Water Quality Division
Montana Pollutant Discharge Elimination System (MPDES) ▪ Fact Sheet
August 2025

Permittee: Town of Kevin

Permit No.: MT0030244

Receiving Waters: Unnamed Dry Lake

Facility Information

Name:	Town of Kevin Wastewater Treatment Facility
Contact:	Robert Fagan, Major Scott Widhalm, Public Works Director

County: Toole

Fee Information

Major/Minor:	Minor
Type:	Public Minor
Number of Outfalls:	1 – Facility Discharge 001

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1 BACKGROUND

This fact sheet identifies the principal facts, and significant factual, legal, methodological, and policy issues considered in preparing a draft permit as required by the Administrative Rules of Montana

The Department of Environmental Quality (DEQ) proposes to renew the Montana Pollutant Discharge Elimination System (MPDES) permit for the Town of Kevin Wastewater Treatment Facility (WWTF), MT0030244. This fact sheet documents the legal requirements and technical rationale that serve the decision-making process involved with developing effluent limits, monitoring and reporting requirements, and special conditions which are specific to the Town of Kevin.

1.1 Permit Status

The previous permit became effective on May 1, 2018, and expired on April 30, 2023. DEQ received the MPDES renewal permit application (Form 2A) on August 17, 2022, and applicable fees for Town of Kevin WWTF on August 18, 2022. Additional information was requested by DEQ and then submitted by the Permittee on December 19, 2022. DEQ considered the application complete and administratively extended the permit on December 20, 2022.

1.2 Proposed Changes

DEQ proposes the following change as part of this permit renewal:
On March 4, 2025, the U.S. Supreme Court, in City and County of San Francisco v. EPA, ruled that the Environmental Protection Agency (EPA) cannot include "end-result" provisions in National Pollutant Discharge Elimination Systems (NPDES) permits under the Clean Water Act. *City and County of San Francisco v. EPA,* 604 U.S. ___ (2025).
As a result, DEQ proposes to remove the following "end result" provisions from the permit:

- There shall be no discharge of floating solid or visible foam other than in trace amounts.
- There shall be no discharge which causes visible oil sheen in the receiving water.
- There shall be no discharge that settles to form objectionable sludge deposits or emulsions beneath the surface of the water or upon adjoining shorelines.

1.3 Description of Facility and Discharges

A facility, activity, or outfall is any point source, including land or appurtenances thereto, that are subject to regulation under the MPDES program. The discharge of pollutants to state waters is limited to outfalls authorized in the Facility's discharge permit.

1.3.1 Description and Location of Facility

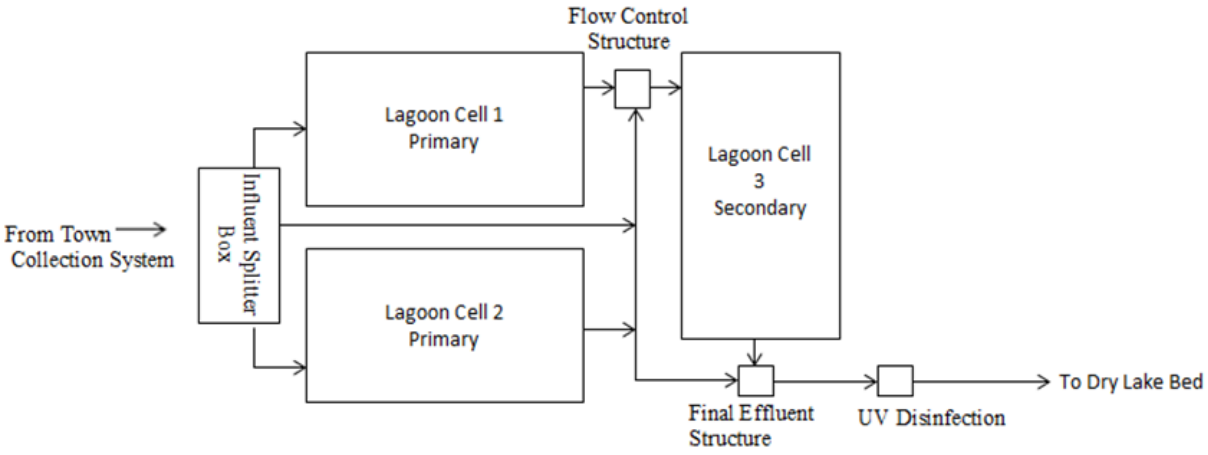
The Town of Kevin WWTF serves the Town of Kevin with a current population of 154 people. The existing WWTF is a three-cell, accelerated lagoon system. The lined cells are aerated and operated in a series, with aeration occurring at night. Each cell is equipped with solar operated processors to enhance oxygen transfer through the water. Fencing has been installed around the discharge site as a condition of an Administrative Order on Consent and the facility is no longer required to disinfect due to the

fence eliminating the direct risk to human health by primary or secondary contact. As such, ultraviolet disinfection is installed, but it is not operational.

