STATEMENT OF BASIS FOR THE
CITY OF HARDIN WASTEWATER TREATMENT PLANT
NPDES PERMIT MT-0030759

March 2018

PERMITTEE:	City of Hardin
FACILITY NAME AND ADDRESS:	City of Hardin Wastewater Treatment Plant 406 N. Cheyenne Hardin, MT 59034 (406) 655-9292
PERMIT NUMBER:	MT-0030759
RESPONSIBLE OFFICIAL:	Russell Dill Superintendent of Public Works
FACILITY CONTACT:	John Stanich, WWTP Operator
PERMIT TYPE:	Indian country, major permit, renewal
TYPE OF TREATMENT:	Oxidation ditch, clarifier, aerated sludge digestion, ultra-violet light disinfection
FACILITY LOCATION:	North ½, Section 24, Township 1 South, Range 33 East; 45.734722° N 107.580278° W
DISCHARGE LOCATION:	45.734793° N 107.579082° W
RECEIVING WATER:	Bighorn River

1. Permit Status

This statement of basis is for the renewal of the National Pollutant Discharge Elimination System (NPDES) Permit (MT0030759) authorizing discharge from the City of Hardin Wastewater Treatment Plant (Facility or WWTP). The previous Permit was issued in 2011, with an effective date of October 1, 2011, and an expiration date of September 30, 2016. The application for permit renewal was dated January 29, 2016 and the conditions of the Permit issued in 2011 have been administratively continued until the renewal Permit is issued and in effect.

The Facility is located on the Crow Reservation and is thus in "Indian country" as defined at 18 U.S.C. 1151. The EPA has not approved the Tribes or the State of Montana to implement the Clean Water Act (CWA) NPDES program in Indian country within the State of Montana. The EPA directly implements the CWA NPDES program on Indian country lands within the State of Montana.

2. Facility Information

This Permit is for the discharge from the City of Hardin WWTP that serves approximately 3,505 residents of the City of Hardin.

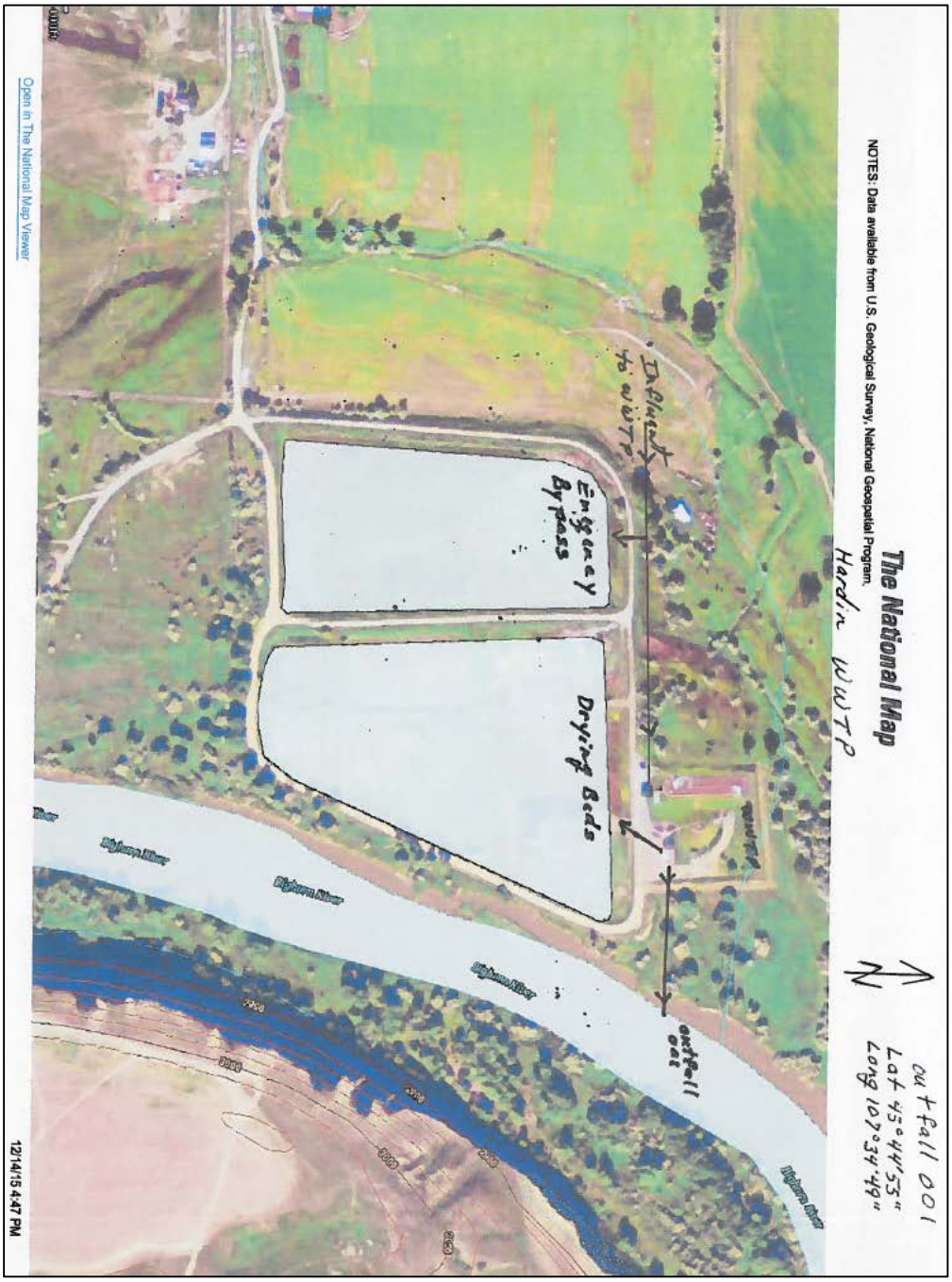
Domestic sewage is conveyed to the facility, which has a design flow of 1.1 million gallons per day (MGD), through a gravity sewer system. Treatment consists of influent screening, an oxidation ditch, two secondary clarifiers, an aerobic digester and ultraviolet (UV) disinfection prior to discharge via pipeline to a point in the Bighorn River. Prior to installation of the UV disinfection system, the Facility disinfected effluent using chlorine.

