



REPLY TO
ATTENTION OF

CENWS-PM-ER

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

WHITEHALL WASTEWATER SYSTEM IMPROVEMENT PROJECT
WHITEHALL, MONTANA

FINDING OF NO SIGNIFICANT IMPACT

1. Background: The original Town of Whitehall, Montana wastewater system was built in 1915 and consisted of a gravity collection system, a solids setting tank, and discharge to Big Pipestone Creek. The majority of the original collection system is still in use; however, upgrades have been completed over the years. The wastewater system, due to its age and era of construction, has numerous deficiencies and is currently in violation with the Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality for violations under the Clean Water Act. The Town of Whitehall's wastewater treatment system is under capacity for the existing flows and does not have adequate capacity to accommodate new residential development in the Town. The proposed system would eliminate the existing discharge to Big Pipestone Creek and the associated water quality issues relative to ammonia toxicity and Total Maximum Daily Loads (TMDLs). Cost-share funding for the design of the replacement and renovation of the system was provided under Section 595 of the Water Resources Development Act 1999, as amended. This authority allows assistance to non-Federal interests in rural Montana, Idaho, and Nevada for water-related environmental infrastructure and resources protection and development projects.

2. Alternatives: The screening process considered multiple alternatives including: constructed wetlands, mechanically or naturally aerated facultative lagoons with discharge, fixed film treatment, infiltration ponds, septic tanks, snowfluent treatment, and no action. Each alternative was considered to meet the Town's needs, cost, and operability for a small community, and environmental issues. The screen process resulted in development of a list of alternatives that would likely meet the regulatory requirements and be within the financial and technical capabilities of the Town. The final list of alternatives did include one discharging alternative, although current technology cannot treat the wastewater to the high level necessary to allow the Town to continue to discharge into Big Pipestone Creek once TMDL limits for nutrients planned for the Upper Jefferson River watershed are implemented. A regulatory deviation would be required to implement the discharging alternative.

3. Proposed Action: The project consists of construction of a new 8.7 acre primary lagoon and a 6.8 acre storage lagoon, upgrades to one of the existing lagoons for additional storage,

and installation of a new gravity main, lift station and force main to the new primary lagoon with a bypass line to the new storage lagoon. The new lagoons would be lined to eliminate leakage. A new spray irrigation center pivot site will be constructed adjacent to the lagoons and application will be based on agronomic rates and water balance. The slow rate land application system will be designed and operated in accordance with EPA design criteria for irrigation systems. Effluent would be applied at agronomic rates so the system is considered non-discharging and, based on current regulations, does not require a discharge permit.

4. Environmental Effects: The town of Whitehall prepared an environmental report which was reviewed and finalized by the U.S. Army Corps of Engineers, Seattle District. Environmental effects of the proposed action are expected to be minimal from the construction of the proposed lagoons, and are expected to improve discharge of treated effluent into Big Pipestone Creek such that the town's wastewater treatment plant will no longer be in violation of the Clean Water Act. In a letter dated 1 November 2011, the Missoula U.S. Army Corps of Engineers (USACE) Regulatory Office concurred that the proposed action will not involve work in areas subject to USACE jurisdiction, or a discharge of dredged or fill materials into waters of the United States; therefore, a Department of Army Section 404 permit will not be required. In a letter dated 18 March 2011, the U.S. Fish and Wildlife Service stated that the project should result in improved water quality of the waters in the State of Montana, and thus, should be generally beneficial to fish and wildlife. They do not foresee this project resulting in any significant adverse affects to fish, wildlife, or habitat resources under the purview of the U.S. Fish and Wildlife Service. In a letter dated 18 October 2011, the Montana State Historical Society determined that no historical properties were identified within the project area and that no additional investigations are recommended. In a letter dated 23 March 2011, the Shoshone-Bannock Tribe requested a monitor be on site during excavation activities to ensure integrity of any potential discovery of cultural artifacts or remains. If any artifacts are discovered during construction, the Shoshone-Bannock Tribe and State Historic Preservation Office will be contacted and mitigation may be further evaluated. A conditional water quality permit (EQ 11-1741) has been issued for the project by the Montana Department of Environmental Quality on 18 July 2011. The local sponsor will meet the stipulations as outlined in the permit in order to meet requirements under the Clean Water Act.

Best Management Practices (BMPs) will be utilized by the construction contractor to control sediment and stormwater runoff in accordance with the 2003 Montana Stormwater BMPs (Administrative Rules of Montana Title 17.30.1101). Incorporation of BMPs such as minimizing ground disturbance; washing off-road equipment prior to entering construction sites; and seeding (with a native seed mixture), mulching, and fertilizing disturbed areas to reduce weed establishment and prevent erosion will be implemented.

5. Coordination: Coordination with the general public was conducted via public meetings on 1 May 2006 and 10 September 2007. Public notices of the meetings were published in the local newspaper on 26 April 2006 and 5 September 2007. No objections to the proposed project were received.

6. **Finding.** For the reasons described above, I have determined that construction of wastewater system improvements will not result in significant adverse impacts on the human environment. The proposed action is not a major Federal action significantly affecting the quality of the human environment and, therefore, does not require preparation of an environmental impact statement.

18 JAN 2012

Date



BRUCE A. ESTOK
Colonel, Corps of Engineers
Commanding

ENVIRONMENTAL REPORT

Wastewater System Improvements

Town of Whitehall

Update
May 2011

Prepared For:

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1. PURPOSE AND NEED FOR THE PROJECT

1.1. Project Description

The proposed wastewater system improvements include treatment system improvements and collections system improvements.

Treatment system improvements will consist of replacing the existing discharging facultative lagoon system with a facultative treatment lagoon, storage lagoons, and slow rate land application system (agricultural irrigation system). The proposed system will eliminate the existing discharge to Big Pipestone Creek and the associated water quality issues relative to ammonia toxicity and Total Maximum Daily Loads (TMDLs). The lagoons will be lined with a liner system to eliminate lagoon leakage. The slow rate land application system will be designed and operated in accordance with EPA design criteria for irrigation systems. Effluent will be applied at agronomic rates so the system is considered non-discharging and, based on current regulations, does not require a discharge permit.

The proposed treatment and disposal system is a closed system with limited capacity so it is very important to reduce or eliminate non-system flows where ever possible. The Town proposes to complete storm sewer improvements to remove four storm water inlets from the gravity sewer collection system and to connect these structures to the existing storm sewer collection system via surface flow along existing gutters or by new storm sewer lines. The Town also proposes to line the sewer transmission main between the collection system and the lift station at the treatment lagoon / irrigation site to eliminate non-system flows. Finally, the Town has completed cleaning and video inspections on the original clay tile gravity sewer mains identified in the Preliminary Engineering report as well as additional lines in other areas of the system. Sewer mains have been identified for renovation through a combination of lining and spot repairs.

1.2. Purpose and Need for the Project

Whitehall currently operates a gravity wastewater collection system and a facultative wastewater treatment lagoon with discharge to Big Pipestone Creek, a tributary to the Jefferson River. The effluent is disinfected prior to discharge.

The Town of Whitehall was issued a Administrative Order on Consent (Docket No. WQ-10-24) by the Montana Department of Environmental Quality in January 2011 for exceeding permit limits. The order requires the Town to meet the conditions of the MPDES discharge permit by the fall of 2012. The Town has also been notified that the next MPDES permit will include an ammonia limit. The current MPDES permit statement of basis estimated the limit will be between 4-5 mg/l based on all of the information available when the permit was being drafted and issued in 2008-2009.

A Preliminary Engineering Report was completed for the wastewater system in 2006. The study included a review of the Town's collection and treatment facilities and

evaluated the effluent discharge relative to meeting in stream water quality standards in Big Pipestone Creek. The discharge was found to result in degradation of the receiving water due to discharging inadequately treated wastewater and resulting in the receiving water exceeding the water quality standard for ammonia.

The treatment lagoon system was evaluated for treatment capacity and a leak test was completed. The lagoon cells are under capacity for the existing wastewater flows resulting in inadequate wastewater treatment prior to discharge to Big Pipestone Creek. The leak tested showed the lagoons to be leaking at 10-12 times the allowable 6" per year maximum rate resulting in degradation of the area groundwater aquifer.

Further consideration is that Big Pipestone Creek and the Upper Jefferson River watershed are listed as impaired on the 303d list for state waters and the Montana Department of Environmental Quality (MDEQ) is in the process of implementing Total Maximum Daily Loads (TMDLs) for the receiving waters. Existing treatment technologies do not allow the Town to treat the wastewater to a high enough quality to meet the discharge limit requirements MDEQ projects to protect the receiving waters. It should be noted that the Montana legislature enacted a new law allowing for a variance for meeting nutrient loading standards. The variance would be for a 5 year period with renewals every 3 years for up to 20 years. Montana Department of Environmental Quality has not set the rules for implementation of the variance process. The variance does not affect the ammonia limit.

The proposed treatment and disposal system is a closed system with limited capacity so it is very important to reduce or eliminate non-system flows where ever possible. The existing gravity sewer collection system consists of old clay tile sewer pipe sewer mains and modern PVC pipe sewer mains. The original clay tile gravity mains were constructed in 1915 and infiltration exists. In addition, there are storm sewer inlets connected to the gravity sewer system. The old sewer lines need to be rehabilitated and known storm water inlets need to be removed from the collection system to reduce non-system flows as much as possible so the storage and irrigation system do not have to be oversized.

The proposed project will remedy the most significant public health and safety problems relating to wastewater treatment and disposal in Whitehall, violation of surface water quality standards and pollution of groundwater in the area of the existing lagoons. Implementation of the project will result in a significant reduction in nutrient loading to Big Pipestone Creek and be a major step in improving water quality and restoring the designated uses of the surface water. Finally, the project will result in putting the treated effluent to a beneficial reuse, agronomic application to agricultural crops. In summary, the project will allow the Town to better manage an existing natural resource to improve public health and safety and the environment and the project will result in adequate system capacity to serve the Town through the planning period with consideration for expected community growth.

2. ALTERNATIVES TO THE PROJECT ACTION

The alternatives analysis included an initial alternatives screening process that considered the following types of systems:

- Naturally Aerated Facultative Lagoons with Discharge
- Mechanically Aerated Lagoons with Discharge
- Non-Discharging Treatment Lagoon (Total Retention)
- Activated Sludge Mechanical Treatment Plants
- Fixed Film Treatment Processes with Discharge
- Wastewater Land Application Systems
 - High Rate (storage and rapid infiltration ponds)
 - Low Rate (storage and irrigation)
- Constructed Wetlands
- Septic Tank/Pressure Dosed Drainfields
- Septic Tank, Sand filter and Pressure Dosed Drainfields
- Snowfluent Treatment Technology
- No Action Alternative

The screening process considered the each alternative for meeting regulatory requirements, meeting the Town's needs, cost, operability for a small community, and environmental issues. The screening process resulted in development of a list of alternatives that would likely meet the regulatory requirements and be within the financial and technical capabilities of the Town. The final list of alternatives did include one discharging alternative, although current technology cannot treat the wastewater to the high level necessary to allow the Town to continue to discharge into Big Pipestone Creek once TMDL limits for nutrients planned for the Upper Jefferson River watershed are implemented. A regulatory deviation would be required to implement the discharging alternative. The project improvements that were evaluated in detail are presented in the following sections.

2.1. Wastewater Treatment

The following four alternatives were evaluated for making improvements to the town's wastewater treatment and disposal system to bring them in compliance with state and federal regulations.