The Facility location is in the SWNE of Section 35 in Township 35N, Range 3W, in Kevin, Montana, Toole County. A site map is shown in Figure 1 below.

Figure 1. Site Map

Figure 2. Flow Diagram



There are currently no planned or proposed upgrades to the facility. Figure 2 shows a line drawing of the WWTF, and Table 1 below shows the original design criteria obtained in 2003 from Morrison and Maierle's operation and maintenance manual unless otherwise stated.

Table 1: Design Criteria Summary for Kevin Wastewater Treatment Facility [1]			
Facility Description: Three-cell aerated lagoon system with solar processors and no disinfection			
Construction Date:	2004	Number of Lagoon Cells:	2 primary, 1 secondary

Design Year:	2023	Total Surface Area:	2.01 acres
Design Population:	200	Surface Area of Cells:	0.67 acres each
Current Population:	154[(2)]	Total Detention Time:	120 days
Design Flow, Average Daily:	0.03 mgd	Design Flow, Hourly Peak:	0.125 mgd
BOD5 Percent Removal:	Unknown	Estimated I/I:	Unknown
Design BOD5 Load:	40 lb/day	Bypass Events (Y/N):	Unknown
TSS Percent Removal:	Unknown	SSO Events (Y/N):	Unknown
Design TSS Load:	44 lb/day	Disinfection Type:	None
Flow Measurement, Effluent:	**Telescope Pipe before V-notch[(3)]**	Discharge:	Typically, semiannual
Flow Measurement, Influent:	Inline badger magnetic meter	Collection System:	Separate
Sampling Location, Outfall 001:	Telescope pipe before V-notch weir in effluent structure		

(1) Information obtained from Morrison Maierle. 2003. *Operation and Maintenance Manual, Kevin, MMI Project no. 3213.001.02 Montana* unless otherwise stated.
(2) MPDES Permit Number MT0030244. Administrative Record.
(3) Scott Widhalm, Public Works Director, personal communication, April 22, 2025.

1.3.2 Discharge Points

Discharge is to an Ephemeral Dry Lake at the location listed below. The discharge location is labeled "Outfall 001" in Figure 1.

Table 2 - Discharge Locations

Outfall	Latitude	Longitude	Receiving Water	Receiving Water Classification
001	48.748774° N	-111.95695° W	Ephemeral Dry Lake	B-2

Discharge is to an unnamed ephemeral lake. The unnamed dry lake does not currently retain water except after precipitation events or when the facility is discharging. Discharge is intermittent and typically occurs in the spring and fall. Influent samples are collected from the wet well at the WWTF and effluent samples are collected through the telescope pipe before the V-Notch weir before discharge.

1.3.3 Effluent Quality and Existing Permit Requirements

Table 3 lists the 2018-permit limits and effluent characteristics for the Town of Kevin WWTF for the period of record (POR) May 2018 through February 2025.

Table 3. Effluent Characteristics for the POR May 2018 through February 2025

Parameter		2018 Limit [1]	Minimum	Maximum	Average	Samples
Flow, Daily Average	(mgd)	[2]	0.006	0.449	0.021	23
5-Day Biochemical Oxygen Demand (BOD_5)	Influent, (mg/L)	[2]	1.95	301.00	143.73	15
	Effluent, (mg/L)	30 / 45	4.00	28.0	15.05	22
	% Removal	85% / --	79.37	97.72	89.72	22
	lb/day	7.5 / 11.3	0.62	11.71	2.26	22
Total Suspended Solids (TSS)	Influent, mg/L	[2]	2.73	1170	392.30	16
	Effluent, mg/L	30 / 45	10.0	91	34.78	23
	% Removal	85% / --	51	98.11	87.22	23
	lb/day	7.5 / 11.3	1.15	18.48	5.01	23
pH	s.u.	6.0 - 9.0	7.52	8.99	8.4	22

[1] Average monthly limit / average weekly limit
[2] No limit in previous permit; monitoring requirement only
Note: Please see Section III for more information

1.4 Compliance Summary

A compliance evaluation inspection (CEI) was most recently conducted in June 2022. The CEI report indicated that between May 2018 and June 2022, the Town had reported 22 exceedances of Total Suspended Solids and 5-Day Biochemical Oxygen Demand.

