



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2011 DEC -8 AM 11:37

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EPA REGION VIII  
TRAINING CLERK

Ref: 8ENF-W-NP

DEC 07 2011

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

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

Re: Administrative Order, Docket No.  
CWA-08-2009-0031: Notice of  
Approval with Comments of CMOM  
Study Report

Dear Ms. Volek:

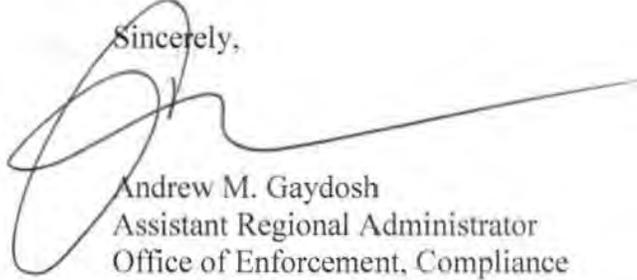
On April 6, 2011, EPA Region 8 (EPA) received the City of Billings' (City) capacity management, operation, and maintenance (CMOM) study required under paragraph 3 of the above-referenced order (Order). The purpose of the CMOM study was for the City to identify all measures needed to ensure that the City 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).

On October 26, 2011, Mr. David Gwisdalla of my staff discussed the City's CMOM study with Ms. Susan Stanley, Wastewater Division Manager for the City. Mr. Gwisdalla informed Ms. Stanley that the study is approvable with modifications. Several of the EPA's comments need to be addressed before the City implements the findings of its study; these include: addressing discrepancies between the CMOM checklist and the report, identifying procedures and protocols that need to be fully developed, and a review of the proposed schedule of completion. Other items were also discussed. Specific report-related comments are provided with this response in the attached document.

In accordance with paragraph 7 of the Order, the EPA hereby approves the CMOM study, with comments. Pursuant to paragraph 8 of the Order, the City must correct the noted deficiencies and resubmit the final CMOM Study Report within fifteen (15) calendar days from receipt of this notice.

If you have any questions, the most knowledgeable person on my staff is David Gwisdalla, Environmental Engineer, at 303-312-6193.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long horizontal line extending to the right.

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

Enclosure: EPA's Comments on the City's CMOM Study Report

cc: Tina Artemis, Regional Hearing Clerk  
Kari Smith, Montana Department of Environmental Quality  
Vern Heisler, City of Billings  
Susan Stanley, City of Billings