- 1) Construct Facultative Lagoon with Shallow Storage and Irrigation
- 2) Construct Facultative Lagoon with Deep Storage and Irrigation
- 3) Construct Aerated Lagoons with Storage and Irrigation
- 4) Construct Mechanical Plant with Discharge

As part of the PER alternative selection process, Alternative 2 was determined to be the most cost effective option and is the preferred solution for Whitehall's wastewater treatment system. This alternative provides the best solution for the town's wastewater treatment plant. This option ranks highest due to its cost effectiveness, lack of

environmental impacts, simple reliable operation, low level of regulatory risk, long-term ability to meet regulatory requirements and limited aesthetic impacts.

The wastewater treatment system alternatives analysis also include a review of different sites for implanting the storage and irrigation system. Five areas were considered and are shown in Figure 4-1. Area A was selected as the preferred alternative for a number of reasons. Area A is adjacent to the existing discharging facultative lagoon so the area will be more acceptable from the general public. The area also has suitable soils for agricultural application (based on NRCS soil data for the site). The Town's existing infrastructure can still be used to transmit wastewater to the site (with recommended rehabilitation), and the property owner has expressed an interest to sell the property to the Town.

Site B is developing into home sites and is not available. The cost to complete improvements to use site C is high and the slopes on the area will make siting lagoons more difficult. Site D is currently agricultural ground and would be suitable for irrigation but the cost to use the site would be higher due to the need to construct a lift station at the east side of the Town site and a force main back across Town to the irrigation site west of Whitehall. Site E is not deemed suitable due to shallow groundwater issues and soil types.

A schematic map of alternative 2 improvements is included in Figure 6-2.

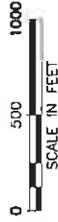
2.2. Wastewater Collection System

Part 4 of the PER gave a detailed discussion of the community's collection system improvement alternatives. The PER evaluated several alternatives for improving the wastewater collection system.

As part of the PER, several spots in the collection system were recommended for rehabilitation. The spots are as follows: an 8" pipe that flows under Whitetail Creek, the clay tile mains east of Whitehall Street and north of Legion Street, and the lagoon transmission main. The alternatives evaluated in the PER are as follows:

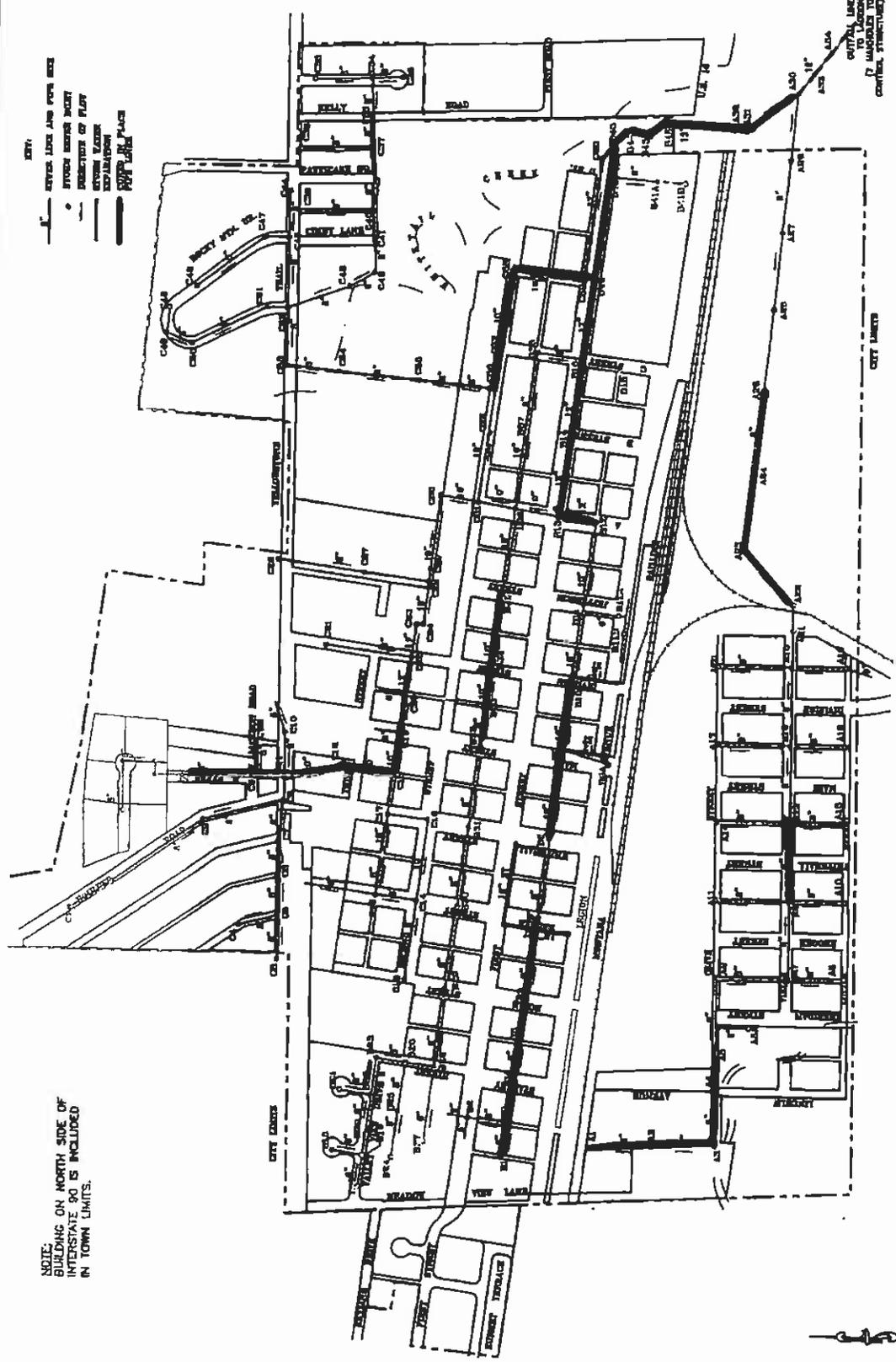
- 1) Disconnect Storm Drain from Sewage System and Discharge to or Connect to Existing Storm Drainage System
- 2) Pipe Replacement Using Open-Cut Methods
- 3) Cured in Place Pipe Rehabilitation

Alternative #1 and #3 were selected as the preferred collection system improvement alternative. Alternative #1 was selected because of relatively low cost and positive net gain. The storm drain inlets that are connected to the sewage system are a significant source of inflow during precipitation run-off events and system will benefit from this separation. Alternative #3 was selected over alternative #2 because of the inherent advantages of trenchless technology such as less excavation, trench dewatering is not required, extended street closures not be necessary all of which contribute to this option being lower cost.



TOWN OF WHITEHALL, MONTANA
WASTEWATER COLLECTION, TREATMENT &
DISPOSAL STUDY
TREATMENT & DISPOSAL ALTERNATIVE 2
FACULTATIVE LAGOON DEEP STORAGE
FIGURE 6-2

A schematic map of recommended collection system improvements is included in Figure 4-5.



- KEY:
- SEWER LINE AND PUMP LINE
 - STORM WATER DUCT
 - SEWER LINE
 - STORM WATER LINE
 - SEWER LINE
 - STORM WATER LINE
 - SEWER LINE
 - STORM WATER LINE

NOTE:
BUILDING ON NORTH SIDE OF
INTERSTATE 90 IS INCLUDED
IN TOWN LIMITS.

TOWN OF WHITEHALL, MONTANA
WASTEWATER COLLECTION, TREATMENT,
& DISPOSAL STUDY
RECOMMENDED COLLECTION SYSTEM IMPROVEMENTS
FIGURE 4-3



AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES

2.3. Land Use

The proposed treatment site is located a fair distance from the community, and since the treatment lagoons have been located at this site for 45 years, conflicts with adjacent land uses (all agricultural) should not occur. Alternatives 1, 2 and 3 would modify the current agricultural characteristics of the land the most because of the irrigation of wastewater and will be a positive benefit to the proposed site. The new treatment and storage lagoons will take land out of production but this will be offset with reclamation of the existing treatment lagoon site.

All collection system alternatives involve construction in the streets, alleys and easements and will not impact agricultural uses.

The NRCS Prime Farmland Soil Legend for the Jefferson County area designates Amesha gravelly loam (115C), Amesha loam (116A), and Fairway clay loam (324A) as prime farmland if irrigated.

2.4. Floodplains

The primary surface water drainages within the planning area consist of Big Pipestone Creek basin to the west and south, and Whitetail Creek basin to the north and east. The 1979 Flood Hazard Photomap for Big Pipestone Creek indicates that the existing lagoons and the area north of the lagoons are not located within the 100-year floodplain. The area west of the lagoons is located within the 500-year floodplain. The embankments of the proposed lagoons will be a minimum of 4 feet above the existing ground to prevent any potential flooding.

If it is determined to be necessary, the Town will apply and receive a permit for any floodplain work prior to proceeding with construction. Construction will be completed in accordance with the provisions of the permit.

Whitetail Creek does not have a floodplain map. Rehabilitation of the collection system line that runs under Whitetail Creek will occur within the floodplain. Rehabilitation is anticipated to be completed through a lining operation and will not result in impacts to the stream area or riparian area.

2.5. Wetlands

A wetlands review was completed in June 2008 prior to USDA Rural Development's issuance of a "Finding of No Significant Impact" and the agency's commitment of project funding. The wetlands review indicated that the proposed site does not classify as a wetland.

2.6. Cultural Resources

According to the State Historical Preservation Office there is a low likelihood that any cultural properties will be impacted. However, they have requested that for any areas that require new ground disturbance that a cultural resource inventory be conducted.

The proposed lagoon and irrigation sites have been disturbed due to the historic farming use that includes extensive surface work for flood irrigation ditches and the installation of the existing sewer system components. No “undisturbed ground” exists within the project plan area.

The funding agency requires full time construction oversight during the project construction period. The Resident Project Inspector, provided by the Engineer, will have instruction and authority to shut down construction operations if any cultural material or human remains are found during the work.

2.7. Biological Resources

Biological resources are not expected to be impacted by any of the alternatives considered in this report. A Natural Resource Identification System (NRIS) search was conducted and revealed several animal species of concern in the planning area: the Lark Bunting, the Long-billed Curlew, and the Sage Thrasher. The NRIS data search also identified two plant species of concern in the study area: the Annual Indian Paintbrush, and the Ute Ladies' Tresses. However, threatened or endangered species are not expected to be impacted by any of the three alternatives considered. A letter from the Montana Fish, Wildlife and Parks (FWP) advises that no impacts to wildlife and fisheries are expected. The U.S. Fish and Wildlife Service also reviewed the proposed project and determined that no impacts are foreseen to critical habitation or federally listed species (see Appendix C).

2.8. Water Quality Issues

Surface Water Issues

Area water courses include Big Pipestone Creek south of the lagoons, and Whitetail Creek located just east of the lagoon facility. Alternatives 1, 2 and 3 will eliminate nutrient loads to surface waters by land applying, through spray irrigation, the treated wastewater at agronomic rates. Although there is potential for runoff into surface waters, with proper irrigation design, site location, and practices, this potential is considered to be minimal. The irrigation alternatives will be designed and located to prevent surface water runoff. Alternatives 1, 2 and 3 offer less water- related environmental impacts than Alternative 4, which discharges treated effluent to surface water.

