



CWA-08-2026-0007

FILED**Jun 23, 2026****3:54 pm****U.S. EPA REGION 8
HEARING CLERK**

Public Notice: Consent Agreement with Yellowstone County for Clean Water Act Violations at Five Mile Creek

Publish Date: May 12, 2026

Summary

EPA is providing notice of an opportunity for the public to comment on a consent agreement (Consent Agreement) to order Yellowstone County to pay a civil penalty. EPA alleges Yellowstone County's Municipal Separate Storm Sewer System (MS4) discharged pollutants in stormwater into navigable waters without a permit, in violation of section 301(a) of the Clean Water Act (CWA).

How to Comment

Comments Due: June 11, 2026

Please submit comments to:

Kate Tribbett (8ORC-IO)
Regional Hearing Clerk
r8_hearing_clerk@epa.gov
Telephone: (303) 312-6661

**Comments must include the
commentor's name and
complete mailing address as**

Proposed Action

EPA alleges that Yellowstone County violated the CWA by discharging stormwater runoff through an outfall at Five Mile Creek during the time where Yellowstone County was not covered under either Montana's Pollutant Discharge Elimination System, or EPA's National Pollutant Discharge Elimination System General Permit authorizing discharges of storm water from its MS4. Under the Consent Agreement, Yellowstone County has agreed to pay a civil administrative penalty of \$22,400 to resolve its federal civil penalty liability for these alleged violations.

well as a statement that the comment submitter wishes to participate in any future proceedings in this matter.

Please also reference EPA Docket Number: **CWA-08-2026-0007** in your comments.

The addresses of the EPA official serving as Complainant and of Yellowstone County are listed below.

Complainant

EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. EPA Region 8's Water Enforcement Branch Manager, is identified in the Consent Agreement as the Complainant.

Respondent

Yellowstone County, P.O. Box 35024, Billings, Montana 59107. Yellowstone County is identified in the Consent Agreement as the Respondent.

The EPA is authorized in a Class I proceeding under Section 309(g) of the CWA <<https://epa.gov/cwa-404/clean-water-act-section-309-federal-enforcement-authority>>, 33 U.S.C. § 1319(g), to issue an order assessing a civil administrative penalty for violations of the CWA and its implementing regulations, after providing:

1. an opportunity for the person to be assessed the penalty to request a hearing to contest the penalty, and

2. notification to the public of the proposed penalty and its rights to submit written comments and to participate in a Class I penalty proceeding (hearing), if any.

Public Comments

The EPA encourages the public to comment on the proposed Consent Agreement. The proposed Consent Agreement will be available for public review for a comment period of 30 days after the publication of this notice. After the close of this comment period, the EPA will, if appropriate in view of any comments received, file the proposed Consent Agreement and seek entry of an order approving the Consent Agreement. The EPA expects to respond to any comments. The order, if any, would be issued at least ten (10) days after the close of the public comment period and at least forty (40) days after publication or posting of this notice, in accordance with 40 C.F.R. § 22.45(b) and (c)(3). The proposed Consent Agreement is available for review by contacting the person listed in the **For Further Information** section, below.

Notification and details of any public comment period extension will be posted to this page only. Interested parties on our email list will also be notified by email.

For Further Information

Persons wishing to receive a copy of the Consent Agreement, or other documents in this proceeding (including the regulations in 40 C.F.R. part 22, which establish procedures for any hearing), or to comment upon the proposed penalty assessment, should contact the Regional Hearing Clerk listed in the **How to Comment** box on this page.

Docket Numbers

- CWA-08-2026-0007

Last updated on May 13, 2026