As depicted on the Google Earth image included with the permit application (Figure 1), raw influent undergoes screening upon entering the Facility, then is conveyed to the oxidation ditch. Sewage from the oxidation ditch flows through two secondary clarifiers prior to aerobic digestion and is finally disinfected by UV disinfection before being discharged to the Bighorn River at a point due east of the facility. The discharge pipe terminates in the River approximately one foot below the surface of the river and extends approximately one foot from the shoreline.

A second image of the Facility included with the permit application (Figure 2) shows two lagoons that are no longer in use for sewage treatment. The first lagoon can be used, in emergency situations, to hold influent that has bypassed the Facility. Figure 2 also shows the second lagoon, now used for sludge drying prior to landfill disposal.

Figure 1. City of Hardin WWTP Flow Diagram

Figure 2. City of Hardin WWTP, Including Lagoons



2.1 Effluent Characteristics

A summary of self-monitoring effluent data for the period of record (POR) from October 2011 through December 2016 is included in Table 1.

Table 1. Summary of Self-Monitoring Data for October 2011 – December 2016

	Value Reported a/				
Parameter	**Minimum**	**Maximum**	**Average**	**No. of Values Reported**	**No. of Exceed-ances b/**
BOD_5, mg/L	3.8	45	5.16	61	0
BOD_5, lbs/day	16	55.7	23.06	62	0
BOD_5, % removal	92	98	96.81	62	0
Total Suspended Solids, mg/L	2.3	14	6.92	62	0
Total Suspended Solids, lbs/day	2.4	93	35.72	62	0
TSS, % removal	86	98	93.43	62	0
pH, s.u.	6.91	7.77	N/A	62	0
E. coli, Apr-Oct, #/100 mL	1	360	16.50	36	1
E. coli, Nov-Mar, #/100 mL	1	303	23.17	25	0
Total Residual Chlorine, mg/L c/	0	0	0	62	0
Total Flow, mgd	0.05	0.77	0.59	62	N/A
Oil & Grease, visual	0	0	0	62	N/A
Oil & Grease, mg/L c/	0	0	0	62	N/A
Total Arsenic, mg/L	0.001	0.001	0.001	4	N/A
Total Cadmium, mg/L	0.001	0.001	0.001	3	N/A
Total Chromium, mg/L	0.001	0.001	0.001	3	N/A
Total Copper, mg/L	0.005	0.008	0.0065	4	N/A
Total Lead, mg/L	0.005	0.005	0.005	3	N/A
Total Molybdenum, mg/L	0.004	0.012	0.0095	4	N/A
Total Nickel, mg/L	0.0005	0.005	0.0035	3	N/A
Total Selenium, mg/L	0.002	0.004	0.003	4	N/A
Total Silver, mg/L	0.005	0.005	0.005	3	N/A
Total Zinc, mg/L	0.005	0.03	0.019	4	N/A
Total Cyanide, mg/L	0.005	0.005	0.005	3	N/A
Total Phenols, mg/L	0.01	0.03	0.015	4	N/A
Volatile Organic Pollutants, mg/L	0	5.72	0.903	8	N/A
Semi-Volatile, Acid, mg/L d/	--	--	--	0	N/A
Semi-Volatile, Base-Neutral, mg/L	0.5	10	5.25	2	N/A
Ammonia Nitrogen, mg/L	0.05	0.09	0.07	3	N/A
Nitrate-Nitrogen, mg/L	4.74	26.2	18.36	4	N/A
Nitrite-Nitrogen, mg/L	0.02	0.25	0.115	4	N/A
Total Kjeldahl Nitrogen, mg/L	0.5	1.2	0.95	4	N/A
Total Nitrogen, mg/L	0.5	26.3	12.82	4	N/A
Total Phosphorus, mg/L	2.08	2.98	2.44	4	N/A

a/ This table shows the minimum, maximum, and average of values reported on the Discharger's monthly reports. The values are: sample averages for BOD_5, TSS and Flow; geometric mean values

for *E. coli* (though these values were reported as averages); and single sample values for all other parameters.