Alternative 4 is a mechanical plant that can provide advanced nutrient removal resulting in the discharge with a low nutrient content. This alternative would be designed with the “best treatment technology available” but would not be able to treat the wastewater to the high level necessary to meet the discharge limits anticipated to meet the TMDLs. This alternative would still result in a discharge of nutrients to Big Pipestone Creek that

would fail to meet projected TMDLs. In addition, there is a potential for permit violations in the event of an equipment breakdown or upset in treatment process.

The existing treatment facility will continue to treat and discharge wastewater to Big Pipestone Creek until the new facility is complete.

Groundwater Issues

Groundwater impacts resulting from the various alternatives being considered are not expected to be significant. The new wastewater ponds for all three lagoon alternatives will be lined with a synthetic liner and undergo leak testing in accordance with Montana DEQ design standards after construction to ensure compliance with state leak standards. This will adequately protect groundwater from pond seepage. The mechanical plant (sequencing batch reactor) and sludge digester tanks would be constructed out of concrete and leak tested prior to use as well. The irrigation systems designed for Alternatives 1, 2 and 3 will establish maximum irrigation application rates that ensure no deep percolation of nitrogen to the groundwater. The irrigation application rates would be low enough to ensure excellent treatment of the wastewater as it percolates through the soil matrix. This will be a significant improvement over the existing leaking lagoon. Losses from the lagoon enter the groundwater and ultimately impact Big Pipestone Creek.

Ground water resources will be improved and/or protected by any of the collection system alternatives. Collection system improvements will prevent pollution of local ground water due to leaking sewer mains when groundwater levels are below the pipe. Improvements will also prevent lowering of the natural groundwater table via infiltration into sewer mains when the groundwater level is above the pipe.

2.9. Coastal Resources

Not Applicable.

2.10. Socioeconomic/Environmental Justice

The construction of the proposed collection system alternatives will not have a disproportionate effect on minority or low income persons.

The social impact of any of the four alternatives would be significant to the study area in that each would provide for a more reliable and safer wastewater treatment system than that currently being utilized. A reliable wastewater system may promote growth and improve economic conditions in the Town.

Alternatives 1, 2 and 3 provide a supplemental water source for the agricultural lands in the area which may be an economic benefit to the farmer(s) that receives the water. These alternatives will also require the dedication of large areas of land for the wastewater ponds and irrigation sites which could be viewed less favorably from a social and visual perspective. However, the proposed sites are large undeveloped agricultural parcels located near the existing lagoons.

Of significance would be the economic impact to the community should any of the alternatives be implemented. At a minimum, increased annual sewer rates would be incurred by the users. In addition, significant capital expenditures would be required to fund the project, although it is expected that a portion of these could be accounted for through outside grant monies. Another source of minor economic impact would be monies brought into the community by construction crews during the project. Construction of a new wastewater system may encourage people to move to Whitehall.

The construction of any of the proposed system alternatives will not have a disproportionate effect on minority or low-income populations.

2.11. Miscellaneous Issues

Air quality in the area of construction may be temporary affected by airborne dust. Reasonable efforts will be taken during construction to minimize these temporary impacts including watering.

Significant affects to local transportation are not anticipated. The heavy equipment operations for construction of the wastewater treatment facility will generally be limited to the construction site. Haul trucks will be utilized to deliver materials to the site but the level of traffic due to haul trucks is projected to be less than 16 trips per day. Limited temporary affects will occur on residential streets during sewer main cleaning, video inspection and lining operations. Affects will be limited in each area to approximately ½ day for the cleaning/inspection operation and the lining operation. Local traffic will be maintained with signing to warn of construction work posted.

Temporary aesthetic problems may result during construction. All damage caused by construction will be repaired to pre-construction conditions or better. Other temporary nuisances such as noise and exhaust fumes may occur during construction but the work area is well removed from existing housing. Efforts will be made to minimize nuisances and address specific problems as they occur.

Local services including health care, social services, police, fire, emergency medical, storm water, water wells, energy services, wastewater treatment, and transportation will not be affected.

No other unique natural features have been identified in any of the project areas. No other impacts are anticipated.

3. RECOMMENDATION

The recommended alternative for wastewater system improvements is wastewater treatment and disposal alternative #2, construction of a facultative lagoon, storage lagoons, and slow rate land application effluent disposal system (agricultural irrigation application). The recommended collection system alternatives are renovation of existing sewer mains

through a program of sewer main lining and spot repairs and removal of storm water inlet connections from the sanitary sewer collection system (with connection to the existing storm water system on Legion Street).

4. SUMMARY OF MITIGATION

Based on the analysis of the proposed project, it is concluded that the proposed wastewater system improvements including treatment and collection improvements in the Town of Whitehall would satisfy the expected and current needs for development. There will be no impacts on formally classified or important farmland or cultural resources. There will be no impacts on delineated wetland areas. The majority of impacts to the existing terrestrial vegetation and wildlife are expected to be temporary and minor in nature. Incorporation of best management practices such as minimizing ground disturbance, washing off-road equipment prior to entering construction sites, and seeding (with a native seed mixture), mulching, and fertilizing of disturbed areas to reduce weed establishment and prevent erosion will be implemented. The design has minimized or avoided potential adverse impacts to the maximum extent possible. This project will have no effect on ESA listed species. There are no significant impacts expected from construction with respect to wetlands, vegetation, surface water, floodplains, and cultural resources, that otherwise will not be mitigated. The majority of the negative impacts are associated with construction of the proposed project; however, when mitigation measures outlined above are applied, there is a finding of no significant impact for the construction and implementation of this project. All permits will be obtained prior to project construction. As such, no additional mitigation is proposed or warranted

Compliance of Preferred Alternative with Environmental Protection Statutes and Other Environmental Requirements

Bald and Golden Eagle Protection Act, 16 U.S.C. Sec. 668, 668 note, 669a-668d. *In compliance.* This Act prohibits the taking or possession of and commerce in bald and golden eagles, with limited exceptions for the scientific or exhibition purposes, for religious purposes of Indian tribes, or for the protection of wildlife, agriculture or preservation of the species. Coordinate with the Service and the appropriate state agencies will continue to avoid taking the species during construction activities, and will follow the Service's guidelines regarding eagle nests. There are no known bald or golden eagle nests within the proposed project area and therefore, this project likely will have no affect on bald or golden eagles.

Clean Air Act, as amended, 42 U.S.C. 185711-7. et seq. *In compliance.* The purpose of this Act is to protect public health and welfare by the control of air pollution at its source. Some temporary emission releases are expected during construction activities; however, de minimis levels would not be exceeded and air quality is not expected to be impacted to any measurable degree.

Clean Water Act, as amended. (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. *In compliance.* The objective of this Act is to restore and maintain the chemical, physical,

and biological integrity of the nation's waters (33 U.S.C. 1251). The Corps regulates the discharges of dredge or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act. This permitting authority applies to all waters of the U.S., including navigable waters and wetlands. The selection of disposal sites for dredged or fill material is done in accordance with Section 404(b)(1) guidelines, which were developed by the U.S. Environmental Protection Agency (EPA) (see 40 CFR Part 230). General permits are a type of authorization that is issued on a nationwide or regional basis for a category of activities. Activities that are authorized under general permits must be substantially similar in nature and cause only minimal individual or cumulative adverse affects on the aquatic environment. Nationwide permits are a type of general permit that authorize certain specified activities nationwide that have been authorized after meeting requirements of NEPA and extensive coordination with the EPA and other federal agencies. No significant impacts to wetlands would result from the proposed action.

Endangered Species Act, as amended. 16 U.S.C. 1531, et seq. *In compliance.* Section 7 (16 U.S.C. 1536) states that all Federal agencies shall, in consultation with the Secretary of the Interior, ensure that any action authorized, funded, or otherwise carried out by them do not jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of critical habitat. The proposed project has incorporated best management practices and has minimized or avoided potential adverse impacts. This project will have no effect on ESA listed species.

Environmental Justice (E.O. 12898). *In compliance.* Federal agencies shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. The project does not disproportionately impact minority or low-income populations.

Farmland Protection Policy Act, 7 U.S.C. 4201. Et seq. *In compliance.* Farmland will not be adversely impacted by the proposed project.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), et.seq. *In compliance.* The Act establishes the policy that consideration be given to the opportunities for outdoor recreation and fish and wildlife enhancement in the investigating and planning of any Federal navigation, flood control, reclamation, hydroelectric, or multi-purpose water resource project, whenever any such project can reasonably serve either or both purposes consistently. No coordinated use with existing or planned Federal, state or local public recreation development was considered when the existing wastewater system was originally constructed, and improvements will not increase or decrease any recreational use.

Fish and Wildlife Coordination Act. 16 U.S.C., 661 et seq. *In compliance.* The FWCA requires governmental agencies, including the Corps, to coordinate activities so that adverse affects of fish and wildlife will be minimized when water bodies are proposed for modification. No modifications to any water bodies are proposed as part of this project.

Flood Plain Management (E.O. 11988) 42 CFR 26951. *In compliance.* The purpose of this Order is that each agency shall provide leadership and shall take action to reduce the risk of

flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. The proposed project would have only limited impact on flood plain management.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) as amended. *In compliance.* The Migratory Bird Treaty Act (MBTA) of 1918 is the domestic law that affirms, or implements, the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possessing, transporting, and importing of migratory birds, their eggs, parts, and nests. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Executive Order 13186 (2001) directs executive agencies to take certain actions to implement the Act. Migratory birds will likely not be impacted as a result of the proposed project.

National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq. *In compliance.* Federal agencies having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. In a letter dated June 29, 2010, Mr. Travis Pitkin, SHPO Archaeologist advised that 'there are no individually significant cultural resources identified within the Area of Potential Effects (APE). However, the potential for recovering cultural resources always exists. Thus, caution will be exercised during all phases of work in order to minimize any disturbance to cultural resources. All contractors will be explicitly warned about this possibility of discovery and instructed that if any resources are found, he or she shall stop work and contact SHPO immediately.

National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq. *In compliance.* This Environmental Assessment (EA) has been prepared for the proposed action. An Environmental Impact Statement (EIS) is not required.

Noise Control Act of 1972, 42 U.S.C. Sec. 4901 to 4918. *In compliance.* This Act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. Federal agencies are required to limit noise emissions to within compliance levels. Noise emission levels at the project site will temporarily increase above current levels due to construction; however, appropriate measures will be taken to keep the noise level within compliance levels (e.g., performing construction during daylight hours, avoiding idling of machinery when not in use, etc.).

Rivers and Harbors Act, 33 U.S.C. 401, et seq. *Not applicable.* A Section 10 Permit is not required as no work would occur in a designated waterway.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, et seq. *In compliance.* The area with in which the proposed project would occur is not designated as a wild or scenic river.

5. DOCUMENTATION AND CORRESPONDENCE

- Project maps (Appendix A, B and report)
- Agency correspondence including 2011 updates (Appendix C)
- Floodplain map (Appendix D)
- Excerpt form 2006 Preliminary Engineering Report describing Environmental Resources (Appendix E)
- Updated Uniform Environmental Checklist (Appendix E)

6. REFERENCES

Great West Engineering: Preliminary Engineering Report, Whitehall Wastewater Improvements, March 2006.

Great West Engineering: Amendment to the Preliminary Engineering Report, Whitehall Wastewater Improvements, August 2008.

