


**From:** Volk, Everett volk.everett@epa.gov   
**Subject:** FW: MPDES Permits  
**Date:** September 24, 2021 at 11:53 AM  
**To:** Guy Alsentzer (guy@uppermissouriwaterkeeper.org) guy@uppermissouriwaterkeeper.org  
**Cc:** Perkins, Erin Perkins.Erin@epa.gov, Laidlaw, Tina Laidlaw.Tina@epa.gov

EV

Mr. Alsentzer,

Tina Laidlaw told me you were interested in seeing communications between Region 8 and Montana DEQ concerning several draft permits DEQ had put out for public notice in the last 90 days. After Region 8 requested its full 90 days for review of these draft permits pursuant to Paragraph 4.a of the Agreements section of the Montana MOA, the State notified EPA of its decision to not finalize these permits. I am forwarding that correspondence, as well as the letter Region 8 sent to Montana confirming withdrawal of the permits and confirming that if the State decides to proceed with issuance, the Region will again review the draft permits pursuant to the MOA.

I am glad to discuss if you have any questions about this correspondence. However, please note that I will be out of the office after noon today, returning on Monday at 7AM.

Thank you,  
Everett Volk (he/him/his)  
Chief, Media Law Counseling Section  
Office of Regional Counsel  
U.S. EPA Region 8  
303-312-7290

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**From:** Bahrman, Sarah <Bahrman.Sarah@epa.gov>  
**Sent:** Thursday, September 23, 2021 11:33 AM  
**To:** Kenning, Jon <jkenning@mt.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; DeJong, Stephanie <DeJong.Stephanie@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Makus, Erik <Makus.Erik@epa.gov>  
**Cc:** Steinmetz, Amy <ASteinmetz@mt.gov>; Dorrington, Christopher <CDorrington2@mt.gov>; gemathieus <gemathieus@mt.gov>; Volk, Everett <volk.everett@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>  
**Subject:** RE: MPDES Permits

Hi Jon -  
Attached please find EPA's acknowledgement of the email below that you sent yesterday. If you have any questions, please feel free to contact me, Bert (he'll be back in the office on Monday 9/27), or Erik Makus.

Thanks,  
Sarah

Sarah E. Bahrman (she/her) | Acting Deputy Director, Water Division | U.S.  
Environmental Protection Agency - Region 8  
(p) 303.312.6243 | (c) 303.903.8515

**From:** Kenning, Jon <[JKenning@mt.gov](mailto:JKenning@mt.gov)>  
**Sent:** Wednesday, September 22, 2021 1:46 PM  
**To:** Garcia, Bert <[Garcia.Bert@epa.gov](mailto:Garcia.Bert@epa.gov)>; DeJong, Stephanie <[DeJong.Stephanie@epa.gov](mailto:DeJong.Stephanie@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Bahrman, Sarah <[Bahrman.Sarah@epa.gov](mailto:Bahrman.Sarah@epa.gov)>; Makus, Erik <[Makus.Erik@epa.gov](mailto:Makus.Erik@epa.gov)>  
**Cc:** Steinmetz, Amy <[ASteinmetz@mt.gov](mailto:ASteinmetz@mt.gov)>; Dorrington, Christopher <[CDorrington2@mt.gov](mailto:CDorrington2@mt.gov)>; gemathieus <[gemathieus@mt.gov](mailto:gemathieus@mt.gov)>  
**Subject:** MPDES Permits

Good Afternoon Bert,

Thank you for reaching out to DEQ on the Helena, Cut Bank and Manhattan MPDES permits. DEQ will not finalize those permits, and acknowledges Montana's current nutrient rulemaking may change the nitrogen and phosphorus limits of those permits. As a result, DEQ will reopen those permits to comment and review by EPA (per the Memorandum of Agreement between the state of Montana and EPA Region 8) before issuing those permits.

If you have any questions, do not hesitate to ask.

Jon Kenning, PhD  
Water Protection Bureau Chief  
Montana Department of Environmental Quality



September 23, 2021

Ref: 8WD-CWW

**SENT VIA EMAIL**  
**DIGITAL READ RECEIPT REQUESTED**

Amy Steinmetz, Administrator  
Water Quality Division  
Montana Department of Environmental Quality  
[ASteinmetz@mt.gov](mailto:ASteinmetz@mt.gov)

RE: Confirming Withdrawal of Draft Montana Pollution Discharge Elimination System (MPDES) Permits for the City of Helena, the Town of Cut Bank and the Town of Manhattan

Dear Ms. Steinmetz:

I am writing to confirm that the Environmental Protection Agency Region 8 (EPA) is in receipt of correspondence from John Kenning, Water Protection Bureau Chief, indicating that MDEQ is withdrawing the draft MPDES permits for the above-referenced facilities. EPA understands that if MDEQ decides to move forward with issuing MPDES permits for these facilities, it will transmit the draft permits and fact sheets to EPA for review in accordance with the Section 4 of the Agreements

portion of the NPDES Memorandum of Agreement between EPA and the State.

We look forward to working cooperatively with MDEQ to resolve the concerns EPA has raised about these permits in an expeditious manner. If you have any questions, please do not hesitate to contact me, or Erik Makus of my staff at [makus.erik@epa.gov](mailto:makus.erik@epa.gov) or (406) 457-5017.

Sincerely,

**SARAH  
BAHRMAN**

Digitally signed by  
SARAH BAHRMAN  
Date: 2021.09.23  
11:24:43 -06'00'

Humberto Garcia, Acting Director  
Water Division

Cc: Jon Kenning, MDEQ Water Protection Bureau Chief  
Rainie DeVaney, MDEQ Permitting Section Supervisor  
Christine Weaver, MDEQ Permit Writer