b/ Number of exceedances is the number of reported values that exceeded at least one of the numeric limits provided in the Permit. For example, if a single value reported on the Discharge Monitoring Report exceeded both the 30-day average and the 7-day average, it is counted as a single exceedance in the summary.

c/ The Discharger submitted monitoring results for Total Residual Chlorine and Oil & Grease concentrations for all reporting periods though these parameters are only required to be monitored during certain conditions. Based on the information provided, it did not appear that monitoring was required for these parameters during the POR.

d/ No monitoring results for this parameter were included in the electronically reported data for the POR.

2.2 Compliance History

Based on Discharge Monitoring Report (DMR) data, there was a single effluent violation during the POR: the *E. coli* value reported on the April 2013 DMR of 360 #/100 mL exceeded the effluent limitation of 252 #/100mL.

3. Technology-Based Effluent Limits (TBELs)

Treated effluent from the City of Hardin WWTP is subject to the Secondary Treatment Regulations found at 40 CFR Part 133. Regulations at 40 CFR § 133.102 require that the minimum level of effluent quality for secondary treatment is 30-day average concentrations of BOD_5 and TSS that do not exceed 30 mg/L, 7-day average concentrations of these parameters that do not exceed 45 mg/L and a minimum 30-day removal of 85 percent for each parameter. These standards are expressed as average monthly and average weekly limitations based on requirements found at 40 CFR § 122.45(d).

The secondary treatment regulations also provide a limit for pH to be maintained between 6.0 and 9.0 standard units. The limit for pH contained in this Permit is more stringent than required by the secondary treatment regulations in order to protect downstream water quality, as discussed below.

Table 2. Technology-Based Effluent Limitations

Effluent Characteristic	Effluent Limitation		
	Average Monthly a/	Average Weekly a/	Daily Maximum a/
BOD_5, mg/L b/	30	45	N/A
Total Suspended Solids, mg/L b/	30	45	N/A
The pH of the discharge shall not be less than 6.5 or greater than 9.0 at any time.			

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

b/ Percentage Removal Requirements (TSS and BOD_5 Limitation): In addition to the concentration limits for Total Suspended Solids (TSS) and BOD_5 indicated above, the arithmetic mean of the concentration for effluent samples collected in a calendar month shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

4. Water Quality-Based Effluent Limits (WQBELs)

WQBELs, which are based on water quality standards, must be established for any parameters where TBELs are not sufficient to ensure water quality standards will be attained in the receiving water (40 CFR § 122.44(d)). The parameters that must be limited are those that are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an exceedance of water quality standards.