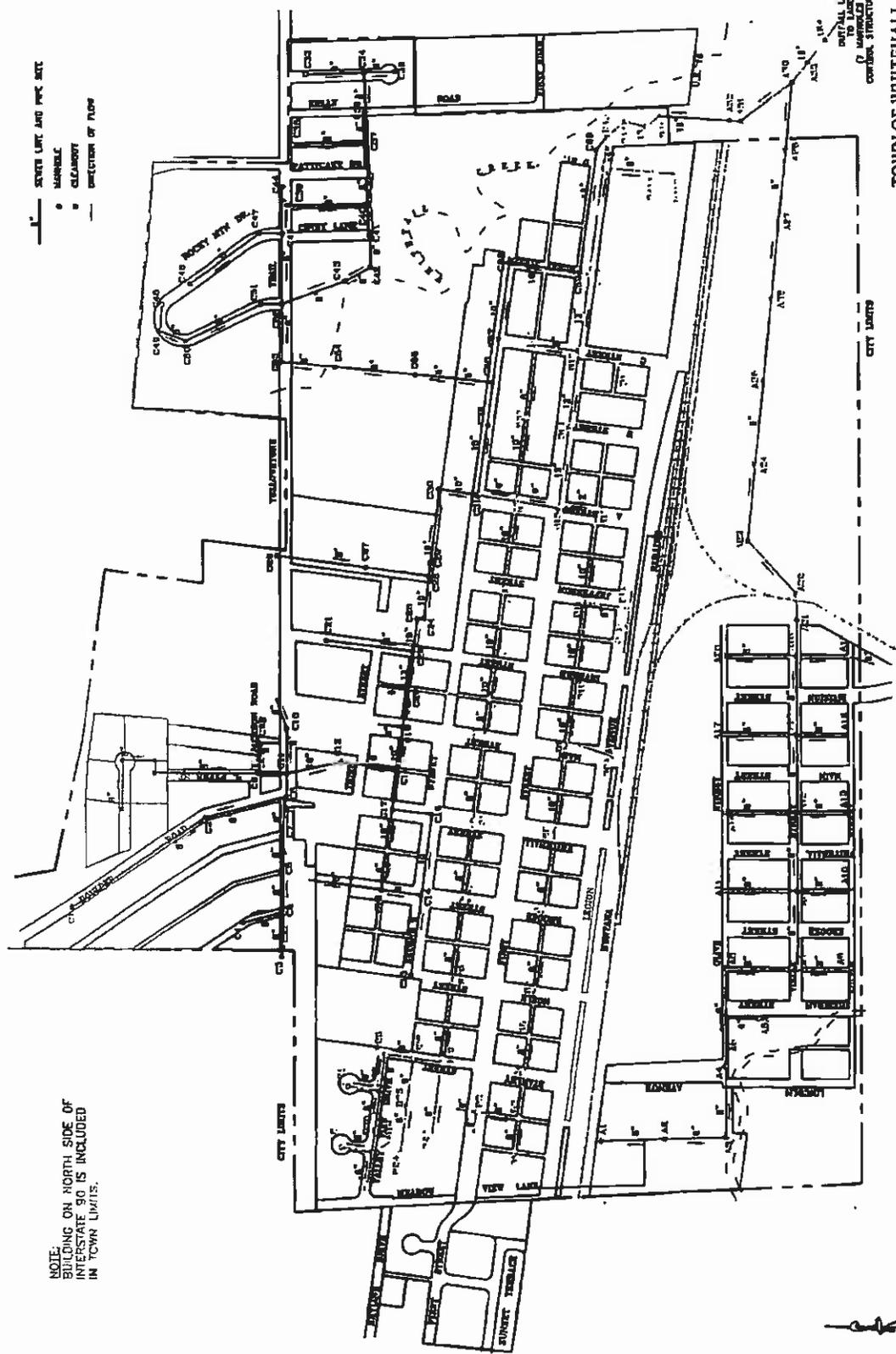
APPENDIX A

COLLECTION AND TREATMENT SYSTEM MAP

APPENDIX B

COLLECTION SYSTEM MAP

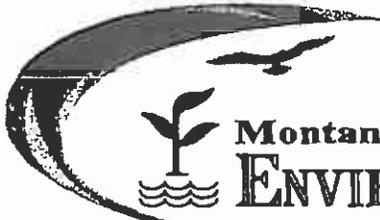
- SEWER LINE AND PUMP STATION
 ○ MANHOLE
 ○ CLEARWELL
 - DIRECTION OF FLOW



NOTE:
 BUILDING ON NORTH SIDE OF
 INTERSTATE 90 IS INCLUDED
 IN TOWN LIMITS.

TOWN OF WHITEHALL, MONTANA
 WASTEWATER COLLECTION, TREATMENT,
 & DISPOSAL STUDY
 COLLECTION SYSTEM SCHEMATIC
 FIGURE 4.3





Montana Department of
ENVIRONMENTAL QUALITY

RECEIVED

MAR 31 2006

GreatWest
Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

March 29, 2006

Mike Abrahamson
Great West Engineering
2030 11th Ave
PO Box 4817
Helena, MT 59604

RE: Whitehall Wastewater System Improvements

Dear Mike:

Thank you for the opportunity to review and respond to the proposed Whitehall wastewater treatment preferred alternative in relation to future TMDL activities. The Watershed Management Section does not review project designs for any permitting or WWTP compliance criteria.

The proposed alternative will be beneficial for future TMDL development and watershed restoration goals because it moves the Whitehall wastewater system from a NPDES regulated point source to a source that is non-discharging to state surface waters. Therefore, the alternative would remove the town of Whitehall's WWTP from the waste load allocation of any future TMDL. The WWTP system and associated land application can be assessed under the load allocations (non point sources) in future TMDLs. If the system can be operated in accordance with proposed agronomic nutrient uptake estimates and wastewater/nutrient application rates that are comparable to agricultural crop nutrient management planning, usually provided by local NRCS offices, the source will likely meet requirements for potential, future TMDL load allocation.

Darrin Kron
Montana Department of Environmental Quality
Ph: (406) 444-4765
Fx: (406) 444-6836

RECEIVED

MAR 22 2006

GreatWest



P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.5354 • <http://mntnhp.org>

March 21, 2006

Mike Abrahamson
Great West Engineering
P.O. Box 4817
Helena, MT 59604

Dear Mike,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of the Whitehall Wastewater System Improvements project in T01N, R04W, Sections 1, 2, 3, 4, 5, 8, and 9; and T02N, R04W, Sections 26, 27, 29, 32, and 33, in Jefferson County. We checked our databases for information in this general area and have enclosed 6 species of concern reports, 1 ecological site report, and one map.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and sections with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with a one-mile buffer. Species of concern outside of this area may be depicted on the map but are not reported.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

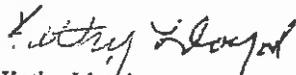
Electronic access to the Montana Natural Heritage Program is available at URL
<http://mntnhp.org>

(6) Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. If you would prefer to receive an electronic PDF report instead of a paper copy, please let me know. Please feel free to contact me at (406) 444-3009 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Kathy Lloyd
Montana Natural Heritage Program
klloyd@mt.gov



Castilleja exilis

Element Occurrence Map Label: 3490

Element Subnational ID: 12279

EO Number: 1

Common Name: Annual Indian Paintbrush

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1906-08-10

Description: Vascular Plant

Last Observation Date: 1996-08-09

Natural Heritage Ranks:

Federal Agency Status:

State: S2

Global: G5

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank: BC

EO Data

1996: original site not relocated. Observed approximately 220 plants in late flower and mainly fruit 9 August 1996 in two different subpopulations. 1995: observed in fruit 6 September 1995 at north (unmapped) subpopulation.

Spiranthes diluvialis

Element Occurrence Map Label: 2812

Element Subnational ID: 12079

EO Number: 1

Common Name: Ute Ladies' Tresses

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date: 1994-08-03

Description: Vascular Plant

Last Observation Date: 2005-08-16

Natural Heritage Ranks:

Federal Agency Status:

State: S1

Global: G2

U.S. Fish & Wildlife Service: LT

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank: B

EO Data

1994: 71 flowering stems were counted.

1995: 26 flowering stems were counted.

1996: 49 flowering plants + 1 vegetative plant were counted.

1997: 36 flowering plants + 17 vegetative plants were counted.

1998: 95 flowering plants + 41 vegetative plants were counted.

1999: 11 flowering plants + 13 vegetative plants were counted.

2000: 50 flowering plants + 35 vegetative plants were counted.

2005: 65 individual plants counted. 100% flowering/budding.

The maximum estimate of population size is 204 based on demographic monitoring (1996-2000). They never simultaneously flower. Flowering stalks bolt and mature at different times over an approximate 3 week period that shifts from year to year. Peak flowering is 2nd or 3rd week of August. 6 plants were collected here in 1994-95 for genetic tests and vouchers.



Montana Natural Heritage Program
 Montana Natural Heritage Program
 Montana Natural Heritage Program
 Montana Natural Heritage Program

Species of Concern Data Report

Monday, March 20, 2006

Visit <http://mtnhp.org> for additional information.

Oreoscoptes montanus

Element Occurrence Map Label: 16468

Element Subnational ID: 12954

EO Number: 42642

Common Name: Sage Thrasher

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

Federal Agency Status:

State: S3B

U.S. Fish & Wildlife Service:

Global: G5

U.S. Forest Service:

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data

Calamospiza melanocorys

Element Occurrence Map Label: 14122

Element Subnational ID: 11296

EO Number: 335347

Common Name: Lark Bunting

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

Federal Agency Status:

State: S3B

U.S. Fish & Wildlife Service:

Global: G5

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

Calamospiza melanocorys

Element Occurrence Map Label: 14123

Element Subnational ID: 11296

EO Number: 69542

Common Name: Lark Bunting

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

Federal Agency Status:

State: S3B

U.S. Fish & Wildlife Service:

Global: G5

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data



lumenius americanus

Element Occurrence Map Label: 14719

Element Subnational ID: 11120

EO Number: 70469

Common Name: Long-billed Curlew

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

Natural Heritage Ranks:

Federal Agency Status:

State: S2B

Global: G5

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data



MONTANA
Natural
Heritage
Program

Natural Resources Information System
Montana State Library
P.O. Box 204800
Helena, MT 59620-4800
(406) 444-3220 info@nhrp.mt.gov

Species of Concern Data Report

Monday, March 20, 2006

Visit <http://minhp.org> for additional information.

Inferred Extent Report

Inferred Extents are areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foraging area or home range size of the species.

Inferred Extent For: *Calamospiza melanocorys*

Common Name: Lark Bunting

Inferred Extent Map Label: IE- 14,122



Ecological Information

JMONT SWAMP

Monday, March 20, 2006

The geographic scope of your data search intersected an area for which the Natural Heritage Program databases have ecological information. Such information can be useful in assessing biological values and interpreting Species of Concern data. A summary is provided below of conditions at the time of site record creation.

PIEDMONT SWAMP

General Description

Located in the broad Jefferson River valley bottom, Piedmont Swamp includes a very large alkaline marsh (approximately 475 acres / 192 hectares) and adjacent subirrigated areas (670 acres / 270 hectares total). The groundwater-fed marsh ranges from seasonally to semipermanently flooded and includes one 5-acre permanently flooded pond as well as several smaller seasonally flooded depressions. Soils are silty clay, silty clay loam, and clay loam. Some areas have up to 13 cm of peat accumulation.

Two vegetation communities dominate the marsh: broadleaf cattail (*Typha latifolia*) and three-square (*Schoenoplectus pungens*). The cattail community covers approximately 240 acres (100 hectares) of the marsh and occupies most of the northern portion of the marsh. It also occurs as narrow stringers along small swales with aerated surface water. This community is largely characterized by a monospecific stand of broadleaf cattail, although hard-stem bulrush (*Schoenoplectus acutus*), soft-stem bulrush (*Schoenoplectus tabernaemontani*), and Nebraska sedge (*Carex nebrascensis*) are all important co-dominants in places.

