



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8 Montana

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

David Hofer
Hidden Lake Colony
SEC@hiddenlakehb.com

Re: Inspection Report for Hidden Lake Colony, unpermitted

Dear Mr. Hofer:

On July 19, 2022, a representative of the U.S. Environmental Protection Agency inspected the Hidden Lake Colony Concentrated Animal Feeding Operation (CAFO) in Cut Bank, Montana. At the time of the inspection, the CAFO was not covered by a National Pollutant Discharge Elimination System (NPDES) permit for animal feeding operations. The inspection was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Based on the information reviewed and obtained during the inspection, I did not document any findings and am not requesting additional information at this time.

Please contact me at 406-457-5022 or prideaux.lisakay@epa.gov if you have any questions regarding this letter or the enclosed report.

Sincerely,

**Prideaux,
LisaKay**

Lisa-kay Prideaux
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

 Digitally signed by Prideaux,
LisaKay
Date: 2022.09.20 14:45:45
-06'00'

Enclosures:

- 1) NPDES CAFO Inspection Report – Hidden Lake Colony
- 2) NPDES Inspection Photo Log – Hidden Lake Colony

cc: The Honorable Illif 'Scott' Kipp Sr, Chairperson, Blackfeet Tribe (electronic)
Gerald Wagner, Environmental Director, Blackfeet Tribe (electronic)
Barry Adams, Water Quality Coordinator, Blackfeet Tribe (electronic)

NPDES Inspection Report – Concentrated Animal Feeding Operations

National Database Information	
Inspection Date: July 19, 2022	Inspection Type: Concentrated Animal Feeding Operation
Entry/Exit Time: 13:00 / 14:15	NPDES ID Number: Unpermitted Site
NAICS Code: 112112	Inspection ID: 202207 Hidden Lake Colony
Lead inspector and affiliation: Lisa-kay Prideaux, EPA Region 8 Montana Operations Office	

Facility Location Information	
Site/Facility Name & Location: Hidden Lake Colony (b) (6) 	Email Report to: David Hofer SEC@hiddenlakehb.com

Contact Information	
	Name(s)/Title
Facility Contacts:	David Hoffer / Farm Manager / Hidden Lake Colony / present during the inspection
Person/Company meeting definition of “Operator”	Hidden Lake Colony
Authorized Official(s)	Joseph Whips / President / Hidden Lake Colony David Hofer / Manager / Hidden Lake Colony

Permit Information		
Is the permit on site and available? N/A, the site is not permitted	Effective Date: N/A Expiration Date: N/A	
Receiving Water(s): No Discharge	Latitude (from inspection): (b) (6)	Longitude (from inspection): (b) (6)
Regulatory Inspector’s source of information: Conversations with Facility contacts, field observations made during site visit, previous inspections, previous permit, Integrated Compliance Information System (ICIS), and Enforcement and Compliance History Online (ECHO).		
Weather conditions during inspection (e.g., temperature, sky, precipitation): Clear, sunny and 77°F, no precipitation within the previous 24-hours		

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Self-Monitoring Program</u>	<u>Pretreatment</u>
<u>Records</u>	<u>Compliance Schedule</u>	<u>Pollution Prevention</u>
<u>Facility Site Review</u>	<u>Laboratory</u>	<u>Stormwater</u>
<u>Effluent/Receiving Waters</u>	<u>Operations and Maintenance</u>	<u>Combined Sewer Overflow</u>
<u>Flow Measurement</u>	<u>Sludge Handling/Disposal</u>	<u>Sanitary Sewer Overflow</u>

Site Information					
Permitted Capacity of Facility		N/A	Type of Confinement		Roofed confinement
Max. Capacity of Facility		Unknown	Annual Report Submission		N/A
Animal Type	# confined	Large/Medium Definition	Animal Type	# confined	Large/Medium Definition
Cattle	0	≥1,000/≥300	Sheep	0	≥10,000/≥3,000
Dairy mature	120	≥700/≥200	Dairy (heifers)	0	≥1,000/≥300
Swine (farrow to finish)	9-10,000	≥2,500/≥750	Swine (<55#)	0	≥10,000/≥3,000
Chickens (solid manure)	30,000	≥125,000/≥37,500	Chickens (liquid manure)	0	≥30,000/≥9,000
Turkeys	0	≥55,000/≥16,500	Other (specify) _____	0	

