



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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January 7, 2021
1:05 PM

January 5, 2021

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-W-NW

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

The Honorable John Grainger, Mayor
City of Poplar
jqgr1@yahoo.com

Re: Status of Compliance with NPDES Permit No. MT0030597 and Administrative Order, Docket No. CWA-08-2015-0017, and Meeting Request, City of Poplar Wastewater Treatment Plant

Dear Mayor Grainger:

On June 8, 2015, the U.S. Environmental Protection Agency issued an Administrative Order for Compliance (Order), EPA Docket No. CWA-08-2015-0017, directing the City of Poplar (City) to comply with the National Pollutant Discharge Elimination System (NPDES) Permit No. MT0030597 (Permit) for the City's Wastewater Treatment Facility (Facility). A copy of the Order is enclosed for your information and reference.

The EPA recognizes the City has made progress in upgrading the Facility and achieving compliance with the Order, including completion of upgrades to the Facility's treatment plant and commencement of repairs to the Facility's collection system and lift station. The Permit was reissued effective July 1, 2020, and the EPA understands the City began discharging treated wastewater from the Facility's upgraded treatment plant on November 17, 2020.

Based on information currently available to the EPA, some requirements of the Order and the Permit remain incomplete. Most notably, paragraph 31 of the Order requires the City to comply with all requirements of the Permit, including, but not limited to, discharging only from the authorized discharge point, effluent limitations, noncompliance reporting, and proper operation and maintenance.

Based on information reflected in the EPA's national database, the City has not submitted any required quarterly Discharge Monitoring Reports (DMRs) since the Permit's effective date of July 1, 2020. Failure to submit the required DMRs has elevated the Facility to the EPA's Significant Non-Compliance Warning List. The EPA strongly recommends the City submit the missing DMRs as soon as possible, review the requirements of the Order and the Permit, and comply with all requirements of both.

The Permit also requires the City to conduct at least four quarters of Whole Effluent Toxicity monitoring, develop and maintain an Operation and Maintenance Manual within 6 months of the Permit effective date, and conduct and document an Industrial Waste Survey within 12 months of the Permit effective date.

To discuss the status of compliance with requirements of the Order and the Permit, and to provide the City the opportunity to advise the EPA of any further information the EPA should consider relating to the City's compliance, the EPA would like to schedule a call with the City in January 2021. To track the status of compliance with ongoing requirements of the Permit, such as the requirements referenced in the preceding paragraph, the EPA proposes continuing these calls on a monthly basis until the City has established routine compliance with the Permit. The EPA would also, of course, consider any written submissions the City may wish to make regarding compliance.

I will be taking over from EPA representative Akash Johnson as the primary EPA contact for technical issues pertaining to this matter. I can be reached at (406) 457-5022 or prideaux.lisakay@epa.gov. Any questions from the City's counsel should be directed to EPA attorney Peggy Livingston, Office of Regional Counsel. Ms. Livingston can be reached at (303) 312-6858 or livingston.peggy@epa.gov. In the next several days, I will be reaching out to you and your staff to schedule a January 2021 teleconference or electronic meeting between the EPA and the City.

Please do not hesitate to contact me if you have any questions about this letter, the Permit, the Order, or the EPA's process for dealing with noncompliance. Your prompt attention to this matter is greatly appreciated. I look forward to speaking with you soon.

Sincerely,

**LISA-KAY
PRIDEAUX**

Lisa-kay Prideaux
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

 Digitally signed by LISA-KAY
PRIDEAUX
Date: 2021.01.07 12:53:20 -07'00'

Enclosure:

June 8, 2015 Administrative Order for Compliance, EPA Docket No. CWA-08-2015-0017

cc (electronic):

Shane Halverson, Public Works Director, City of Poplar
Laura Christofferson, Outside Counsel, City of Poplar
Ryan Kopp, Project Manager, Interstate Engineering
Quentin Allen, Billings Area DSFC Director, IHS
Jason Schneider, Tribal Utility Consultant, IHS
Steve Troendle, Montana Community Programs Director, USDA-RD
The Honorable Frank Azure, Chairman, Fort Peck Assiniboine & Sioux Tribes
Martina Wilson, Environmental Director, Fort Peck Assiniboine & Sioux Tribes
Akash Johnson, NPDES and Wetlands Enforcement Section, EPA Region 8
Peggy Livingston, Office of Regional Counsel, EPA Region 8