



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

2013 FEB 21 PM 12:57

FEB 21 2013

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8MO

The Honorable Randal A. Woods, Mayor
Town of Hot Springs
PO Box 669
Hot Springs, MT 59845

RE: In the Matter of the Town of Hot Springs, Montana, Docket No. CWA-08-2012-0016
EPA Comments on Draft Town of Hot Springs Sewer Maintenance Plan and Sewer
Overflow Response Plan

Dear Mayor Woods:

The Environmental Protection Agency (EPA) received the *Hot Springs Sewer System Maintenance Plan* and *Sewer Overflow Response Plan* you submitted as part of the Findings of Violation and Order for Compliance (Order) requirements on January 18, 2013. I reviewed the two plans, comparing their content to the requirements listed in paragraph 35 of the Order. My findings and comments are in the enclosed document *Town of Hot Springs Administrative Order Compliance* (compliance document).

The two plans are substantially complete. There is one missing element from the sewer system maintenance plan. The "Design and Performance Provisions" requirement listed in paragraph 35 (3) of the Order, which states in part: "Respondent must establish: (a) Requirements and standards for the installation of new sewers, pumps and other appurtenances; and rehabilitation and repair projects; and (b) Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects" needs to be included. You could satisfy this requirement by adding a statement in § 10 of the sewer system maintenance plan that all work will be done according to accepted practices and standards such as Montana DEQ Circular 2 or the Ten States Standards. An example of a statement you could use is in paragraph 6.(3) of the compliance document.

Conditioned upon the Town revising the sewer system maintenance plan as discussed in the paragraph above, the EPA approves the two draft plans. Paragraph 36 of the Order requires you to submit a final management plan and operation plan to the EPA and the Confederated Salish and Kootenai Tribes within 30 days of receiving and addressing EPA's comments. The correct addresses for submitting the plans are in paragraph 37 of the Order. When submitting the final plans you must include the certification statement in paragraph 39 of the Order. The certification statement may be in the cover letter or on a separate document rather than being part of the plans.



I want to ensure you are aware of potential funding sources for repairs, rehabilitation or replacement of the Town's wastewater infrastructure. The State of Montana has grants and loans available to municipalities through the Renewable Resource program, the Treasure State Endowment Program and the State Revolving Fund. Other funding may be available through the U.S. Department of Agriculture's (USDA) Rural Development grant and loan program. An initial starting place for information on these programs would be the web sites for the Montana Department of Natural Resources and Conservation (dnrc.mt.gov), the Montana Department of Environmental Quality (deq.mt.gov) and the USDA Rural Development (rurdev.usda.gov).

If you have questions concerning the Order requirements or this letter, please contact me at (406) 457-5012 or by email at rise.david@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David Rise", with a long horizontal flourish extending to the right.

David Rise, NPDES Program

Enclosure

cc: Clint Folden, Environmental Protection Division, Confederated Salish & Kootenai Tribes
Ruben Loberg, Public Works Department, Town of Hot Springs
Tina Artemis, Regional Hearing Clerk

Town of Hot Springs
Administrative Order Compliance

1. Within 10 days of receipt of this Order, Respondent shall submit a written notice of intent to EPA to comply with the requirements of this Order.
Hot Springs (G. Kontos) signed for the AO on June 7, 2012. The written notice of intent to comply arrived at the Montana Office on June 14, 2012 7 days after Hot Springs received the order.
2. Respondent shall comply with all requirements of the Permit including, but not limited to, Parts 1.2 (discharge only from designated outfall in accordance with Permit provisions); 1.3.3.1 (conduct weekly self-inspections); 1.3.3.2 (properly document weekly self-inspection reports); 2.8.1 (report noncompliance which may endanger health or the environment within 24 hours to EPA and Tribe); 2.8.2 (report any unanticipated bypass or upset by telephone the first workday following the incident to EPA and the Tribe); 2.8.3 (submit a written description of the unauthorized discharge within 5 days to EPA and the Tribe); and 3.5 (properly operate and maintain all facilities and systems of control).
The Town of Hot Springs has been submitting complete DMRs in a timely manner. A facility inspection will be needed to confirm weekly inspections, inspection documentation and Operation and Maintenance requirements as the permit does not require them to be submitted to EPA.
3. No later than 30 thirty days after receiving this Order, Respondent shall submit to EPA and the Tribe written verification that the SSO has been permanently repaired and an explanation of how the sewer line was repaired, including invoices, photographs and other information documenting that the work has been successfully completed.
Nothing relating to this was submitted by Hot Springs after the order but they did submit a letter about the SSO on 1/5/12 describing how they responded and cleaned up the site. They resubmitted that letter with the plans on 1/18/13.
4. No later than 30 days after receiving this Order, Respondent shall review and begin enforcing its Sewer System ordinance (Chapter 13.08.010-190) and other local controls related to the facility's sanitary sewer collection system including, but not limited to, the individual service line requirement, to prevent unauthorized service line hook-ups and thus potentially reduce the number of sewage back-ups.
The order does not require Hot Springs to submit verification of this requirement, Follow up will be done during the next facility inspection.
5. No later than 60 days after receiving this Order, Respondent shall evaluate the facility's sanitary sewer collection system and check for deficiencies and/or modifications that may be causing or contributing to the SSOs. Within 90 days after receiving this Order, Respondent shall submit to EPA for review and approval a plan and schedule for correcting any physical or design deficiencies. All corrective actions must be completed within 12 months of this Order.
No separate submission by Hot Springs but the system description in the O&M plan covers problem areas and what capital improvement projects are planned to correct them.