The inspection found that monthly inspection records and pH meter calibration records were not maintained as required by the permit. Additionally, the Town submitted incorrect monitoring data for the record period ending March 31, 2021.

Operational and maintenance concerns were also noted, including excessive vegetation on the WWTF embankments, around the wet well, and near the effluent discharge structure. While these issues did not result in a violation, the town was notified to address them to prevent future noncompliance. In response, the town provided the missing records that were not available during the inspection and corrected the reporting error for the March 31, 2021, monitoring period. The Public Works Director sprayed for weeds the week following the inspection and sought DEQ's technical assistance on improving operations to meet effluent limits.

No further information was requested following the Town's written response to the compliance evaluation inspection.

2 EFFLUENT LIMITATIONS

Discharged pollutants are controlled through effluent limitations and other requirements. There are two principal bases for effluent limitations: technology-based effluent limitations (TBELs), which represent the minimum treatment requirements implemented in MPDES permits, and water quality-based effluent limitations (WQBELs) that attain and maintain applicable numeric and narrative water quality standards.

2.1 Technology-based Effluent Limitations

Section 402(a)(1) of the federal Clean Water Act (CWA), the federal regulations at 40 CFR 125.3(a), and Montana regulations at ARM 17.30.1207 require that permits contain TBELs that implement the technology-based treatment requirements specified in the CWA. These technology-based requirements may be national technology standards for existing sources or new sources established by EPA, or, in some cases, standards established by the permit writer on a case-by-case basis using best professional judgement (BPJ). ARM 17.30.1203.

2.1.1 Scope and Authority

Technology-based effluent limits are the minimum level of treatment or control a point source must achieve based on actual, available control technologies. Federal regulations establish secondary treatment standards or the equivalent for publicly owned treatment works (POTW). Montana adopted the federal secondary treatment regulation as well as the requirements for establishing technology-based discharge limitations (ARM 17.30.1203).

Secondary treatment standards are defined in terms of effluent quality as measured by pH, 5-day biochemical oxygen demand (BOD_5), total suspended solids (TSS), and percent removal of BOD_5 and TSS. These standards are based on application of biological treatment.

Waste stabilization ponds are eligible for treatment equivalent to secondary standards if the BOD_5 and TSS effluent concentrations consistently achievable through proper operation and maintenance of the treatment works exceed the minimum level of effluent quality requirements.

Although the Town of Kevin meets some requirements for consideration of treatment equivalent to secondary standards, proper operation and maintenance is uncertain:

- Between May 2018 and February 2025, the Town of Kevin has reported 29 exceedances
  - 4 months of a negative percent removal for TSS
  - 14 monthly exceedances of TSS (9 monthly/average & 4 max weekly/average)
  - 7 mass loading exceedances (4 monthly/average & 3 max weekly/average)
  - 3 months of a negative percent removal for BOD_5
  - 1 weekly average mass load exceedance

The Town of Kevin will continue to be held to National Secondary Standards for both BOD_5 and TSS (see Table 4).

2.1.2 Mass-Based Effluent Limits

Effluent limits must be expressed in terms of mass and are identified as load (lbs/day) when suitable (40 CFR 122.45(f)(1) and ARM 17.30.1345(8)(a)). Exceptions include parameters that cannot be

appropriately expressed in mass, such as pH and temperature. The following equations were used to calculate the BOD_5 and TSS mass-based load allocations using the TBEL concentrations associated with national secondary treatment standards, the design flow of 0.03 mgd, and a conversion factor:

- *BOD_5 and TSS monthly average load = 0.03 mgd × 30 mg/L × 8.34 = 7.5 lbs/day*
- *BOD5 and TSS weekly average load = 0.03 mgd ×45 mg/L × 8.34 = 11.3 lbs/day*

Load limits for BOD_5 and TSS will apply to the effluent and the monthly average load limit will be maintained at the more stringent of the nondegradation load allocations or mass-based loading limits, as discussed next.