DOCUMENT REVIEW COMMENTS				REVIEW DATE 10/7/2011; REVISED 10/26/2011			
FACILITY: City of Billings WWTP			(Check appropriate block(s))				
CASE: CWA-08-2009-0031			X	REPORT	DRAWINGS	X	DATA
FACILITY CONTACT: Christina Volek, City Administrator			REVIEWED BY: David Gwisdalla, P.E.				
TITLE: CMOM Study Final Report - April 2011			NPDES Technical Enforcement, 8 ENF-W-NP				
LEGEND (For ACTION Column below)							
C - CONCUR    D - DISAGREE (Provide Comment)    E - CONCUR W/EXCEPTION (Provide Comment)							
ITEM NO.	SEC. NO., DRAWING NO., OR PARA NO.	COMMENT	ACTION				
1	App B., TRK-07, Pg 25.	Percent of SSO discharges over last 5 years is listed as zero percent related to fats, oils and grease (FOG). Is this correct? The City should ensure, however, the requirements outlined in the report also address FOG related SSOs.					
2	Report, Sec 2.0	Add root control and fats, oils and grease (FOG) as two areas that are also CMOM checklist identified items related to SSOs. Billings states that 50 percent of SSOs are caused by root intrusion and none are caused by FOG. EPA's original review of the City's operations illustrated programmatic FOG related issues causing SSOs. These issues appear to be primarily related to not evaluating, inspecting and enforcing upon users with FOG discharges to the sewage collection system.					
3	Report, Sec 4.11 Para; App B., OERP-11, Pg 25; App. C. Goal 2.	Report states "consider" expanding OERP to include all items addressed in OERP-11, Overflow records. Per App. B, the City needs to include on the records the name of the receiving waters and the duration of flow as part of the response form to ensure these data are collected. Remove "consider expanding to" from the statement.					
4	Report, Sec. 4.14, Pg 7.	The two issues in this section need to be addressed separately by Billings. The first, the ability to enforce based upon defects in lateral lines and the second issue, the legal authority to access private property. These two issues should be separated and developed into two metrics for tracking purposes. Rather than just stating "research", the City should specifically state they intend on developing a City ordinance/regulation to address both issues within a two-year time frame.					
5	Report Sec. 4.22 and App B., FOG-01 and 12, Pg 29.	The CMOM report illustrates that the Billings staff responsible for the FOG program are not properly trained to assess a new business' wastewater characteristics, or conduct business specific FOG related site inspections. These specific issues should also be addressed in the report.					
6	Report Sec. 4.12, Paragraphs 5 & 6 and App B., CA-13 and 14, Pg 23.	On May 25, 2011 an SSO was reported at Yellowstone Metra Park caused by a heavy storm, reportedly over 3 inches during a 24 hour period. The weather reporting station, "240801 BILLINGS WFO" ( <a href="http://climate.usurf.usu.edu/">http://climate.usurf.usu.edu/</a> ) reported rainfall over a seven day period totaled 3.9 inches. The rainfall event noted the evening prior to the SSO, on May 24, totaled 1.13 inches; less than a 2-year 24-hour storm event for the Billings area. It should be noted that another weather reporting site, on the site referenced above, 240802 BILLINGS WTP, listed the same rainfall event on May 24, 2011 as 0.48 inches. Given the saturated conditions this location may be influenced by surface water inflow and groundwater infiltration if the SSO was caused by rain events occurring on May 24, 2011. It was noted in the CMOM checklist that the utility does not have any wet weather capacity problems and that low-points are not monitored during rain events. Billings outlined that these two issues will be addressed as part of the CMOM program in Section 4.12. In light of this recent weather related SSO, Billings should identify this location as a priority area and include it in its CIP to ensure it is addressed in a timely fashion.					
7	Report, Sec. 4.23.i, Paragraphs 4 & 5.	Remove the word "Consider" and change the sentences to, "Amend existing pretreatment..." and "Develop a manual outlining..."					
8	Report Sec. 4.11 and App B., FOG-02 and 07, Pg 29.	The CMOM report illustrates that the Billings program does not conduct nor does it track inspection of businesses discharging FOG to the collection system. Please address this concern in the section with the goal to minimize SSOs or another area appropriate to address this issue. Billings should ensure businesses with the potential to discharge FOG are inspected as appropriate to reduce SSOs caused by FOG.					
9	Overall - Schedule Timelines	Please review each of the timelines. The City consistently states items will be addressed within six months or one year. Often items directly impacting other items such as "Improve and better utilize written procedures for formal program reviews..." is slated to be completed at the same time other new items are going to be completed. It appears that this item in particular would be most beneficial to develop first so that other areas being created and revised would benefit from this goal being accomplished before other the items are addressed. Additionally, "D&C" for instance has 29 items to complete within one year and several within six months. It doesn't seem reasonable for them to complete each of these items. Develop a schedule the City will be able to follow, which allows it to create plans and procedures that will be useful and effective over the long-term.					
10	Overall - MS4 permit relationship to the CMOM study	<b>Recommendation Only:</b> Consider including relevant items the City is doing under its CMOM program that relate directly to illicit discharge detection and elimination and municipal operations/pollution prevention control measures in the City's MS4 storm water management plan.					

ITEM NO.	SEC. NO., DRAWING NO., OR PARA NO.	COMMENT	ACTION
11	Report, various Sections; and various Appendices	<p>Replace, where appropriate, "Improve and better utilize..." with an appropriate statement if the plan/document/procedure has not been developed. The wording makes it unclear if Billings already has a written procedure that needs updating, or if the procedure needs to be developed, evaluated after used in the field, and then better utilized once the final version is vetted. Use "Develop, evaluate from field activities, and better utilize" to replace the above statement. Additionally, the schedule for this activity should outline when a draft will be developed, when it will be field tested and when a final revised version will be available for use by staff. One illustration of this is CLN-15, Standard Operating Procedure for Sewer Cleaning in Appendix B versus the statements in the CMOM report. There is a section written in the CMOM report that states, "Improve and better utilize written SOP's for TV Inspection Program" and CLN-15 of Appendix B, states that Billings doesn't have one.</p>	