The more species rich three-square community occupies most of the southern portion of the marsh. This community is co-dominated by three-square, Baltic rush (*Juncus balticus*), and Nuttall's alkaligrass (*Puccinellia nuttalliana*). Nebraska sedge and water sedge (*Carex aquatilis*) are other common co-dominants, and these sedges dominate some small patches. Other common species in the three-square community include slender wildrye (*Elymus trachycaulus*), alkali cordgrass (*Spartina gracilis*), mat muhly (*Muhlenbergia richardsonis*), fox-tall barley (*Hordeum jubatum*), clustered field sedge (*Carex naeegracilis*), seaside arrow-grass (*Triglochin maritima*), meadow hawk's-beard (*Crepis runcinata*), and rough spore-horehound (*Lycopus asper*). Alkali cordgrass, saltgrass (*Distichlis spicata*), alkali-sacaton (*Sporobolus airoides*), and small muhly (*Muhlenbergia asperifolia*) become more abundant in drier areas. A greasewood / saltgrass (*Sarcobatus vermiculatus* / *Distichlis spicata*) community occupies adjacent elevated flats with subirrigated sandy loam and sandy clay loam soils.

The southeastern portion of the site contains a meandered swale associated with the Jefferson River. The swale supports three-square and water sedge communities as well as an aquatic community dominated by horned-pondweed (*Zannichellia palustris*). The swale is fringed by a shrub community dominated by silver buffalo-berry (*Shepherdia argentea*), woods' rose (*Rosa woodsii*), and golden currant (*Ribes aureum*).

A previous Heritage Program botanical inventory documented two additional wetland communities: Spreading alkali grass / saltgrass (*Puccinellia distans* / *Distichlis spicata*) and Nevada bulrush (*Scirpus nevadensis*).

Biological Significance

Piedmont Swamp supports populations of two plant species of concern: Ute ladies'-tresses (*Spiranthes diluviali*, federally listed threatened) and alkali indian-paintbrush (*Castilleja minor* ssp. *minor* (= *Castilleja exilis*)). Both species are locally common in the swamp. Franklin's Gull (*Larus pipixcan*) was observed at the marsh at the time of the Heritage Program survey.

Key Ecological Factors

This wetland is created and maintained by groundwater discharge.

Exotic Species

The marsh itself is largely free of exotic species; however, exotics are common in the adjacent uplands. These include potted knapweed (*Centaurea biebersteinii*), Canada thistle (*Cirsium arvense*), field meadow-foxtail (*Alopecurus pratensis*), and heart-pod hoarycress (*Cardaria draba*). Scattered individuals of Russian olive (*Elaeagnus angustifolia*) are present, but they do not appear to be reproducing yet.

More detailed data on vegetation communities in this area may be available; if you are interested, contact Greg Kudray at (406) 444-0915 or gkudray@mt.gov



Natural Heritage Data Report

Visit <http://mtnhp.org> for additional information.

Ecological Information

PIEDMONT SWAMP

Monday, March 20, 2006

Other Values

This large marsh is a unique occurrence in southwestern Montana, and supports regionally important populations of three-square (*Schoenoplectus pungens*), Nevada bulrush (*Scirpus nevadensis*), and seaside arrow-grass (*Triglochin maritima*). Piedmont Swamp also supports whitetail deer, nesting sandhill cranes and osprey. It is used by migrating waterfowl in the spring. Its proximity to the Whitehall community signifies open space values and potential educational opportunities.

Management Information

Piedmont Swamp is grazed by livestock, and some areas on the southern periphery of the marsh are extensively hummocked. A railroad corridor traverses the south end of the area, demarcating a narrow band of pasture between the railroad bed and the roadbed that contains the Ute ladies' tresses (*Spiranthes diluvialis*). Spotted knapweed (*Centaurea biebersteinii*) infests the abandoned railroad grade adjacent to the meandered wetland. The removal of the southern railroad fence to open the railroad bed corridor to grazing has reduced its seed production. Reduction in vegetation competition will help maintain Ute ladies' tresses; accomplished in the past by early-season grazing. Litter accumulation warrants consideration throughout. A drainage ditch in the northern portion of the marsh has altered the area's hydrology to an unknown extent. Hydrological information needs may warrant management follow-up, e.g., if the ditch in Section 9 is functioning, then plugging the ditch may help maintain more natural hydrological conditions.

Piedmont Swamp is bordered by valley bottom rangeland. Residential development, associated with the town of Whitehall is common along the southern and western boundaries. Golden Sunlight Mine is using the property to the east to store fill.

Information Gaps

The hydrology of this wetland is not well understood. To what extent has the area's hydrology been altered? Modifications include a drainage ditch in the northern portion of the wetland, the Pleasant Valley Ditch and Jefferson Canal to the west, the ditching of Fish Creek to the southwest, and the construction of the (now abandoned) railroad bed across the marsh's southern boundary. Cattails at the marsh were identified as broadleaf cattail (*Typha latifolia*). They could be examined again to make certain they are not the hybrid *Typha x glauca*, which can be a much more aggressive colonizer. Cattails dominate the northern half of the marsh; however, the southern portion of the marsh may be too dry late in the season to support cattails.

References

More detailed data on vegetation communities in this area may be available; if you are interested, contact Greg Kudray at (406) 444-0915 or gkudray@mt.gov



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

March 15, 2006

Mike Abrahamson
Great West Engineering
2030 11th Ave
PO Box 4817
Helena MT 59604

RECEIVED

MAR 16 2006

GreatWest

RE: WHITEHALL, WASTEWATER SYSTEM IMPROVEMENTS. SHPO Project #:
2006031502

Dear Mr. Abrahamson:

I have conducted a cultural resource file search for the above-cited project. According to our records there have been a few previously recorded sites within the designated search locales. In addition to the sites there have been a few previously conducted cultural resource inventories done in the areas. If you would like any further information regarding these sites or reports you may contact me at the number listed below.

In areas where there has been previous ground disturbance we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, if the areas have had no previous ground disturbance, and if the proposed project will result in ground disturbance we would ask that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted. Thank you for consulting with us.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov.

Sincerely,

Damon Murdo
Cultural Records Manager

File: DEQ/AIR&WATER WASTE MNG/2006



STATE HISTORIC PRESERVATION OFFICE ♦ 1410 8th Ave ♦ P.O. Box 201202 ♦ Helena, MT 59620-1202
♦ (406) 444-7715 ♦ FAX (406) 444-6575

The SHOSHONE-BANNOCK TRIBES



PHONE: (208) 478-3706
FAX: (208) 478-3741
email: csmith@shoshonebannocktribes.com
jbuckhouse@shoshonebannocktribes.com
lbuckskin@shoshonebannocktribes.com

CULTURAL RESOURCES
HERITAGE TRIBAL OFFICE (HeTO)
PO BOX 306
FORT HALL IDAHO 83203

March 23, 2011

Clay J. Landry
Area Specialist
790 Colleen St.
Helena, MT 59601

Dear Mr. Landry,

The Shoshone-Bannock Heritage Office (HeTO) appreciates the opportunity to provide technical comments to the Whitehall, MT municipal wastewater improvements project.

The project area lies within inherent ancestral lands of the Shoshone and Bannock people before development and infrastructure appeared. Their ties to the land still remain. Today this area has been developed and considerable ground disturbance has occurred since our people have been there, but the possibility of below surface cultural material and/or human remains may still exist.

Under your mitigation plan, the stipulation for inadvertent discoveries to be included in all construction and Letter of Loan Conditions should include consultation with tribes along with the State Historic Preservation Officer. I would also recommend a monitor be on site for any ground disturbing and any excavation activities to insure integrity of discovery. Should the application be approved and construction imminent, employment of tribal members as cultural resource monitors should be discussed and/or included as part of the application process.

The purpose of this letter is to provide technical input and not intended as formal government-to-government consultation. Should there be any questions or concerns, feel free to contact me at (208) 478-3707 or e-mail at: csmith@sbtribes.com

Sincerely,

A handwritten signature in blue ink, appearing to read "Carolyn B. Smith".

Carolyn B. Smith
Shoshone-Bannock Tribes
Cultural Resources Coordinator



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA MT 59626

April 17, 2006

Helena Regulatory Office
Phone (406) 441-1375
Fax (406) 441-1380

RE: **Corps File No. 2006-9-0270**
Request for Input for Proposed Improvements to Whitehall Wastewater System

Great West Engineering
Attn: Mike Abrahamson, P.E.
P.O. Box 4817
Helena, Montana 59604

Dear Mr. Abrahamson:

We have reviewed your information regarding the above referenced subject matter. The potential site is located in various sections in Jefferson County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the U. S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the U. S. in certain circumstances, which must be determined on a case-by-case basis.

Upon review of the site map, the Corps has the following comments regarding the proposed project.

1. It is noted that the lagoon expansion and preferred land application site is located between Whitetail Creek and Big Pipestone Creek. The Corps advises that the infrastructure be located with enough buffer between facilities and the channel to allow for channel movement.

Based on the information provided, this office is unable to ascertain jurisdictional authority at this time. Please be advised that if no fill material will be placed either temporarily or permanently in a water of the United States, no Department of the Army permit is required for this project. However, this does not eliminate the requirement to obtain other applicable federal, state, tribal and local permits.

If you have any questions, please call Vicki Sullivan of this office at (406) 441-1375, and reference Corps File No. 2006-9-0270.

Sincerely,

A handwritten signature in cursive script that reads "Allan Steinle". The signature is written in dark ink and is positioned above the printed name.

Allan Steinle
Montana Program Manager



United States Department of the Interior
Fish and Wildlife Service



Ecological Services
Montana Field Office
585 Shepard Way
Helena, Montana 59601-6287

Phone: (406) 449-5225 Fax: (406) 449-5339

March 18, 2011

Mr. Fred Phillips, PE
Project Engineer
Great West Engineering
P.O. Box 4817
Helena, MT 59604

Dear Mr. Phillips:

We have examined the project description, along with the topographic and aerial photomaps included with your March 11, 2011 letter, concerning proposed upgrades to the wastewater treatment system in Whitehall, Montana. Our response comments are authorized under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.), and the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703 et. Seq.).

The project you are proposing should result in improved quality of the waters in the State of Montana, and thus, should be generally beneficial to fish and wildlife. We do not foresee this project resulting in any significant adverse affects to fish, wildlife, or habitat resources under the purview of the U.S. fish and Wildlife Service.

Please telephone me at 406/449-5225, ext. 205, if you have any questions regarding this matter.

Sincerely,

R. Mark Wilson
Field Supervisor

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 3:01 PM
To: 'smitcaro@yahoo.com'
Subject: FW: Follow Up Comment Request For Whitehall, MT municipal wastewater improvements project
Attachments: Shoshone-Bannock Tribes of Fort Hall.pdf

We wanted to see if it would be possible to get a response by 3/23 so the agency can finish their review. It would be much appreciated. Thanks.

From: Fred Phillips
Sent: Friday, March 18, 2011 12:32 PM
To: 'smitcaro@yahoo.com'
Cc: Craig Erickson
Subject: Follow Up Comment Request For Whitehall, MT municipal wastewater improvements project

3/18/11

Ms. Carolyn Smith
Shoshone-Bannock Tribes of Fort Hall
Heritage Tribal Office

Dear Ms. Smith,

Thank you for your time to visit about the referenced project.