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2022.09.20 14:46:58 -06'00'	U.S. EPA Region 8, Montana Operations Office 10 West 15th Street, Suite 3200 Helena, Montana 59626	09/12/2022
Lisa-kay Prideaux	406-457-5022	
Reviewer Name	Address/Phone Number	Date
	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	9/13/2022
Stephanie Meyers	303-312-6938	
Management Signature/Name	Address/Phone Number	Date
Boeglin, Michael Digitally signed by Boeglin, Michael Date: 2022.09.20 14:24:26 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	9/20/2022
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

The inspection was conducted at the Hidden Lake Colony Concentrated Animal Feeding Operation (CAFO or facility) located in Cut Bank, Montana to evaluate the facility's discharge status and permit application status. The facility was covered under a National Pollutant Discharge Elimination System (NPDES) general permit for CAFO (MTG010162) from September 5, 2000, to July 31, 2005; currently, the facility is unpermitted. The facility is located within the boundaries of the Blackfeet Reservation. The EPA is responsible for implementing the NPDES program in Indian Country within the State of Montana. The inspection was announced approximately one week prior to the inspection to coordinate logistics and ensure a facility representative would be on site. On July 19, 2022, I, U.S. Environmental Protection Agency (EPA) inspector Lisa-kay Prideaux, met with the facility manager, David Hofer. I presented credentials and had an opening conference to explain the purpose of the inspection. I then proceeded to ask questions of Mr. Hofer to help me evaluate the facility's discharge status, and to obtain facility information for NPDES permit coverage. Throughout the inspection, I noted my observations in a field notebook. Photographs taken during the inspection are included in the attached photo log.

The Hidden Lake Hutterite Colony was founded in 1996 and is a certified organic multi-animal species farm. At the time of the inspection, the facility had approximately 30,000-layer chickens, between 9-10,000 farrow to finish swine within confinement buildings and a partial open lot/confinement area with approximately 120 dairy cows. The facility also has adjacent feed storage and handling areas and manure containment structures. Wastewater generated from animal confinement areas flows to an underground 'holding pond' and then to an above ground 2.4-million-gallon storage tank with mixers.

The production area is approximately 70 acres, and approximately 22,000 acres of cropland is available for land application of solids and liquid waste. Mr. Hofer stated records for animal inventory and mortality, records of waste sample analyses, soil sample analyses for all land application fields, and type of crop with crop yield for each field are managed. Mr. Hofer indicated this information is submitted to a certified agronomist, who manages the Nutrient Management Plan (NMP). The agronomist calculates the appropriate waste application rates for each field, which is followed and recorded by the facility. Mr. Hofer stated best management practices (BMPs) for the land application areas include conservation or reduced tillage, riparian buffers or vegetative filter strips, and manure injection or incorporation. I did not review any records. Mr. Hofer described the stormwater management for the facility; the 'working' area on the farm is all crushed rock for infiltration, and there are wide shallow ditches throughout the facility to collect and divert stormwater fields located east of the production area. I then asked about the previous permit coverage and indicated that although the facility does not currently discharge, a permit is required if the facility has plans to or were to discharge. I then asked about the domestic lagoons on-site. Mr. Hofer stated it is a two-celled total retention facultative lagoon system for the approximate 100 on-site members of the community.

Mr. Hofer then escorted me throughout the facility grounds. I first observed the domestic lagoons; Mr. Hofer showed me the influent box prior to the lagoons (photo 562). We then walked to the lagoon cells (photos 563-566, and 568). The lagoon cells were vegetated and appeared to be in good operating condition. We walked by the lift station to the wastewater system which includes a light alarm. Mr. Hofer then brought me by the chicken barn, the hog barn, and the dairy cattle barn and pens. All barns drain via gravity through an underground piping system to the storage tank (Photo 567).

