



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W-NP

JAN 26 2010

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Christina Volek  
City Administrator  
City of Billings  
P.O. Box 1178  
Billings, MT 59103

Re: Findings of Violation and  
Administrative Order for  
Compliance, Docket No. CWA-08-  
2009-0031: Notice of Disapproval  
of CMOM Work Plan

Dear Ms. Volek:

On December 21, 2009, EPA Region 8 (EPA) received the City of Billings' (City) capacity management, operation, and maintenance (CMOM) work plan required under paragraph 3 of the above-referenced order (order). The purpose of the CMOM study is for the City to identify all measures needed to ensure that the City complies with the requirements of the Clean Water Act, Montana water pollution control laws and regulations, and the City's MPDES permit, with the goal of eliminating all preventable sanitary sewer overflows (SSOs).

The purpose of the CMOM work plan is for the City to identify the investigatory steps it will take during the CMOM study to determine the remedial measures necessary to eliminate all preventable SSOs. Unfortunately, the CMOM work plan submitted by the City does not provide sufficient detail and information for EPA to determine whether the CMOM study described in the work plan will meet its intended goal. For example, Section VII of the CMOM work plan states only "Operations – Proactive, Pretreatment – FOG". EPA is unclear what is meant by this statement. Paragraph 3 of the order requires the CMOM study to include, but not be limited to, Root and Grease Control Programs. EPA therefore expects the CMOM work plan to include, but not be limited to, a description of how the City will develop a root and grease control program, such as by conducting routine inspections at food service establishments, rather than simply stating "Proactive."

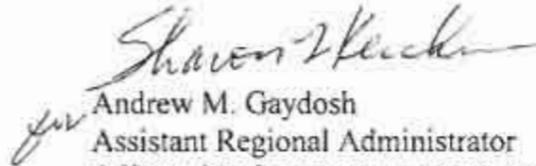
On January 11, 2010, Ms. Amy Clark of my staff discussed the City's CMOM work plan with Mr. Alan Towlerton, Deputy Public Works Director for the City. Ms. Clark informed the Mr. Towlerton that the work plan is not approvable at this time. Ms. Clark expressed to

Mr. Towleron EPA's concerns with the City's work plan, including lack of detail and clarity. It was conveyed to Mr. Towleron that the intention of the CMOM study is for the City to identify, recommend, and implement remedial measures to eliminate preventable SSOs. The CMOM work plan must clearly and thoroughly describe the studies that the City will undertake to enable it to identify those remedial measures.

In accordance with paragraph 7 of the order, EPA hereby disapproves the CMOM work plan. Pursuant to paragraph 8 of the order, the City must correct the noted deficiencies and resubmit the work plan within fifteen (15) calendar days from receipt of this notice of disapproval.

If you have any questions, the most knowledgeable people on my staff are Wendy Silver, Senior Attorney, at 303-312-6637 and Amy Clark, Environmental Scientist, at 303-312-7014.

Sincerely,

  
Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Tina Artemis, Regional Hearing Clerk  
Kari Smith, Montana Department of Environmental Quality  
Alan Towleron, City of Billings