

Expedited Settlement Offer Worksheet Violations Form For Wastewater

Version 1 (updated April 2019)

Consult instructions regarding eligibility criteria and procedures prior to use.



LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY		NPDES Permit Number		
1	City of Hardin 406 N Cheyenne Ave Hardin, Montana 59034	MTDW0005I		
		Permit Effective Date:	March 2, 2022	
		Permit Expiration Date:	June 30, 2024 (Admi Continu	
LOCATION AND ADDRESS OF FACILITY		EPA Contact Name:	Lisa-kay Prideaux	
2	Hardin Water Treatment Plant 101 East 4th Street Hardin, Montana 59034	EPA Contact Title:	NPDES & Wetlands Enforcement	
		EPA Office:	R8/Montana	
FACILITY DESCRIPTION / CONTACT NAMES				
		Name of Facility Contact (ESO Worksheet recipient):	Michael Hurff	
		Name of Authorized Official (40 CFR 122.22):	Michael Hurff	
		Are any findings a result of an inspection?	Yes	
		Inspection Date(s) (if applicable):	05/14/2024	
3		Name of Receiving Water Body (Indicate whether 303(d) listed):	Big Horn River	
PRIVATE ENTITY ADJUSTMENT FACTOR				
4	Is the entity privately owned?	If yes, adjustment factor of 2.0 is applied.	No	1.0
FLOW ADJUSTMENT FACTOR				
5	Select the appropriate average volume of flow on a day of discharge in millions of gallons per day (MGD). If a facility discharges only on a periodic basis, do <u>not</u> include days with zero flow when calculating the average flow:			
	A <0.050 mgd (no adjustment is applied)	No adjustment factor is applied.	X	0.0
	B ≥0.050 mgd and <0.250 mgd	Adjustment factor of 1.5 is applied.		
	C ≥0.250 mgd and <1 mgd	Adjustment factor of 3.0 is applied.		
	D ≥1 mgd and <5 mgd	Adjustment factor of 6.0 is applied.		
	E ≥5 mgd and <10 mgd	Adjustment factor of 10.0 is applied.		
	F ≥10 mgd and <50 mgd	Adjustment factor of 15.0 is applied.		
	G ≥50 mgd	Adjustment factor of 20.0 is applied.		
REPEAT VIOLATOR ADJUSTMENT FACTOR				
6	A How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities.	For each enforcement action, adjustment factor is increased 50%.	0	1.0
TOTAL ADJUSTMENT FACTOR				1.00



Notes: * RCA = Requires Corrective Action

		Violation(s) / Corrective Action(s)	CWA / Permit Citation	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total
MONITORING / REPORTING		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.					
7	Failure to submit compliance schedule report:						
	A Late but less than 30 days late					\$50 =	
	B Submitted more than 30 days late					\$75 =	
	C Not submitted					\$150 =	
8	Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring:	Monthly discharge monitoring reports (DMRs) for the timeframe between January 1, 2023, through March 31, 2024, were not submitted. In addition, the facility did not submit the 2023 annual report. CORRECTIVE ACTION: Submit statement verifying identified DMRs have been entered into NetDMR.	Part 3, Part 4.4, and Part 5.1 of the General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country				
	A DMR late but less than 30 days late					\$50 =	
	B DMR submitted more than 30 days late					\$75 =	
	C DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)			Yes	16	\$75 =	\$1,200
	D DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants (count each toxic pollutant not reported or not sampled as a violation)					\$75 =	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)					\$25 =	
10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):						
	A Late but less than 30 days late					\$50 =	
	B Submitted more than 30 days late					\$75 =	
	C Not submitted					\$150 =	
11	24-Hour Noncompliance Notice						
	A Failure to provide notice of noncompliance					\$75 =	
	B Noncompliance notice late					\$50 =	
12	5-Day Written Noncompliance Follow-up Report:						
	A Failure to provide report					\$75 =	
	B Report provided late and/or incomplete					\$50 =	
13	Noncompliance Not Required Within 24 Hours:						
	A Failure to provide report with DMR					\$25 =	
	B Report provided late and/or incomplete					\$10 =	
Subtotal Monitoring / Reporting Violations							\$1,200

OPERATIONS AND MAINTENANCE		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.					
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)					\$40 =	
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)	The facility conducts weekly inspections of the backwash pond inlet and outfall, and records observations; however, the observations do not include the health of the backwash pond dike walls. The May 14, 2024 inspection observed a timeframe of July 1, 2023 through December 31, 2023; 6 months with one or more partially completed inspection were observed. CORRECTIVE ACTION: submit a blank facility inspection form showing the addition of backwash pond dike walls evaluation.	Part 5.1, Part 5.5.1, and Part 5.5.3 of the General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country	Yes	6	\$20 =	\$120
16	Failure to identify and document corrective actions					\$20 =	
17	Failure to meet operation and maintenance requirement of the permit					\$100 =	
18	Failure to manage removed substances in accordance with the permit					\$250 =	
Subtotal Operations and Maintenance Violations							\$120

EFFLUENT LIMITATIONS		ESA eligible if violations occurred within the 12 months immediately prior to the ESA offer.				
19	Failure to meet effluent limitations:					
A	Months with effluent exceedance less than 40% above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)				\$50 =	
B	Months with effluent exceedance 40% or more above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform)				\$75 =	
C	Months with effluent exceedance less than 20% above the limit - toxic pollutants (count each toxic pollutant separately as a violation)				\$100 =	
E	Months with effluent exceedance 20% or more above the limit - toxic pollutants (count each toxic pollutant separately as a violation)				\$200 =	
Subtotal Effluent Limitations Violations						\$0
RECORDS		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.				
20	Failure to create/maintain sampling and/or analysis records (count each month with one or more failure)				\$40 =	
21	Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22)		No		\$25 =	
Subtotal Records Violations						\$0
INDUSTRIAL WASTE		ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer.				
22	Failure to meet industrial waste management/pretreatment requirement for POTWs without approved pretreatment programs (excluding failure to provide notice counted in #11)				\$100 =	
ECONOMIC BENEFIT ESTIMATE		ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer.				
23	Enter total estimate economic benefit calculated rounded up to the nearest \$50				ESA eligible	
Total Expedited Settlement						\$1,320