2.1.3 Nondegradation Load Allocations

Monthly average loading limits for the technology-based parameters of concern are equal to the more stringent of nondegradation allocations and calculated the mass-based loading limits.

Nondegradation threshold values of 7.5 lbs/day for BOD_5 and TSS were originally calculated in 1993 using the average daily design flow of 0.03 mgd and National Secondary Standard of 30 mg/L. These values were compared to the actual average loads discharged from the facility for the POR, as shown in Table 4 below.

The Town of Kevin did not exceed the allocated load limits during the POR and is therefore not a new or increased source. The mass-based loading limits and nondegradation limits are the same.

The Town of Kevin will continue to be held to the average monthly load limit of 7.5 lbs/day for BOD_5 and TSS.

Table 4. POR Allocated Load Limits

Nondegradation	**Allocated Limits**	**Actual Average Monthly Load (lb/day)**						
Parameter	Load (lb/day)	2018	2019	2020	2021	2022	2023	2024
BOD_5	7.5	2.59	3.10	1.84	2.77	2.07	2.25	1.39
TSS	7.5	5.47	6.18	3.02	3.02	5.58	3.98	3.32

2.1.4 Final Technology-based Effluent Limitations

This permit will retain TBELs based on National Secondary Standards for BOD_5 and TSS as shown in Table 5. Technology-based limits for pH require levels between 6.0-9.0 standard units.

Table 5. Technology-Based Effluent Limits for Outfall 001

Parameter	Units	Effluent Limits	
		Average Monthly	Average Weekly
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	30	45
	% removal	85%	-
	lb/day(1)	7.5	11.3
Total Suspended Solids (TSS)	mg/L	30	45
	% removal	85%	-

	lb/day(1)	7.5	11.3
pH	s.u.	6.0 – 9.0 (instantaneous)	
(1) Load limits are based on nondegradation load allocation			

2.2 Water Quality-based Effluent Limitations (WQBELs)

Permits must include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

2.2.1 Scope and Authority

The Montana Water Quality Act at 75-5-401(2), MCA states that a permit may only be issued if DEQ finds that the issuance or continuance of the permit will not result in pollution of any state waters. Montana water quality standards require that no wastes may be discharged such that the waste either alone or in combination with other wastes will violate or can reasonably be expected to violate any standard.

2.2.2 Applicable Water Quality Standards

Wastewater from the treatment facility is discharged into an unnamed lake, for which the United States Geological Survey (USGS) water resources database contains no information. The DEQ classifies the unnamed dry lake as ephemeral because it only receives flow in response to precipitation or snowmelt events within the immediate watershed. Table 6 summarizes the receiving water characteristics.

Table 6. Receiving Water Characteristics – Unnamed Dry Lake

Water Use Classification:	B-2, Ephemeral dry lake
Watershed:	Marias
USGS Hydrological Unit Code:	HUC 10030203
Ambient Monitoring Station:	None
TMDL:	None
Identified as Impaired(1):	Not on 2020 303(d) list of impaired streams

(1) None of the impairments on the main stem of the Marias River include wastewater effluent causes or sources

The unnamed dry lake is not subject to the specific water quality standards of B-2 waters because of its ephemeral nature. DEQ expects the effluent to infiltrate before reaching the nearest perennial water body, eliminating the reasonable potential for it to cause or contribute to an exceedance of water quality standards.

2.2.3 Pollutants of Concern

MPDES permit limitations must control all pollutants which will cause or have reasonable potential (RP) to cause or contribute to an excursion above any state water quality standard, including narrative criteria. Identification of a pollutant of concern (POC) is not an indication that WQBELs are necessary, but an indication that further evaluation is required.
This subsection describes the approach to determine the need for WQBELs. Parameters typically present in municipal wastewater that may cause or contribute to a violation of water quality standards include:

- **BOD_5, TSS, and pH –** BOD_5, TSS, and pH are typical effluent quality indicators and are regulated as TBELs (section III). These parameters provide a significant reduction in biological material and solids at the facility, therefore, no additional WQBELs will be required.