While walking and driving through the site, I noted stormwater conveyance structures as shallow and wide ditches as to still allow farm vehicles to easily cross (photo 570). Mr. Hofer also drove me through

the food storage area, where all food is located within a silo or a within a barn.

At the end of the inspection, I held a closing conference with Mr. Hofer where I discussed the recommendation to submit an application for permit coverage for the facility.

After the inspection was complete, a review of rules and regulations was conducted, and it was determined the facility does not meet the definition of a CAFO. In 40 CFR Part 122.25(b)(6) defines a medium CAFO to include (i) the type and number of animals that fall within defined ranges; and (ii) either (A) discharge pollutants into waters of the United States through a designated conduit, or (B) discharge pollutants indirectly through direct contact with the confined animals. The facility meets the threshold number for laying hens or broiler chickens and swine (over 55 pounds); however, the facility does not have a discharge to surface water, or animals having access to pass through a surface water. Therefore, the facility as it currently operates does not meet the definition. If the facility changes operations to include discharging animal waste or allowing animals direct access to surface waters, the facility will then meet the definition of a medium CAFO and would require permit coverage.

Findings, Corrective Actions and Recommendations

Recommendation #1: Submit an application for NPDES permit coverage prior to discharge.

If Hidden Lake Colony changes its current operation as a non-discharging facility, to include discharging animal waste or allowing animals direct access to surface waters, permit coverage would be required.

Regulatory requirement:

In accordance with 40 C.F.R. 122.23(f), "A CAFO must be covered by a permit at the time that it discharges."

40 C.F.R. 122.23(d)(1) states "A CAFO must not discharge unless the discharge is authorized by an NPDES permit. In order to obtain authorization under an NPDES permit, the CAFO owner or operator must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit."

Recommended Action:

If the facility changes operations and/or an emergency arises where a discharge is eminent; the facility is required to prepare and submit a permit application for NPDES permit coverage. Provide a copy of the permit application to the EPA and the Blackfeet Tribe if the facility plans to discharge.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8 Montana

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Alvin Yellow Owl Jr.
Manager
Two Medicine Water Company
(b) (6)

Re: Inspection Report for Two Medicine Water Company/Stu Miller Water Treatment Plant, NPDES Permit No. MTDW0003I

Dear Mr. Yellow Owl Jr.:

On July 20, 2022, a representative of the U.S. Environmental Protection Agency inspected the Two Medicine Water Company/Stu Miller Water Treatment Plant in East Glacier, Montana, to evaluate compliance with the site's National Pollutant Discharge Elimination System general permit associated with drinking water production. The inspection was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Inspection findings are summarized within the enclosed inspection report in a table titled "Findings, Corrective Actions and Recommendations." Within **thirty (30) days** of receipt of this report, please provide the EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings or content of the report. This summary should be sent to:

Lisa-kay Prideaux
U.S. EPA Region 8
Prideaux.Lisakay@epa.gov

Gerald Wagner
Blackfeet Environmental Director
Beo.director@gmail.com

Please contact me at 406-457-5022 or Prideaux.Lisakay@epa.gov if you have any questions regarding this letter or the enclosed report.

Sincerely,
Prideaux,
LisaKay

Lisa-kay Prideaux
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

Digitally signed by Prideaux,
LisaKay
Date: 2022.09.19 10:40:57
-06'00'

Enclosures:

- 1) NPDES Inspection Report
- 2) Photo Log

cc: The Honorable Illif 'Scott' Kipp Sr, Chairperson, Blackfeet Tribe (electronic)
Gerald Wagner, Environmental Director, Blackfeet Tribe (electronic)
Gerald Bechel, Water Plant Operator, Two Medicine Water Company (electronic)
Barry Adams, Water Quality Coordinator, Blackfeet Tribe (electronic)