4.1 Receiving Waters

The discharge from the facility enters the Bighorn River via pipeline at a point due east of the UV disinfection system. The pipe extends approximately one foot past the shoreline and is positioned approximately one foot below the surface of the water.

4.2 Water Quality Considerations

The Crow Tribe has not established water quality standards (WQS) for the Reservation. However, the Bighorn River from the downstream border of the Reservation to the Yellowstone River has been classified as a B-2 water by the State of Montana. Waters classified B-2 are to be maintained suitable for drinking, culinary and food processing purposes after conventional treatment; bathing, swimming and recreation; growth and marginal propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply. For the purpose of this Permit renewal, Montana State WQS are applied to the discharge in order to protect water quality and designated uses downstream of the Reservation.

Pollutants typically present in treated effluent from domestic wastewater treatment facilities that may cause or contribute to exceedances of water quality standards include conventional pollutants such as biological material (measured by BOD_5), TSS, oil and grease and pH; and non-conventional pollutants such as *E. coli*, total residual chlorine, ammonia, total nitrogen, total phosphorous, dissolved oxygen and total dissolved solids.

Available DMR data for the City of Hardin discharge includes sample results for organic and inorganic pollutants collected from October 2011 to December 2016. A reasonable potential analysis is not necessary for BOD_5, pH, and TSS because these are technology-based limits.

For most of the pollutants, the maximum detected concentration is less than the State WQS, which results in a conclusion of no reasonable potential before any available dilution is considered. The maximum detected concentration of cadmium (0.001 mg/L), copper (0.008 mg/L), silver (0.0005 mg/L), and nitrate as N (26.2 mg/L) are greater than applicable downstream WQS. However, the receiving water for the discharge is the Bighorn River. Streamflow data from United States Geological Survey (USGS) gaging station 06288400 (Bighorn River at Two Leggins Bridge, near Hardin), located approximately 10 miles upstream from the facility discharge, indicates that the minimum reported mean daily flow between April 1, 2012 and July 23, 2017 is 1340 cfs. The maximum facility design flow is 1.78 MGD (3.31 cfs); based on the lowest daily mean streamflow (1340 cfs), the available minimum dilution at the point where the facility discharge enters the receiving water is approximately 400 to 1. Dilution of this magnitude allows for a determination of no reasonable potential for cadmium, copper, silver, and nitrate as N.

4.2.1 Conventional Pollutants

4.2.1.1 *BOD_5, TSS, and pH* – The Montana State WQS do not include numeric criteria for BOD_5 or TSS, so no WQBELs will be applied for these pollutants. The downstream water quality criterion established by Montana for pH is 6.5 to 9.0 standard units, which is more stringent than the TBEL, and will apply as the WQBEL.

4.2.1.2 *Oil and Grease* – The 2011 Permit has an effluent limitation for oil and grease of 10 mg/L. Due to the domestic nature of the discharge, this limit is continued to the current Permit term to protect water quality in Bighorn River downstream of the Reservation. The effluent limits are included in the reissued Permit as both the numeric limit of 10 mg/L and narrative limitation stating that "[there shall be no] visible sheen in the receiving water." Sampling for compliance with the numeric limit is required only when visual monitoring results in the detection of a visible sheen in the receiving water. Enter the appropriate No Discharge (NODI) code on the electronic DMR if chlorine is not used as part of the disinfection process.

4.2.1.3 *Dissolved Oxygen* – Numeric criteria for dissolved oxygen are established by the State of Montana WQS for the Bighorn River downstream of the Reservation. These criteria are based on the presence or absence of early life stages of freshwater aquatic life. Monitoring and numeric limits have not been established for dissolved oxygen in previous permits; however, the result of monitoring required for the permit renewal application was 3.84 mg/L. The least stringent standard for downstream B-2 waters, as established in the State WQS is 4.0 mg/L. Monitoring for dissolved oxygen will be required quarterly for the duration of this Permit to determine if WQBELs will be required for dissolved oxygen in future permits.

4.2.2 Non-conventional Pollutants

4.2.2.1 *E. coli* – The Montana State WQS establish numeric criteria for *E. coli* that vary according to season. From April 1 through October 31, the geometric mean number of *E. coli* may not exceed 126 colony-forming units per 100 mL and 10% of total samples may not exceed 252 cfu per 100 mL during any 30-day period for waters designated B-2 by the State. From November 1 through March 31, the geometric mean number of *E. coli* may not exceed 630 cfu per 100 mL and 10% of the samples may not exceed 1,260 cfu per 100 mL during any 30-day period. The numeric criteria for *E. coli* established by the WQS will be established as numeric effluent limitations applied at end-of-pipe for the duration of this Permit to protect downstream uses.

