Message

From: Garcia, Al [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=98801C1057A54735A3BA909BD871BE23-GARCIA, ALFONSO]
Sent: 7/31/2020 4:20:42 PM
To: Matthew Culpo [MCULPO@helenamt.gov]; Hanson, Robyn [Hanson.Robyn@epa.gov]; Llamozas, Emilio [Llamozas.Emilio@epa.gov]
CC: Mark Fitzwater [mfitzwater@helenamt.gov]; Phil Hauck [PHAUCK@helenamt.gov]; Thomas Jodoin [TJODOIN@helenamt.gov]; DeJong, Stephanie [DeJong.Stephanie@epa.gov]
Subject: RE: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables - COH Response to Deliverables 4 and 5

Hello Matt,

Thank your for the submittal of the IU inventory and procedures. I will add these documents to my review queue to ensure they comply with the Pretreatment Regulations, as a follow up to the 2017 Pretreatment audit. The feedback to the IU Inventory may take up to two weeks.

Update: I am completing my technical review of the Helena municipal ordinance updates you submitted on Monday, July 27, 2020 and will let you know next week if this is approved.

Al Garcia

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From: Matthew Culpo <MCULPO@helenamt.gov>
Sent: Thursday, July 30, 2020 10:51 AM
To: Garcia, Al <garcia.al@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>
Cc: Mark Fitzwater <mfitzwater@helenamt.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>
Subject: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables - COH Response to Deliverables 4 and 5

Al,

This email and attachments are intended to respond to deliverables 4 and 5 in the list provided below by EPA. Attached, please find the Industrial User Inventory and Characterization Procedures as requested. These procedures address existing and new businesses. The procedures are effective immediately. Additionally, we have screened a list of 1,277 new businesses started in the City of Helena from September 2017 to July 2020 for potential industrial users (attached). The screened list consists of 86 potential industrial users. This City of Helena will send each potential industrial user the Industrial Waste Survey (attached) by October 1, 2020 and request return service by November 1, 2020. The City of Helena will complete review of the surveys and, if needed, inspections by June 1, 2021.

Please let me know if you approve, or have any comments or suggestions related to our procedures and planned timeline for the survey and updates to our Industrial User Inventory.

Thank you,

Matt Culpo, P.E.
Civil Engineer
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From: Hanson, Robyn <Hanson.Robyn@epa.gov>
Sent: Friday, July 24, 2020 3:39 PM
To: Phil Hauck <PHAUCK@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Cc: Thomas Jodoin <TJODOIN@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>
Subject: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables

Phil, Ryan, Matt, and Mark:

Thank you once again for participating in a videoconference with the EPA yesterday regarding the City of Helena's pretreatment program. We look forward to the City's continued engagement as we pursue settlement discussions regarding a potential enforcement action under the Clean Water Act (CWA) for the violations that we alleged in our Letter of Violation, dated May 14, 2020.

As I noted yesterday after receiving your permission to proceed without the presence of the City's Attorney, our primary focus at this time is reaching agreement on a set of compliance terms to be drafted into a proposed administrative Agreement on Consent, or "AOC." *See* Section 309(a) of the CWA 33 U.S.C. § 1319(a). At a later point in our settlement discussions, we also intend to engage with the City of Helena regarding an appropriate administrative penalty as set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

For now, I am following up on my commitment to share with you the list of deliverables, in the table below, that we understand to have come out of yesterday's conference. Please let me know if you have anything to add to this list, or if you understood any commitments differently.

Deliverables	**Corresponding LOV Violation # (from 7/8/20 EPA letter)**	**Due Date**
City of Helena:		
1. Submit an updated ordinance.	#2	September 1, 2020; City expresses it may be able to submit earlier.
2. Propose an updated IGA (that addresses EPA's 7/8/20 comments) to Ft. Harrison for signature.	#3	No set date commitment. City and EPA agree the City will propose the updated draft IGA "soon" so EPA can be available to join discussions

		if Ft. Harrison does not agree to sign. If this is still outstanding when we draft the AOC, that document will propose a date for completion of the City's proposal of the IGA.
3. Reissue the modified DIP permit, addressing EPA's comments (to be provided by August 5, 2020).	#4	By August 15, 2020.
4. Provide a narrative explanation to EPA of the IU inventory and characterization procedures the City is implementing or planning to implement, for existing and new facilities, including a timeline for implementation and a description of how the City will update its IU inventory (of existing and new facilities) yearly.	#5 & #6	By August 1, 2020.
5. City will update its prior IU Inventory procedures governing notification of IUs (submitted to Al during 2017 Pretreatment Audit, which he sent back to the City on 7/23/20).	#7	September 1, 2020 (EPA agreed to extend from the original 8/15 date requested).
6. City to update the Sampling & Analysis Plan it provided to EPA (via Al Garcia) on 6/30/20 and resubmit to EPA for approval. The updates should ensure the plan provides for representative sampling, appropriate timing for the samples, calibration of pH meter with logs of the calibrations, and any other updates needed to address the Proposed Action in EPA's July 8, 2020 letter.	#8 & #9	August 5, 2020.
7. City to review its enforcement records on MRL's late report, including documented phone calls and provide those records to EPA if they exist. Alternatively, City will discuss with the City's Attorney taking enforcement response on the late report.	#9	No set date commitment. As soon as possible.
8. City to develop a procedure for receiving and analyzing self-monitoring reports from SIUs and following up with enforcement responses per the City's ERP.	#9	Agree to do within timelines proposed in July 8, 2020 letter (p. 14), if not earlier.
9. City to continue to strategize methods to recruit and budget a FTE designated to implement its PT Program. Phil and Al to discuss ideas about steps that could ensure qualified personnel implement the PT program.	#10	No set date commitment. Phil will contact Al to set a time to talk.
EPA:		
1. Review the City's recently proposed draft Local Limits, as submitted via email to Al Garcia on 6/30, to ensure they are approvable.	#1	No set date commitment. EPA acknowledges receipt of Helena's proposed Local Limits and has added the document to the queue of municipal proposals under review.
2. Provide edits and comments on the City's recently provided draft DIP permit, including EPA's request for removal of the	#4	August 5, 2020 (City still plans to reissue by August 15th)

administrative extension language and language requiring samples to be "representative."		
3. Al to discuss ideas with Phil about steps that could ensure qualified personnel implement the PT program; EPA to consider sharing advice based on what other similarly sized municipalities do.	#10	No set date commitment. Phil will contact Al.

Finally, I am CC'ing Mr. Jodoin to this communication. Mr. Jodoin, please do not hesitate to contact me directly if you want to discuss the EPA's claims in this matter or our proposed path forward in these ongoing settlement discussions, including any of the deliverables arising from the conference yesterday.

Regards,
Robyn

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