121 and 124 - 127, above. Within 60 days after the effective date of this Consent Order, the Respondent shall submit to the EPA a list of IU violations and corresponding enforcement actions and the date each enforcement action was taken.
140. With the Annual Pretreatment Program Report due March 28, 2018, and submitted pursuant to 40 C.F.R. § 403.12(i), the Respondent shall include a summary of the resources required to implement and maintain an ongoing Pretreatment Program that meets all relevant requirements of the 2015 NPDES Permit and 40 C.F.R. part 403. The summary shall include an indication of the number of full time equivalent (FTEs) staff and 2017 level of funding.
141. Beginning on February 28, 2018, the Respondent shall submit four quarterly reports to the EPA on the Respondent's activities to implement the Pretreatment Program. The reports will be due by the end of the second month following the relevant quarter. For example, the first report, due February 28, 2018, would cover October 1, 2017, through December 31, 2017, and the last report,

due November 30, 2018, would cover July 1, 2018, through September 30, 2018. Each report shall include:

- a. a summary of the Respondent's staff time and external funds used to implement the Pretreatment Program and comply with this Consent Order,
- b. a summary of all IU violations identified by the Respondent during the previous quarter or, if there were no violations, a statement to that effect,
- c. a summary of all enforcement actions taken or planned by the Respondent against IUs or, if none were taken or are planned, a statement to that effect,
- d. a list of any new SIUs identified, and
- e. a summary of any sample results collected by the Respondent during the relevant quarter from any SIU or, if no such samples were collected, a statement to that effect.

142. With the February 28, 2018, quarterly report, the Respondent shall submit an itemized list of all costs incurred to implement the actions specified in paragraphs 129 through 141, above. The itemized list of costs shall include at a minimum:

- a. the cost of any FTE staff added to the Respondent's budget in order to comply with this Consent Order, but not including the cost of FTE staff reassignments of non-pretreatment employees to the pretreatment program,
- b. the cost of contractor support in order to comply with this Consent Order,
- c. the annual cost to sample SIUs in 2017 and a list of any portion of sampling costs that were billed back to the SIUs, and
- d. any other itemized costs incurred to implement the actions specified in paragraphs 129 through 141, above.

143. All notices and reports required by the Consent Order to be given to the EPA shall be sent to:

Emilio Llamozas
U.S. EPA Region 8
1595 Wynkoop Street
8ENF-W-NP
Denver, CO 80202
Llamozas.emilio@epa.gov
Phone: 303-312-6407

144. All reports and information required by this Consent Order shall include the following certification statement, signed and dated by an individual meeting the definition in 40 C.F.R. § 122.22(a)(3) of a principal executive officer or ranking elected official:

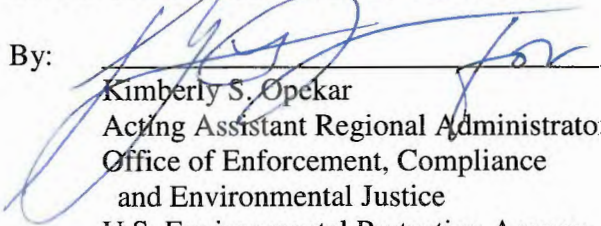
I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible 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.

145. Any failure to comply with the requirements of this Consent Order shall constitute a violation of this Consent Order and may subject the Respondent to penalties as provided under section 309 of the Act, 33 U.S.C. § 1319.
146. This Consent Order does not constitute a waiver or modification of the terms and conditions of the 2015 NPDES Permit, which remains in full force and effect.
147. This Consent Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines, or other relief as it may deem appropriate under the Act. Section 309(d) of the Act, 33 U.S.C. § 1319(d), authorizes the assessment of civil penalties of up to \$52,414 (as adjusted for inflation by 40 C.F.R. part 19) per day for each violation of the Act. Section 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.

148. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve the Respondent of its obligation to comply with any applicable federal, state, or local laws or regulation.
149. This Consent Order shall be effective immediately upon the Respondent's receipt of a fully executed copy.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Date: Sept 26, 2017

By: 
Kimberly S. Opekar
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

CITY OF BILLINGS, MONTANA

By: Christina Volek 9/19/17
Christina Volek
City Administrator
City of Billings
210 N 27th St.
Billings, Montana 59101

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order for Compliance on Consent was sent or delivered on this day as follows:

Original and one copy hand delivered to:

Missy Haniewicz (8RC)
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Copy by certified mail, return receipt requested (no. #7012 2210 0000 5349 3658) to:

Christina Volek
City Administrator
City of Billings
P.O. Box 1178
Billings, Montana 59101

9/26/17
Date

By: JOAN DeTty