4.2.2.2 *Temperature* – The Montana State WQS for waters designated B-2 include numeric criteria for temperature that allow a 1ºF maximum increase above naturally occurring water temperature within the range of 32ºF to 66ºF; within the naturally occurring range of 66ºF to 66.5ºF, no discharge is allowed which will cause the water temperature to exceed 67ºF; and where the naturally occurring water temperature is 66.5ºF or greater, the maximum allowable increase in water temperature is 0.5ºF. Effluent temperatures from the Facility (55.0ºF and 64.0ºF winter and summer averages; 55.8ºF and 64.6ºF winter and summer maxima) are within the range of temperatures reported for the Bighorn River at the Yellowtail Dam (34.9ºF to 66.74ºF at USGS gaging station #06287000), allowing for a determination that the temperature of the effluent discharge would not cause, have the reasonable potential to cause, or contribute to an excursion above downstream water quality criteria.

4.2.2.3 *Total Residual Chlorine* (TRC) – The Facility uses ultraviolet (UV) disinfection, however chlorine is used for filamentous algae control in the aerobic digester so monitoring for total residual chlorine is included as a requirement in this Permit. The numeric limit included in the previous Permit of 0.5 mg/L TRC will be retained in this Permit.

4.2.2.4 *Ammonia* – Montana WQS established for ammonia are dependent on the presence or absence of fish early life stages as well as the temperature and pH of the receiving water. The highest concentration of ammonia monitored during the previous permit term was 0.09 mg/L, which is significantly less than the most stringent temperature- and pH-dependent ammonia limitation provided by the State WQS of 0.179 mg/L. Based on the results of monitoring during the previous permit term, there is no limitation included in this Permit for ammonia. Monitoring for ammonia will be continued, on an annual basis to ensure continued protection of water quality downstream of the Facility.

4.2.2.5 *Nitrate & Nitrite* – The State designated uses of the Bighorn River downstream of the Reservation include drinking water. The human health standard for nitrate established in State standards is 10 mg/L, and the drinking water human health standard for nitrite is 1 mg/L. Three of the four nitrate samples tested during the previous permit term were above the criteria of 10 mg/L (18.3-26.2 mg/L). However, the dilution provided by the Bighorn River is approximately 400 to 1, allowing for a determination that there is no reasonable potential for nitrate discharges from the facility to cause or contribute to an exceedance of downstream water quality standards. Nitrite results ranged from 0.05 to 0.25 mg/L. Annual monitoring for nitrate and nitrite will continue during this Permit to ensure continued protection of downstream water quality.

4.2.2.6 *Total Kjeldahl Nitrogen, Total Nitrogen, Total Phosphorus and Total Dissolved Solids* – Permit application requirements at 40 CFR § 122.21(j)(4)(iii) require monitoring of these pollutants. Total Kjeldahl nitrogen, total nitrogen and total phosphorus monitoring requirements were included in the previous Permit and these parameters will continue to be monitored as part of this Permit. Monitoring for total dissolved solids, also required for the permit renewal application, will be added for this Permit. Monitoring for these permit application parameters will occur annually.

4.2.2.7 *Tetrachloroethene* – The WQS for the State of Montana that apply downstream of the Reservation include numeric human health criteria for tetrachloroethene of 5 micrograms per liter (µg/L). The Permittee reported a maximum daily result of 5.4 µg/L tetrachloroethene as part of the testing required for permit renewal. Monitoring for tetrachloroethene will be

required annually for this Permit to ensure protection of downstream water quality and to determine if WQBELs will be required for tetrachloroethene in future permits.

4.2.2.8 *Others* – The 2011 issuance of this Permit required annual monitoring of the following parameters under the requirements of 40 CFR Part 403: arsenic; cadmium; chromium; copper; cyanide; lead; molybdenum; nickel; selenium; silver; zinc; phenols; volatile organic pollutants; semi-volatile organic compounds, acid; and semi-volatile organic compounds, base neutral. The Discharger indicated in the permit renewal application that no industrial facilities are discharging to the Facility and therefore there is no requirement to develop and administer a pretreatment program. The monitoring of these parameters will continue on an annual basis to provide a means of detecting new industrial discharges.