2.3 Final Effluent Limitations and Conditions

Table 7. Effluent Limits for Outfall 001

Parameter	Units	Average Monthly	Average Weekly
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	30	45
	lb/day	7.5	11.3
	percent removal	85	-
Total Suspended Solids (TSS)	mg/L	30	45
	lb/day	7.5	11.3
	percent removal	85	-
pH	s.u.	6.0-9.0 (instantaneous) (1)	

(1) For compliance purposes, any single analysis and/or measurement beyond this limit shall be considered a violation of the conditions of this permit.

3 MONITORING AND REPORTING REQUIREMENTS

Monitoring of wastewater effluent will be conducted at the discharge structure, which is the last point of control. Samples will be collected at the effluent telescope pipe before the v-notch weir and the UV structure and will reflect the nature of the discharge.

Influent monitoring is needed to calculate percent removal for BOD_5 and TSS. Quarterly sampling of wastewater at the influent structure must be performed only during months when discharge occurs. The influent samples will be collected at the inline badger magnetic meter at the lift station on the west side of the facility.

The monitored parameters, their respective monitoring locations, and the reporting requirements are presented in Table 8. Reporting is required monthly for all parameters.

3.1 Reporting Requirements

All monitoring results shall be electronically reported to DEQ on Discharge Monitoring Reports (DMR) via NetDMR. If no discharge occurs during an entire monthly monitoring period, then no discharge shall be reported. **Table 8. Monitoring and Reporting Requirements for Outfall 001**

Parameter	Units	Sample Location	Minimum Frequency (1)	Sample Type (2)	Reporting Requirements (3),(4)	RRV (5)
Flow Rate	mgd	Effluent	1/Week	Instantaneous	Monthly Average Daily Maximum	-
Duration of Discharge	days	Effluent	Continuous	Calculated	Total	-
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	Influent	1/Quarter	Composite	Monthly Average	10
	mg/L	Effluent	1/Month	Grab	Monthly Average Weekly Maximum	10

	percent removal[6]	NA	1/Month	Calculated	Monthly Minimum	-
	lb/day	Effluent	1/Month	Calculated	Monthly Average Weekly Maximum	-
Total Suspended Solids (TSS)	mg/L	Influent	1/Quarter	Composite	Monthly Average	10
	mg/L	Effluent	1/Month	Grab	Monthly Average Weekly Maximum	10
	percent removal[6]	NA	1/Month	Calculated	Monthly Minimum	-
	lb/day	Effluent	1/Month	Calculated	Monthly Average Weekly Maximum	-
pH	s.u.	Effluent	1/Month	Instantaneous	Minimum / Maximum	0.1

NA=Not applicable

(1) Monitoring required during periods with discharge. Minimum Frequency.
(2) See Definition section at end of permit for explanation of terms.
(3) If only one sample is collected then it is considered the monthly average and reported on the Discharge Monitoring Report.
(4) If only one sample is collected during the calendar week it is considered the weekly average. The highest weekly average of the monitoring period shall be reported as the maximum weekly average on the Discharge Monitoring Report. In cases where only one sample is collected during the entire monitoring period, that sample shall be reported as both the monthly average and maximum weekly average.
(5) See Circular DEQ-7 for more information on RRVs. Analysis must achieve these, or lower, reporting limits.
(6) Percent removal shall be calculated using monthly average values

4 SPECIAL CONDITIONS

4.1 Lagoon Operation and Maintenance Requirements

The Town of Kevin must properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. A wastewater treatment system must have an Operation and Maintenance (O&M) manual developed at the time of construction and/or upgrade. Each permitted facility is required to:

1. Maintain an up-to-date O&M manual;
2. Follow the procedures in the O&M manual;
3. Conduct inspections at least monthly to ensure the O&M procedures are being followed and are working; and
4. Maintain records of the routine inspections and any follow-up.

4.2 Sewage Sludge Requirements

The use or disposal of sewage sludge must be in conformance with 40 CFR Part 503.

5 STANDARD CONDITIONS

Standard conditions must be included in all MPDES permits and the Permittee must comply with all standard conditions at all times. ARM 17.30.1342. These requirements are expressly incorporated into the permit. In addition to these requirements, ARM 17.30.1343 and 40 CFR 122.42 establish additional conditions applicable to specific categories of MPDES permits including notification requirements for municipal and non-municipal dischargers.

