



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

STATEMENT OF BASIS
Permit Modification

PERMITEE: Town of Hot Springs
Flathead Reservation

FACILITY: Town of Hot Springs Wastewater Treatment
Facility

PERMIT NO.: MT0020591

RESPONSIBLE OFFICAL: Dan Oberlander
Public Works Director
P.O. Box 669
Hot Springs, MT 59845
(406)741-2531

PERMIT TYPE: Minor POTW, Indian Country, Renewal

RECEIVING WATER.: Ditch Discharging to Hot Springs Creek

LOCATION One mile east of Town of Hot Springs town limits
NE ¼ of Section 3, Township 21N, Range 24W
Latitude 47° 36' 48"
Longitude 114° 38' 55"

A. Facility Description

The Hot Springs wastewater treatment facility was constructed in 1987. It consists of three lined and aerated cells with a total surface area of 2.81 acres. The system serves 531 residents of Hot Springs. Design flow is 0.236 million gallons per day (mgd), and the maximum daily flow for the last 3 years was 0.364 mgd, which occurred in March 2007. Flow is measured in a v-shaped weir after the discharge passes through the chlorine contact chamber. Hot Springs has experienced problems with winter time freezing in the chlorine contact chamber. During the last inspection on May 12, 2005, the lagoon was noted to be in good shape and well maintained.

Hot Springs' NPDES permit does not expire until May 31, 2011 but is being reopened to add an additional effluent limit, which is required to comply with recently-revised Tribal Water Quality Standards.



B. Receiving Water

The discharge from the wastewater treatment facility runs through approximately 100 feet of open ditch before discharging into Hot Springs Creek. The discharge is continuous.

C. Water Quality Standards

1. Water Quality Classification

Hot Springs Creek is classified C-3. Waters classified C-3 must be maintained suitable for bathing, swimming and recreation; wildlife (birds, mammals, amphibians and reptiles); the marginal growth and propagation of non-salmonid fishes and associated aquatic life; and agricultural and industrial water supply purposes.

2. *E. coli*

The Tribes have recently revised the tribal Water Quality Standards. The revisions include a new *E. coli* standard, which is a 30-day geometric mean of 126 cfu/100 ml with no more than 10% of samples exceeding 252 cfu/100ml. The new standard is the *E. coli* limit at the end-of-pipe discharge point. This decision reflects cultural use of Hot Springs Creek.

D. Effluent Limitations

The permit effluent limitations and the basis for the limitations remain the same except for the addition of a limitation for *E. coli*, which is given in the table below:

Effluent Characteristic	30-Day average	7-Day Average	Basis <u>a/</u>
<i>E. coli</i>	126 cfu/100 ml	252 cfu/100 ml	WQS

a/ The basis of the effluent limitation is given below:

“WQS” refers to effluent limitations based on water quality standards.

F. Self-Monitoring Requirements

Monitoring samples for *E. coli* will be collected in the weir below the chlorine contact chamber for the sample type and at the frequency identified in the table below. All other monitoring samples collection points, sample types and monitoring frequency remain unchanged.

Effluent Characteristic	Frequency	Sample Type a/
<i>E. coli</i> , # cfu/100 ml b/	Monthly	Grab

a/ See Definitions, Part 1.1 of the permit for definition of terms.

b/ Monitoring for *E. coli* applies year-round. The permittee shall note on the discharge monitoring report when the chlorine chamber is frozen.

G. Total Maximum Daily Load

On June 21, 2000 and September 21, 2000, U.S. District Judge Donald W. Molloy issued orders stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the EPA is prohibited from issuing new permits or from increasing already permitted discharges under the NPDES program. (The orders were issued pursuant to the lawsuit Friends of the Wild Swan, et al., v. U.S. EPA, CV 97-35-DWM, District of Montana, Missoula Division.)

Although the Confederated Salish and Kootenai Tribes have adopted water quality standards that have been approved by EPA, they have not listed water bodies as impaired and developed a 303(d) list to require TMDLs. Hot Springs Creek was listed as impaired on the State of Montana's 1996 303(d) list. When EPA approved the State of Montana's 1996 list of impaired streams and lakes which included water bodies within tribal reservation boundaries, EPA specifically stated that the approval did not extend to waters in Indian Country. EPA finds that modifying this permit would not conflict with the Order because the new permit limit does not increase discharges over the current permit limitations, and the permit retains the condition that allows the permit to be reopened to include any Waste Load Allocation applicable to the Hot Springs discharge developed and approved by the Tribes and/or EPA.

H. Miscellaneous

The effective date of the permit and the permit expiration date are unchanged. The modifications to the permit are effective as indicated in the permit. Permit public noticed for 36 days, no comments received.

Prepared by David Rise
 January 29, 2008
 Modified by David Rise
 June 27, 2008