Permit application requirements at 40 CFR § 122.21(j)(4)(iii) require monitoring of antimony, beryllium and mercury. Data for these parameters was not provided as part of the permit application; annual monitoring for antimony, beryllium and mercury has been added to ensure data collection to meet the permit application requirements.

Effluent monitoring data provided for cadmium, copper and silver showed results exceeding the criteria for these parameters established by the Montana WQS for waters downstream of the Reservation. As discussed at section IV.B, dilution provided by the Bighorn River allows for a determination that there is no reasonable potential for these parameters to cause, have the reasonable potential to cause, or contribute to an exceedance of downstream water quality standards. Monitoring for these parameters will continue on an annual basis to meet requirements for future permit renewal applications, to provide a means of detecting new industrial dischargers, and to continue to ensure protection of downstream water quality.

4.3 Antidegradation

The Administrative Rules of Montana (ARM) include a Nondegradation Policy (Title 17, Chapter 30, Subchapter 7). The policy applies to activities resulting in new or increased sources which may cause degradation. This Permit allows an increase in Facility design flow of 0.10 MGD, but does not allow any new or increased concentrations of pollutants from the Facility to the Bighorn River; therefore this Permit would not result in significant degradation and no further analysis is necessary.

5. Final Effluent Limitations

The effluent limitations in Table 5 will be applied to the discharge at Outfall 001 for the duration of the Permit term. Limits are based on the most stringent of either the TBELs or WQBELs presented in Sections III and IV, respectively.

Table 3. Effluent Limitations Included in the Permit

Effluent Characteristic	Effluent Limitation		
	Average Monthly a/	Average Weekly a/	Daily Maximum a/
BOD_5, mg/L b/	30	45	N/A
Total Suspended Solids, mg/L b/	30	45	N/A
E. coli, cfu/100 mL, April 1 – October 31	126 c/	N/A	252 d/
E. coli, cfu/100 mL, November 1 – March 31	630 e/	N/A	1,260 f/
Total Residual Chlorine, mg/L	N/A	N/A	0.5
The pH of the discharge shall not be less than 6.5 standard units (s.u.) or greater than 9.0 s.u. at any time.			
There shall be no visible sheen in the receiving water. If visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample taken.			

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

b/ Percentage Removal Requirements (TSS and BOD_5 Limitation): In addition to the concentration limits for Total Suspended Solids (TSS) and BOD_5 indicated above, the arithmetic mean of the concentration for effluent samples collected in a calendar month shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

c/ From April 1 through October 31, the geometric mean number of *E. coli* may not exceed 126 colony-forming units (cfu) per 100 mL during any calendar month.

d/ From April 1 through October 31, no more than 10% of *E. coli* samples taken during any calendar month may exceed 252 cfu per 100 mL.

e/ From November 1 through March 31, the geometric mean number of *E. coli* may not exceed 630 cfu per 100 mL during any calendar month.

f/ From November 1 through March 31, no more than10% of *E. coli* samples taken during any calendar month may exceed 1,260 cfu per 100 mL.

6. Self-Monitoring and Reporting Requirements – Outfall 001

The self-monitoring requirements in Table 6 apply to Outfall 001. Monitoring for parameters for which were not sampled for the permit application process has been added to comply with permit renewal application requirements and to determine whether the discharge will cause, have the reasonable potential to cause or contribute to an exceedance of downstream water quality standards.