The additional requirements of ARM 17.30.1343(1)(a) are included in the permit. The requirement establishes additional notification requirements for toxic pollutants that exceed a specified level, exceed the level given in the Facility's permit application or are not regulated in the permit.

6 PUBLIC PARTICIPATION

In accordance with ARM 17.30.1372, DEQ issued Public Notice No. MT-25-10 dated September, 22 2025. The public notice states that a tentative decision has been made to issue an MPDES permit to the Town of Kevin, and that a draft permit, fact sheet and draft environmental assessment have been prepared. Public comments on the draft MPDES permit and EA impacts related to the permit are invited any time prior to the close of business October 23, 2025. Comments may be directed to:

DEQ Water Quality Division
Water Protection Bureau
PO Box 200901
Helena, MT 59620

or DEQWPBPublicComments@mt.gov

All comments received or postmarked prior to the close of the public comment period will be considered in the formulation of the final permit. DEQ will respond to all substantive comments and issue a final decision as soon as possible after the close of the public comment period.

All persons, including Permittees, who believe any condition of a draft permit is inappropriate or that DEQ's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under ARM 17.30.1372.

6.1 Notification of Interested Parties

Copies of the public notice were mailed to the Discharger, state and federal agencies and interested persons who have expressed an interest in being notified of permit actions. A copy of the distribution list is available in the administrative record for this permit. In addition to mailing the public notice, a copy of the notice and applicable draft permit and fact sheet were posted on the DEQ website for 30 days.

Any person interested in being placed on the mailing list for information regarding this MPDES Permit should contact DEQ Water Quality Division at the address above, reference this Facility, and provide a name, address, and phone number.

6.2 Public Hearing Written Comments

A public hearing may be held if there is significant public interest. DEQ has not scheduled a public hearing for this permit action. If a public hearing is requested by the permittee or a significant number of interested persons, one may be scheduled. A public hearing is an opportunity for interested parties to submit comments in person. Public comments received at a public hearing are recorded and are processed in the same manner and at the same time as written comments described in the public notice description in Section 6 above.

6.3 Permit Appeal

After the close of the public comment period DEQ will issue a final permit decision. A final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. A permit decision is effective 30 days after the date of issuance unless a later date is specified in the decision, a stay is granted pursuant to ARM 17.30.1379, or the Permittee files an appeal pursuant to 75-5-403, MCA.

The Permittee may file an appeal within 30 days of DEQ's action to the following address:

Secretary, Board of Environmental Review
Department of Environmental Quality
1520 East Sixth Avenue
PO Box 200901
Helena, Montana 59620-0901

7 ADDITIONAL INFORMATION

Requests for additional information or questions regarding this permit should be directed to the Water Protection Bureau at 406-444-5546.

8 INFORMATION SOURCES

Administrative Rules of Montana Title 17 Chapter 30 – Water Quality

- Subchapter 2 – *Water Quality Permit and Application Fees*
- Subchapter 5 – *Mixing Zones in Surface and Ground Water*
- Subchapter 6 – *Montana Surface Water Quality Standards and Procedures*
- Subchapter 7 – *Nondegredation of Water Quality*
- Subchapter 12 – *Montana Pollutant Discharge Elimination (MPDES) Standards*
- Subchapter 13 – *Montana Pollutant Discharge Elimination (MPDES) Permits*

CWAIC: Clean Water Act Information Center, Department of Environmental Quality. Accessed March 2025.
Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251-1387, October 18, 1972, as amended 1973-1983, 1987, 1988, 1990-1992, 1994, 1995 and 1996.
Integrated 303(d) Water Quality Report for Montana (2020).
Montana Code Annotated (MCA), Title 75-5-101, *et seq.*, "Montana Water Quality Act."
Montana DEQ. 2022. *Compliance Evaluation Inspection Report, Town of Kevin WWTF.*
Montana DEQ. 2017. *Department Circular DEQ-7, Montana Numeric Water Quality Standards.*
Montana DEQ. Montana Pollutant Discharge Elimination System (MPDES) Permit Number MT0030244.

- Administrative Record
- Renewal Application Forms MPDES Form 2A, February 2021

US Code of Federal Regulations, 40 CFR Parts 122-125, 130-133, & 136.
Morrison-Maierle, Inc. 2003. *Operation and Maintenance Manual, Wastewater Collection and Treatment Facilities, Kevin, Montana, MMI Project no. 3213.001.02.*