Attached is a copy of the May 2009 NAGPRA Contact letter submitted by USDA Rural Development.

Rural Development did not previously receive comment. We have been requested to follow up with your office to see if you wish to comment.

The federal agency managing Water Resource Development Act funds is in the final steps of completing their Environmental Report. If possible we would like to have a response by 3/30/11. An e-mail response is requested.

Please contact me if you have any questions.

Fred Phillips, PE | Project Manager
Great West Engineering, Inc.
PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 3:01 PM
To: 'glendatrosper@washakie.net'
Subject: FW: Shoshone Trribal Cultural Center follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project
Attachments: Shoshone Tribal Cultural Center - WY.pdf

We wanted to see if it would be possible to get a response by 3/23 so the agency can finish their review. It would be much appreciated. Thanks.

From: Fred Phillips
Sent: Friday, March 18, 2011 12:50 PM
To: 'glendatrosper@washakie.net'
Cc: Craig Erickson
Subject: Shoshone Trribal Cultural Center follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project

3/18/11

Glenda Trosper
Shoshone Tribal Cultural Center
Washakie, WY

Dear Ms. Trosper,

Attached is a copy of the May 2009 NAGPRA Contact letter submitted by USDA Rural Development.

Rural Development did not previously receive comment. We have been requested to follow up with your office to see if you wish to comment.

The federal agency managing Water Resource Development Act funds is in the final steps of completing their Environmental Report. If possible we would like to have a response by 3/30/11. An e-mail response is requested.

Please contact me if you have any questions.

Sincerely,

Fred Phillips, PE Project Manager
Great West Engineering, Inc.
PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 3:01 PM
To: 'cwalden2001@yahoo.com'
Subject: FW: Northern Cheyenne Cultural Commission follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project
Attachments: Northern Cheyenne Cultural Commission.pdf

We wanted to see if it would be possible to get a response by 3/23 so the agency can finish their review. It would be much appreciated. Thanks.

From: Fred Phillips
Sent: Friday, March 18, 2011 1:18 PM
To: 'cwalden2001@yahoo.com'
Cc: Craig Erickson
Subject: Northern Cheyenne Cultural Commission follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project

3/18/11

Northern Cheyenne Cultural Commission
Lame Deer, MT

C/O Charlene Alden, Director
Environmental Protection Department

Dear Ms. Alden,

Attached is a copy of the May 2009 NAGPRA Contact letter submitted by USDA Rural Development.

Rural Development did not previously receive comment. We have been requested to follow up with the Tribes to see if you wish to comment. I was unable to obtain a Cultural Commission Contact on the Tribes website so am forwarding this follow up to the Environmental Protection Department. Please forward this request if another department would provide a response.

The federal agency managing Water Resource Development Act funds is in the final steps of completing their Environmental Report. If possible we would like to have a response by 3/30/11. An e-mail response is requested.

Please contact me if you have any questions.

Sincerely,

Fred Phillips, PE | Project Manager

Great West Engineering, Inc.

PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 3:00 PM
To: 'tonyi@cstk.org'
Subject: FW: Confederated Salish & Kootenai Tribes follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project
Attachments: Confederated Salish & Kootenai Tribes .pdf

We wanted to see if it would be possible to get a response by 3/23 so the agency can finish their review. It would be much appreciated. Thanks.

From: Fred Phillips
Sent: Friday, March 18, 2011 1:46 PM
To: 'tonyi@cstk.org'
Cc: Craig Erickson
Subject: Confederated Salish & Kootenai Tribes follow up on USDA Rural Development NAGPRA Contact For Whitehall, MT Public Facility Project

3/18/11

Tony Incashola
Confederated Salish & Kootenai Tribes
Salish Cultural Commission

Dear Mr. Incashola,

Attached is a copy of the May 2009 NAGPRA Contact letter submitted by USDA Rural Development.

Rural Development did not previously receive comment. We have been requested to follow up with the Tribes to see if you wish to comment.

The federal agency managing Water Resource Development Act funds is in the final steps of completing their Environmental Report. If possible we would like to have a response by 3/30/11. An e-mail response is requested.

Please contact me if you have any questions.

Sincerely,

Fred Phillips, PE : Project Manager
Great West Engineering, Inc.
PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 2:57 PM
To: 'mark_wilson@fws.gov'
Cc: Craig Erickson
Subject: Follow up on Whitehall Wastewater System Improvements Project
Attachments: USFWS 031811.pdf

3/18/11

Mark Wilson
US Fish & Wildlife Service

Dear Mark,

We are completing a follow up contact to USFWS for the referenced project at the request of the Water Resource Development Act project manager. The agency was contacted in 2006 during the project planning phase but we did not receive a response.

The project FONSI has been issued by USDA Rural Development. WRDA also does an environmental review and asked us to contact USFWS to see if you want to comment at this time.

Attached is a copy of the 2006 letter and exhibits requesting input from the ACE. We have also attached a copy of the final system layout. The project entails construction of the new lagoons, reconstruction of the existing west lagoon, and installation of the irrigation system and pivot. We will also have a lift station located on the north side of the irrigation area.

Thank you for your time. If possible we would like to hear back from you by 3/23/11 if at all possible.

Sincerely,

Fred Phillips, PE | Project Manager
Great West Engineering, Inc.
PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

Fred Phillips

From: Fred Phillips
Sent: Friday, March 18, 2011 2:45 PM
To: Army Corp of Eengineers (todd.n.tillinger@usace.army.mil)
Cc: Craig Erickson
Subject: Follow up on Whitehall Wastewater System Improvements Project
Attachments: USACE 031811.pdf

3/18/11

Todd Tillinger
US army Corp of Engineers

Dear Todd,

Attached is a copy of the 2006 letter and exhibits requesting input from the ACE. We have also attached a copy of the final system layout. The project entails construction of the new lagoons, reconstruction of the existing west lagoon, and installation of the irrigation system and pivot. We will also have a lift station located on the north side of the irrigation area. There is no work within the streams or stream pipeline crossings.

Thank you for your time. If possible we would like to hear back from you by 3/23/11.

Sincerely,

Fred Phillips, PE | Project Manager
Great West Engineering, Inc.
PO Box 4817
2501 Belt View Drive
Helena, MT 59604

PHONE: 406-495-6179
OFFICE: 406-449-8627
FAX: 406-449-8631
www.greatwesteng.com

March 13, 2006

Montana Natural Heritage Program
1515 East Sixth Avenue
P.O. Box 201800
Helena, MT 59620-1800

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Sir or Madam:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to threatened and endangered species for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to

meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5') which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7

March 13, 2006

Damon Murdo
Cultural Records Manager
State Historical Preservation Office
PO Box 201202
Helena, MT 59620

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Mr. Murdo:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to cultural and historic resources for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to

meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

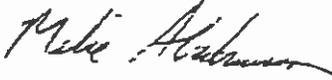
The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due to its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5') which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7

March 13, 2006

US Army Corps of Engineers
1520 East 6th Avenue
Helena, MT 59620-2301

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Sir or Madam:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to water resources (wetlands) for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to

meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5") which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7

March 13, 2006

Kemper McMaster
US Fish and Wildlife Service
585 Shepard Way
Helena, MT 59601

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Mr. McMaster:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to fish and wildlife resources for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to

meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5') which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7



March 13, 2006

Karl Christians
Department of Natural Resource & Conservation
PO Box 201601
Helena, MT 59602-1601

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Mr. Christians,

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to floodplains for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to meet anticipated instream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5') which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7



March 13, 2006

Patrick Flowers
Montana Department of Fish Wildlife and Parks
1400 S. 19th Ave.
Bozeman, MT 59718

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Mr. Flowers:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at crop agronomic rates.

With this letter, we are requesting a review of possible impacts to fish and wildlife resources for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to

meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

The NRCS data also indicates that high groundwater is present in this type of soils. However, this specific site is located on a bench north of Big Pipestone and site inspections and topography indicate the depth to groundwater is at least 8 feet. This allows for growing a hay crop (root zone depth of 3'-5') which will provide the nutrient uptake during disposal of treated effluent.

Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7



March 13, 2006

Darrin Kron, Watershed Planner
Upper Missouri Basin
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

**RE: Whitehall, Montana
Wastewater System Improvements**

Dear Darrin:

The Town of Whitehall is completing a Wastewater System Preliminary Engineering Report to identify system needs and develop alternatives for wastewater system improvements. Great West Engineering has been retained by the Town to complete the study. Data collection, analysis, and development of alternatives for wastewater system improvements have been completed. The preferred alternative is a new lined treatment and storage lagoon system with effluent disposal via slow rate land application at agronomic rates to cropland.

With this letter, we are requesting a review of possible TMDL impacts on Big Pipestone Creek for the wastewater system improvements project located in and near Whitehall, Montana. Whitehall is located in Jefferson County. More particularly, the project sites are located in:

Lagoon Site: T 1 N, R 4 W, Sec 3
Recommended Irrigation Site A: T 1 N, R 4 W, Sec 3
Irrigation Site B: T 1 N, R 4 W, Sec 1-2
Irrigation Site C: T 2 N, R 4 W, Sec 26-27
Irrigation Site D: T 2 N, R 4 W, Sec 29, 32-33
Irrigation Site E: T 1 N, R 4 W, Sec 4-5, 8-9

The enclosed figures 2-1, 5 and 7 depict the proposed project locations. This request is in accordance with Montana Department of Environmental Quality requirements.

The Town of Whitehall has a central sewer collection and treatment system. The treatment and disposal system, constructed in 1960 and upgraded in 1987, includes a gravity transmission main and a facultative lagoon system that discharges to Big Pipestone Creek. Analysis has shown that the receiving stream has impaired uses attributed to excessive nutrients. The wastewater treatment discharge and excessive leakage from the lagoons have been listed as a probable cause for impairment on Big Pipestone Creek. Therefore, nutrient limits will most likely be imposed in future discharge permits.

The engineering analysis included a review of wastewater treatment and disposal alternatives available to the Town. Various options were considered. Discharging options were analyzed and have been eliminated due to the inability to effectively treat wastewater to the level required to meet anticipated in-stream water quality standards and TMDLs. Non-discharging options considered included evaporative systems, rapid infiltration systems, and agricultural irrigation. At this point, the alternative that appears to be most viable for the town is a non-discharging alternative consisting of a facultative lagoon treatment lagoon, a storage lagoon, and disposal via irrigation to agricultural land.

The lagoon/irrigation option would include:

- Construction of new lined facultative treatment and storage lagoons on adjacent property west of the existing lagoon site.
- Installation of effluent disinfection equipment if necessary (likely ultraviolet light disinfection).
- Installation of an Irrigation main from the lagoon to one of five agricultural sites identified in Figure 5.
- A center pivot irrigation system utilized for the disposal of treated wastewater effluent at agronomic rates on agricultural crops.
- Sludge disposal from the existing lagoons will require an EPA Region 8 General Biosolids permit, and will be land applied in accordance with CFR Part 503 requirements to either agricultural land, or tilled into the bottom of the existing cells.
- Once the new facility is operational, the existing cells would be reclaimed by flattening the embankments, placing topsoil, and seeding the area.

Figure 7 shows the location of the proposed facultative lagoon, the existing lagoon, the proposed irrigation main route, and the irrigation site. Irrigation site A is the preferred irrigation site since it is located on property adjacent to the lagoon site. The soils in Site A are classified as Fairway-Nestley clay loams. The area is relatively flat with 0 to 2% slopes. The 1979 Flood Hazard Photomap for Big Pipestone Creek shows that the lagoons and irrigation site A are not located within the Pipestone Creek floodplain. The land just west of the existing lagoon, where the new lagoons would be constructed, is located within the 500-year floodplain.

