



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-NP

SENT VIA REGULAR MAIL

Mr. Ralph J. Patch, County Attorney
Roosevelt County Attorney's Office
400 2nd Avenue South, Suite A
Wolf Point, Montana 59201

Re: Closure of Findings of Violation and Order for Compliance, In the Matter of Town
Brockton, Docket No. CWA 08-2015-0016

Dear Mr. Patch:


This letter is to inform you of the U.S. Environmental Protection Agency's decision to close the Findings of Violation and Order for Compliance (Order) issued to the Town of Brockton (Town) by the EPA on June 3, 2015. The EPA issued the Order to resolve violations of the Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) permit at the Town's Wastewater Treatment Facility (Facility). The EPA has determined that the terms of the Order have been complied with since the Assiniboine and Sioux Tribes (Tribes) of the Fort Peck Reservation retained a wastewater operator to perform regular operation and maintenance at the Facility and submit monthly discharge monitoring reports.

It is the EPA's understanding that as of November 2, 2016, due to the Town's de facto bankruptcy status, Roosevelt County (County) is working with the Tribes to allow the Tribes use of the Town's wastewater equipment; ensure timely and complete payment of the Facility's electricity bills; and maintain compliance with the CWA and the NPDES permit requirements at the Facility. The EPA further understands that the County ultimately will transfer the Town's wastewater and solid waste assets to the Tribes for the Tribes to perform these services without interruption. In the event that any of these plans change, please notify my staff identified below.

Please be aware that until the Town transfers its ownership interest in the Facility to the Tribes and terminates the Facility's NPDES permit as to the Town's status as a permittee, the Town is responsible for complying with the CWA and the NPDES permit requirements pursuant to section 402 of the CWA, 33 U.S.C. § 1342. Violations of the CWA and/or permit may result in a court-imposed injunction and/or penalties.

If you have any questions regarding this letter, the most knowledgeable person on my staff regarding this matter is Monia Ben-Khaled who may be reached at (303) 312-6209. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arturo Palomares" followed by a small flourish.

Arturo Palomares, Director
Water Enforcement Program
Office of Technical Enforcement, Compliance
and Environmental Justice

cc: Ms. Melissa Haniewicz, Regional Hearing Clerk
U.S. EPA

Ms. Anna Sullivan, Deputy County Attorney
Roosevelt County Attorney's Office

The Honorable Floyd Azure, Chairman
Ms. Deb Madison, Environmental Protection Division Director
Assiniboine and Sioux Tribes

Mr. Jason Schneider, Tribal Utility Consultant
Indian Health Service