Town of Hot Springs
Administrative Order Compliance

6. No later than 60 days after receiving this Order, Respondent shall develop and submit to EPA for review and approval a draft management and operation plan for the sanitary sewer collection system that includes, at a minimum, the following elements to prevent SSOs in the future:

The SSO emergency response plan and draft O&M plan arrived at EPA on 1/18/13.

(1) Overflow Emergency Response Plan. An overflow emergency response plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the emergency response plan must include mechanisms to:

The O&M plan incorporates a *Sewer Overflow Response Plan (SORP)* beginning on page 39.

(a) Ensure that Respondent is aware (to the greatest extent possible) of all overflows from portions of the sanitary sewer collection system and any unanticipated bypass or upset that exceeds any effluent limitation in the permit; SSO notification procedures are primarily covered in § 4 of the SORP. The plan also outlines areas of particular problem of which workers should be aware. Overflow reporting and customer satisfaction are covered in § 6.

(b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceeds any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;

Section 5 of the SORP covers response to SSOs including equipment, assessment and materials. Procedures for specific SSO problems are covered in individual addendums to § 5.

(c) Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained.

The specific SSO procedures in § 5 have detailed response requirements. Training is covered in the general O&M plan.

(2) Measures and Activities. Respondent's management and operation plan must address the following elements, including identification of the person or position in its organization responsible for each element:

Responsibilities by position are in § 1 on page 4.

(a) Provide adequate maintenance facilities and equipment;

Covered in § 8 of the plan and also addressed in § 1.

(b) Maintain a map of the collection system;

System description and map are in the plan.

(c) Conduct routine preventive operation and maintenance activities;

Maintenance is addressed in several sections of the plan.

Town of Hot Springs
Administrative Order Compliance

(d) Assess the current dry and wet weather capacities of the sanitary sewer collection system and treatment facilities;

Covered in § 9 of the plan.

(e) Identify and prioritize structural deficiencies, and identify and implement short-term and long-term rehabilitation actions to address each deficiency; Section 3, *Cleaning, Inspection and Assessment*, seems to cover this requirement, especially the text beginning on page 18.

(f) Provide appropriate training on a regular basis; and

Training is addressed in the overview portion of the plan.

(g) Maintain equipment and replacement parts inventories including identification of critical replacement parts.

Covered in § 8 of the plan, generally all needed parts can be sourced locally as the WWTP system is not a complicated design.

(3) Design and Performance Provisions. Respondent must establish:

(a) Requirements and standards for the installation of new sewers, pumps and other appurtenances; and rehabilitation and repair projects; and

(b) Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

I can't really find this information other than one sentence in § 9 saying an engineer needs to determine available capacity for larger projects to be hooked on to the sewer system. I think a statement added in § 10 under the *Professional Services* header on page 34 could cover it. Something to the effect of all requirements, standards, specifications, procedures, etc. will be done by a PE according to accepted engineering standards such as the Montana Department of Environmental Quality's *Circular DEQ-2* or the *Recommended Standards for Wastewater Facilities - Ten States Standards*. These are the standards the Town of Hot Springs would need to meet to receive Treasure State Endowment Program or Rural Development Grant funding.

(4) Monitoring, Measurement, and Program Modifications. Respondent must:

In § 11 of the O&M plan, which begins on page 37.

(a) Monitor the implementation and effectiveness of each element of its management and operation plan; and

Covered on page 38 of the O&M plan and addresses SSOs, sewer cleaning and inspection, schedules, maintenance work orders, complaints and how funds are spent.

(b) Update program elements as appropriate based on monitoring or performance evaluations.

Covered primarily on page 37 of O&M plan but also addressed on page 38. Includes organizational structure, information management, mapping of system, changes to system and ordinances, updates to maintenance program, updates as system is evaluated, and budgeting and planning.

Town of Hot Springs
Administrative Order Compliance

7. Respondent shall submit a final management and operation plan to EPA and the Tribe within 30 days of receiving and addressing EPA's comments.