Table 4. Monitoring Requirements – Outfall 001

Effluent Characteristic	Frequency	Sample Type a/
Total Flow, mgd b/	Continuous	Recorder
BOD_5, mg/L	Weekly	Composite
Total Suspended Solids, mg/L	Weekly	Composite
pH, standard units (s.u.)	Weekly	Instantaneous
E. coli, cfu/100 mL	Weekly	Grab
Total Residual Chlorine, mg/L	Daily c/	Instantaneous
Oil and grease, visual	Daily d/	Observation
Oil and grease, mg/L	d/	Grab
Ammonia Nitrogen, mg/L	Annually	Composite
Nitrate-Nitrogen, mg/L	Annually	Composite
Nitrite-Nitrogen, mg/L	Annually	Composite
Total Kjeldahl Nitrogen, mg/L	Annually	Composite
Total Nitrogen, mg/L	Annually	Calculated
Total Phosphorus, mg/L	Annually	Composite
Total Dissolved Solids, mg/L	Annually	Grab
Dissolved Oxygen, mg/L	Quarterly	Grab
Tetrachloroethene, µg/L	Annually	Grab
Total Antimony, µg/L	Annually	Composite
Total Arsenic, µg/L	Annually	Composite
Total Beryllium, µg/L	Annually	Composite
Total Cadmium, µg/L	Annually	Composite
Total Chromium, µg/L	Annually	Composite
Total Copper, µg/L	Annually	Composite
Total Cyanide, µg/L	Annually	Grab
Total Lead, µg/L	Annually	Composite
Total Mercury, µg/L	Annually	Composite
Total Molybdenum, µg/L	Annually	Composite
Total Nickel, µg/L	Annually	Composite
Total Selenium, µg/L	Annually	Composite
Total Silver, µg/L	Annually	Composite
Total Zinc, µg/L	Annually	Composite

Effluent Characteristic	Frequency	Sample Type a/
Total Phenols, µg/L	Annually	Grab
Volatile Organic Pollutants, µg/L	Annually	Grab
Semi-Volatile Organic Compounds, Acid, µg/L	Annually	Composite
Semi-Volatile Organic Compounds, Base-Neutral, µg/L	Annually	Composite

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

b/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in million gallons per day) during the reporting period and the maximum flow rate observed (in mgd) shall be reported.

c/ Monitoring is only required if chlorine is used in the treatment process.

c/ A daily visual observation is required. If a visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

The self-monitoring requirements in Table Seven apply to influent entering the Facility. Influent monitoring is required to determine compliance with percent removal standards established at 40 CFR §§ 133.102(a)(3) and 133.102(b)(3).

Table 5. Monitoring Requirements – Influent

Influent Characteristic	Frequency	Sample Type a/
Influent Flow, mgd	Continuous	Recorder
Influent BOD_5, mg/L	Weekly	Composite
Influent Total Suspended Solids (TSS), mg/L	Weekly	Composite

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

6.1 Discharge Monitoring Reports

As of December 21, 2016, Permittees must electronically report DMRs using *NetDMR*. For any questions or concerns regarding DMRs or *NetDMR*, please contact the EPA's Policy, Information Management and Environmental Justice Program, DMR Coordinator at (303) 312-6056. See Section 2.3 of the Permit for additional information.

7. Endangered Species Act Requirements

Section 7(a) of the Endangered Species Act requires federal agencies to ensure that any actions authorized, funded or carried out by an agency are not likely to jeopardize the continued existence of any federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species.

According to U.S. Fish & Wildlife Service, Information for Planning and Conservation (IPaC) website (https://ecos.fws.gov/ipac/), there are no federally listed endangered species found in the vicinity of the facility, or downstream from the discharge. The EPA determines this Permit will have

no effect on any of the species listed by the U.S. Fish and Wildlife Service under the Endangered Species Act.

8. National Historic Preservation Act (NHPA) Requirements

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The EPA has evaluated its planned reissuance of the NPDES Permit for the City of Hardin WWTP to assess this action's potential effects on any listed or eligible historic properties or cultural resources. This correspondence is typically conducted with the Tribal Historic Preservation Office (THPO).

The EPA does not anticipate any impacts on listed/eligible historic or cultural properties because this Permit is a renewal and will not be associated with any new ground disturbances or changes to the volume or point of discharge. During the public comment period, the EPA notified the THPO of the Crow Tribe of the planned issuance of this NPDES Permit and requested their input on potential effects on historic properties and EPA's preliminary determination in this regard. The EPA did not receive any comments.

9. Miscellaneous

The effective date and the expiration date of the Permit will be determined at the time of Permit issuance. The intention is to renew the Permit for a period not to exceed five years.

Permit drafted by Kristy Allen, Environmental Scientist, TetraTech.
Permit reviewed and edited by David Rise, 406.457.5012.

ADDENDUM:

PUBLIC NOTICE AND RESPONSE TO COMMENTS

The permit and statement of basis were public noticed in the Bighorn County News on December 28, 2017. The EPA did not get any comments on this Permit.