The NRCS soil survey notes that the use of this soil for spray irrigation of wastewater is somewhat limited due its slow intake rate and the depth to a saturated zone. While the soils are considered to be somewhat hydraulically limited, it will not be critically inhibitory to the irrigation process because treated effluent will be applied with controlled light applications. The irrigation disposal system will be designed in accordance with EPA design criteria.

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Collection system improvements will likely be limited to disconnecting four storm drain inlets from wastewater collection system and CIPP rehabilitation of a few collection mains to minimize I&I.

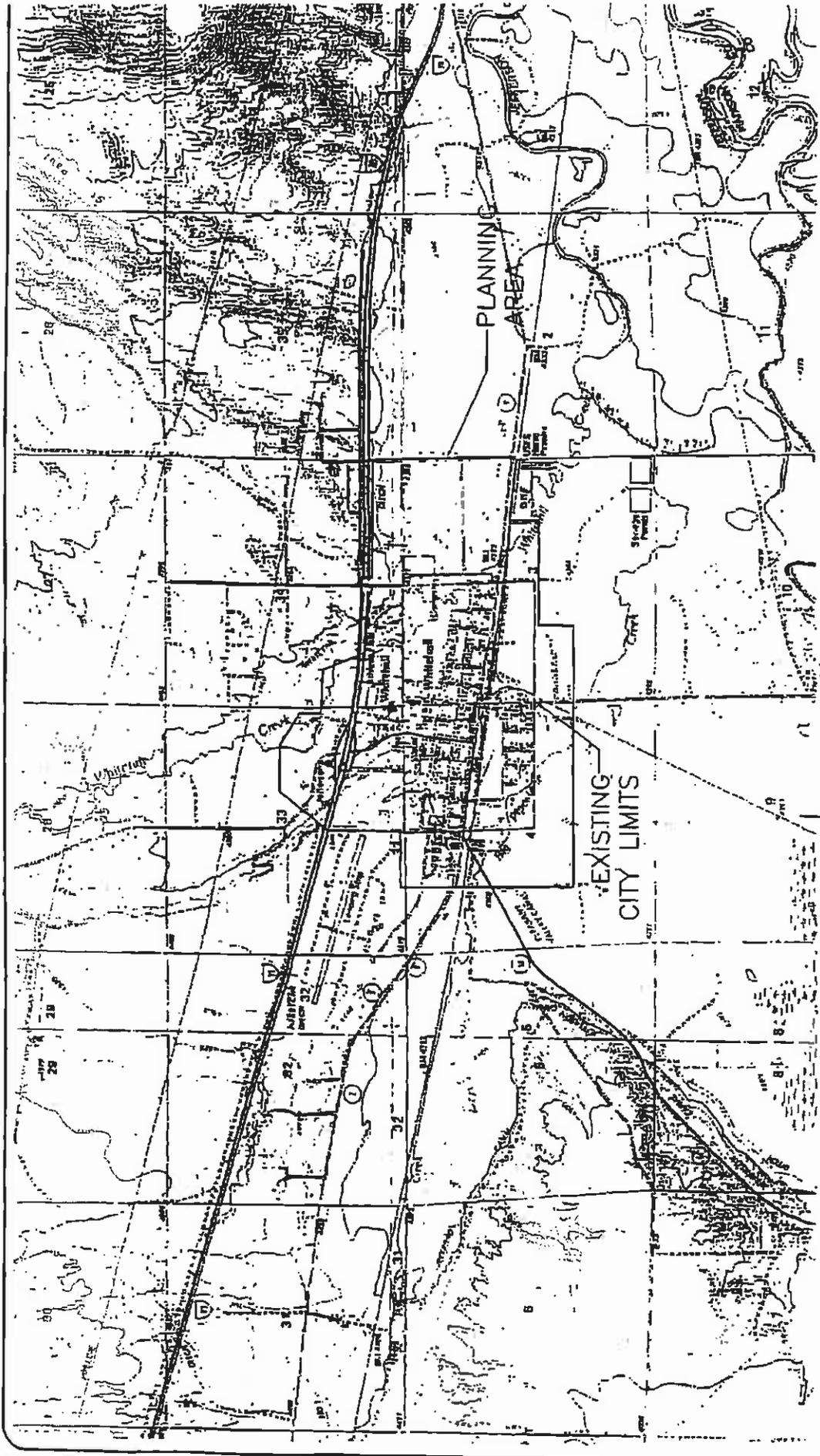
We would appreciate a written response by April 3, 2006. While site A is the preferred irrigation site, please consider in your response the suitability of each irrigation site. If you need further information or would like to discuss the project in greater detail, please contact me at (406) 495-6169 or mabrahamson@greatwesteng.com.

Sincerely,



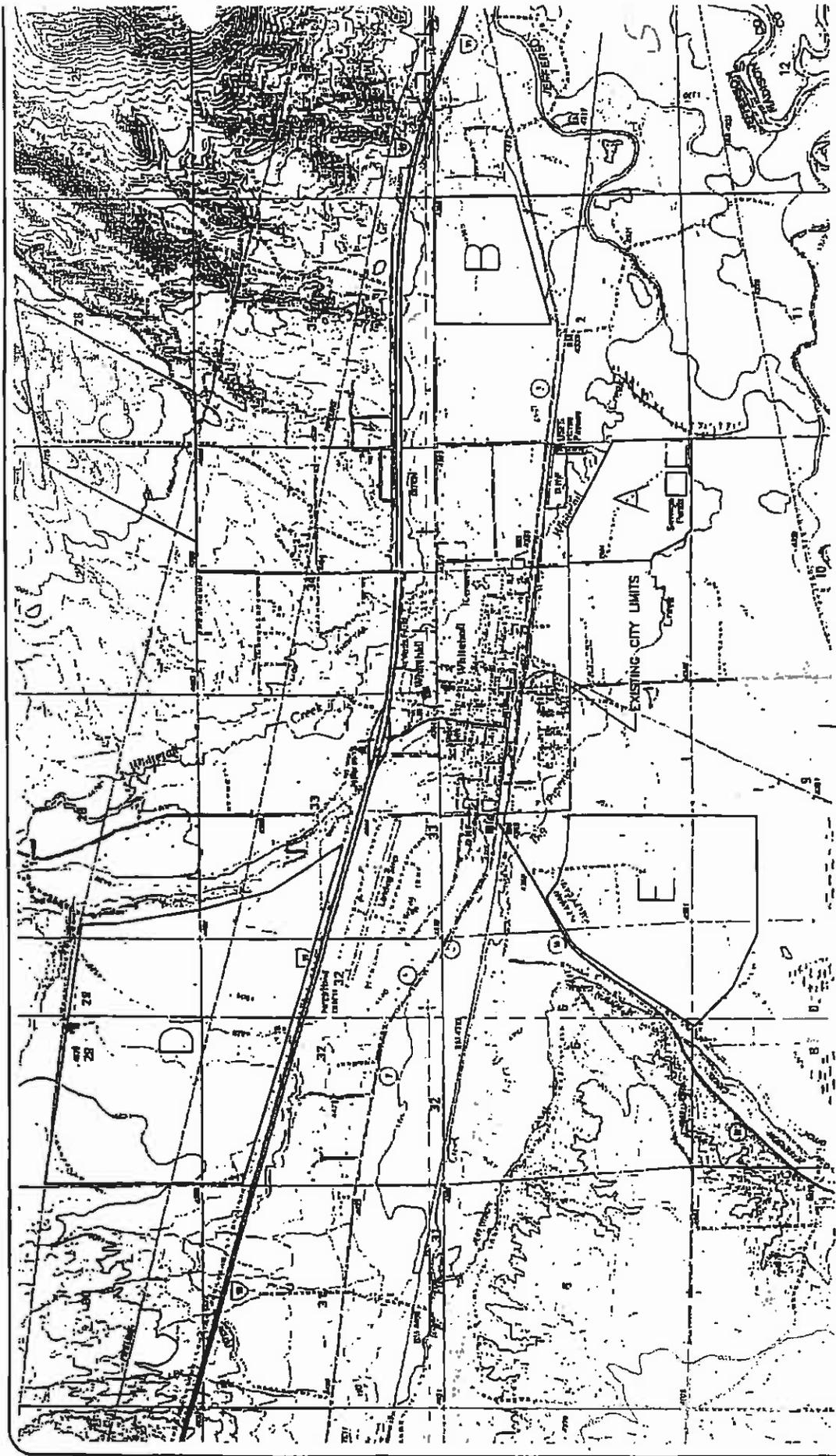
Mike Abrahamson, P.E.
Project Engineer
Great West Engineering

Enc. Figure 2-1
Figure 5
Figure 7



TOWN OF WHITEHALL, MONTANA
 WASTEWATER COLLECTION, TREATMENT
 & DISPOSAL STUDY
 VICINITY MAP
 FIGURE 2-1

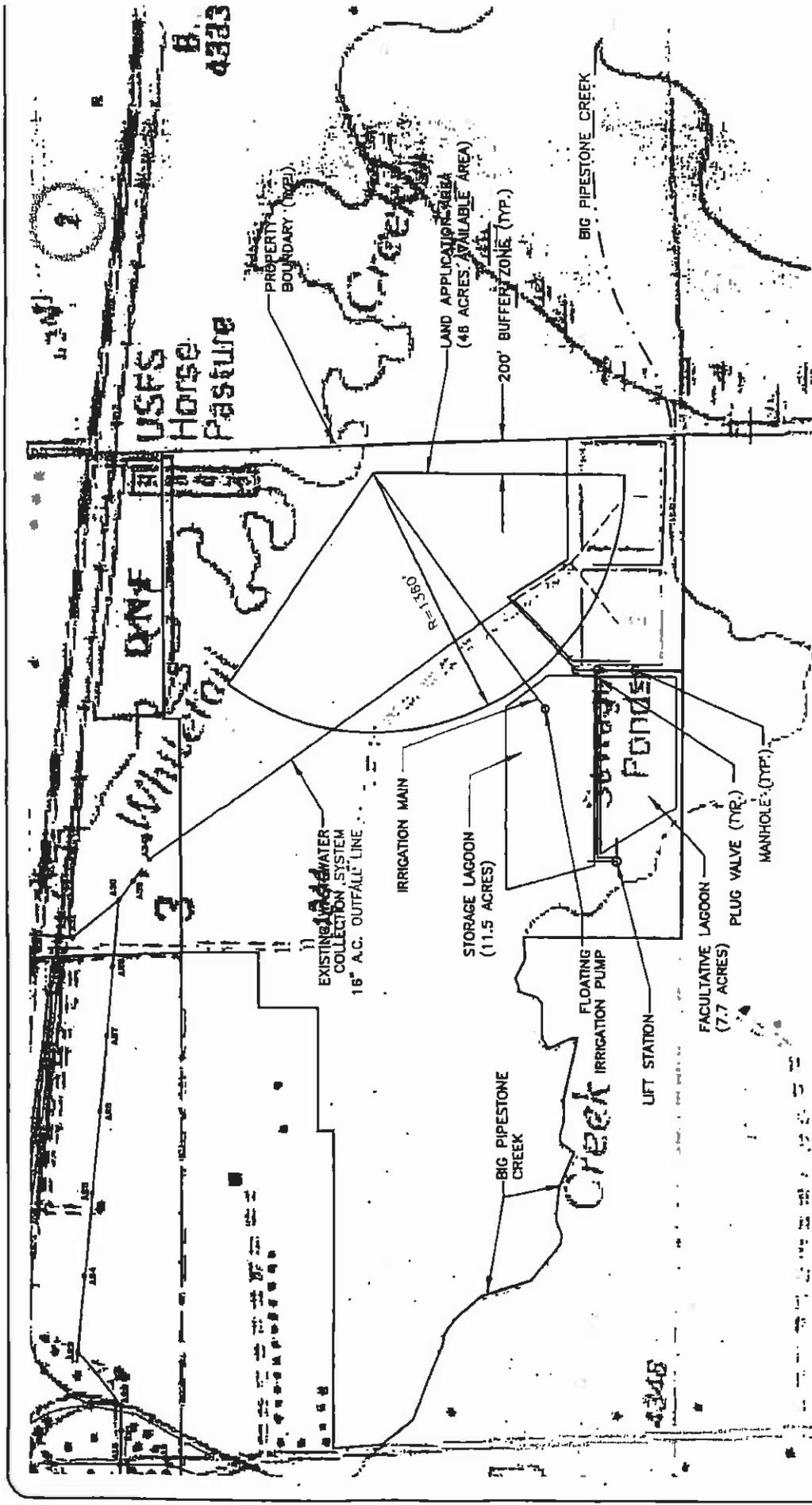




TOWN OF WHITEHALL, MONTANA
 WASTEWATER COLLECTION, TREATMENT
 & DISPOSAL STUDY
 POTENTIAL IRRIGATION SITES

FIGURE 5





TOWN OF WHITEHALL, MONTANA
 WASTEWATER COLLECTION, TREATMENT
 & DISPOSAL STUDY
 TREATMENT & DISPOSAL ALTERNATIVE
 FACULTATIVE LAGOON DEEP STORAGE
 & IRRIGATION

FIG



APPENDIX D

FLOOD PLAIN MAP



LEGEND

-  500 Year Flood Plain
-  100 Year Flood Plain
-  100 Year Floodway Area
-  100 Year Flood Elevation
-  Valley Cross Section and Symbol
-  Section Corner and Number
-  Reference Mark and Number



PHOTOMAP 1
FLOOD HAZARD PHOTOMAP
 BIG PIPESTONE CREEK
 FLOOD PLAIN MANAGEMENT STUDY
 JEFFERSON COUNTY, MONTANA
 1978 AERIAL PHOTOGRAPHY



APPROXIMATE SCALE IN FEET
0 2000 4000

AT RISK FLOOD DEFENSE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

JERRESON COUNTY,
MONTANA
UNINCORPORATED AREAS

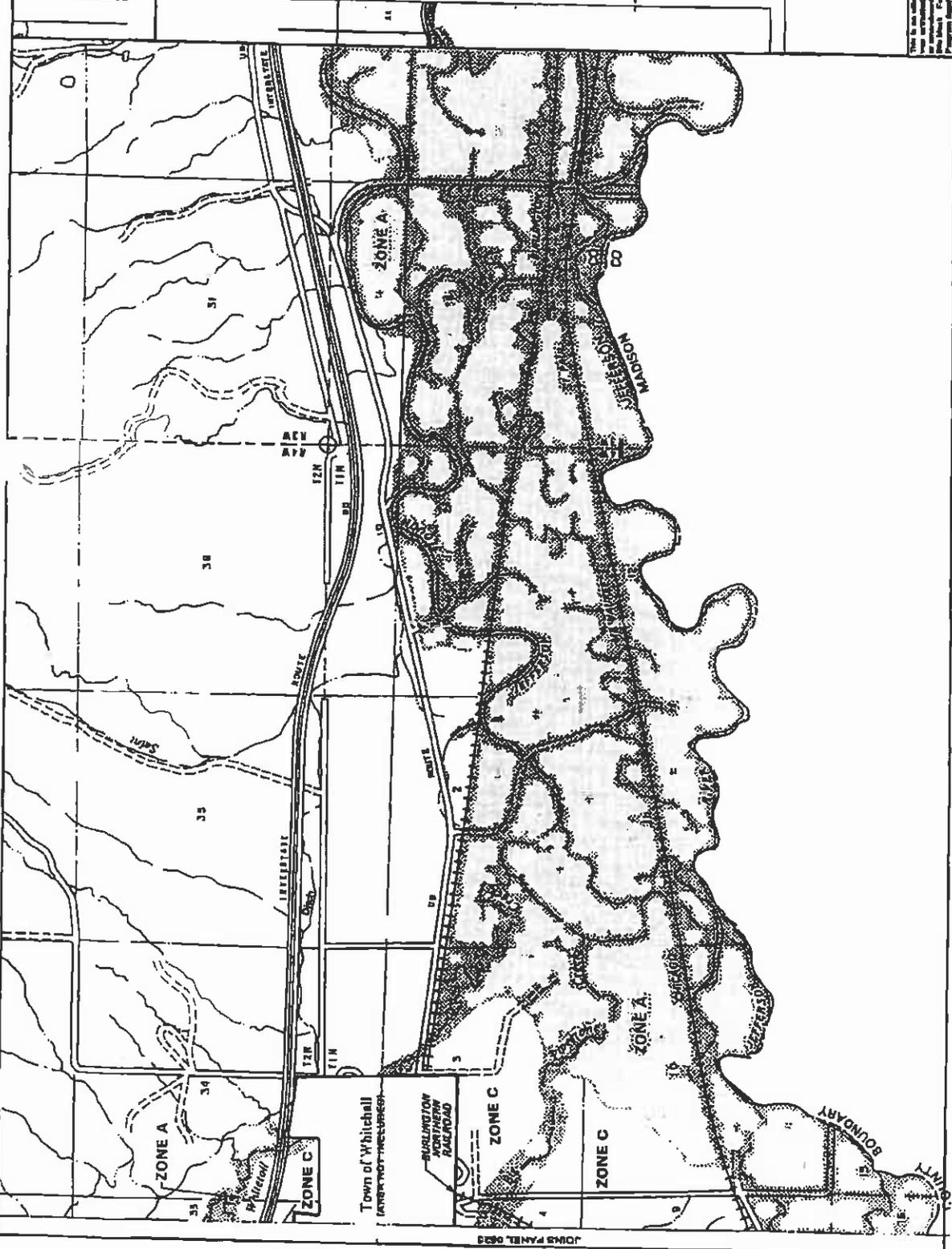
PANEL 866 OF 800
DATE: 06/11/1989

REGISTRY: P. J. C. 86603
DATE: 06/11/1989

Effective Date:
JUNE 11, 1989

Professional Surveying, Measurement Agency

This is a technical drawing of a Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) under contract to the Federal Insurance and Mitigation Administration (FIMA). It is not a legal document and should not be used for legal purposes. The information on this map is based on the best available data and is subject to change without notice. The user of this map should consult the FIRM for the most current information.



JONES PANEL, 0823



APPROXIMATE SCALE IN FEET
0 2000

INTERNAL FLOOD DAMAGE PREVENTION

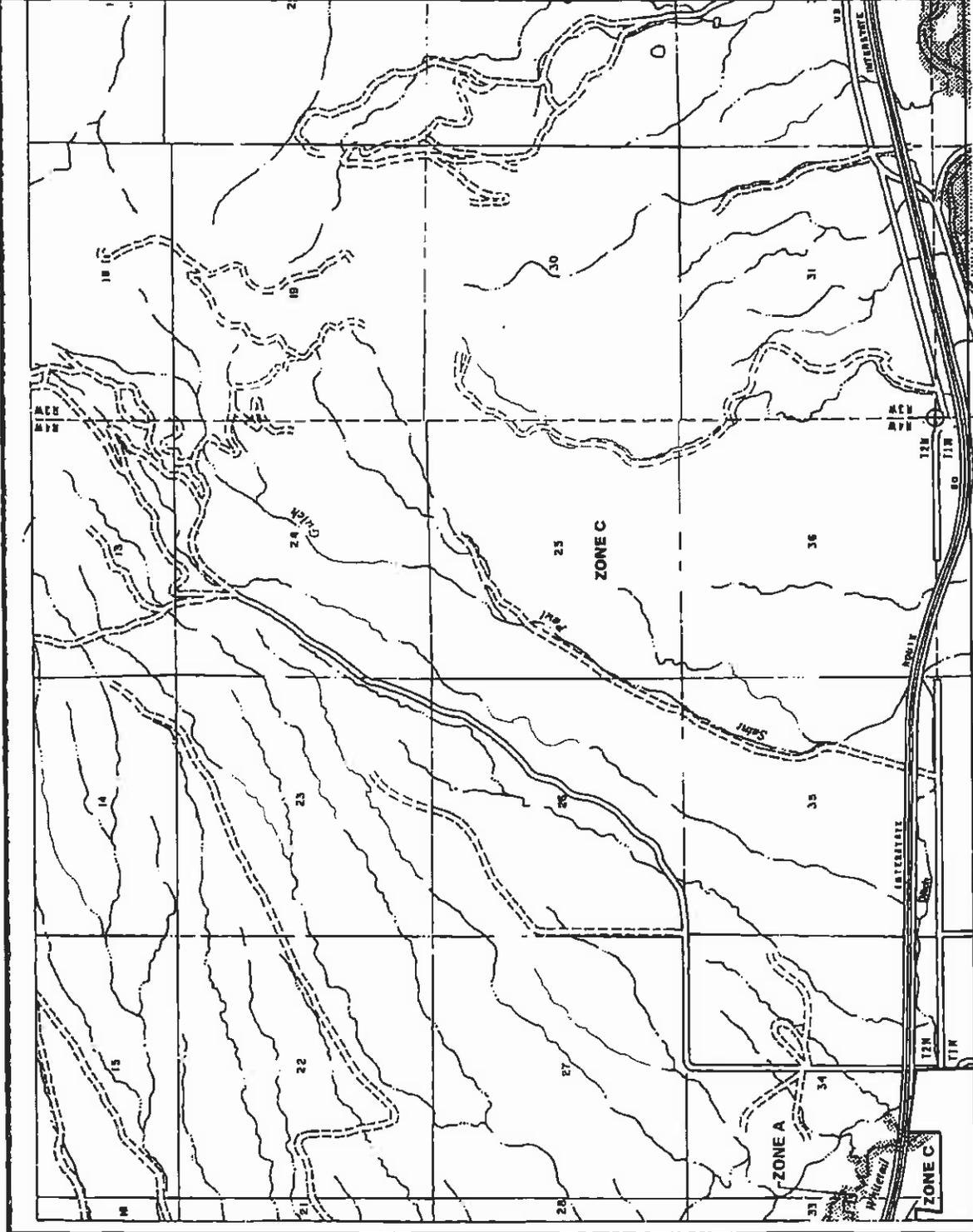
FIRM
FLOOD INSURANCE RATE MAP

JEFFERSON COUNTY,
MONTANA
(UNINCORPORATED AREAS)

PANEL 890 OF 800
Map was made by the following party:
COLUMBIAN PANEL MODEL
SERIAL 10000
EFFECTIVE DATE
JUNE 17, 1998

Federal Emergency Management Agency

This map is a reproduction of the original map and does not contain any information that was not on the original map. This map does not and will not constitute a contract. It is not to be used for any purpose other than that for which it was prepared. The user assumes all liability for any use of this map. For more information, contact the Federal Emergency Management Agency, 500 Capitol Mall, Sacramento, CA 95833. (Phone) 916/223-4500. (Fax) 916/223-4501.



APPROXIMATE SCALE IN
FOOT

0

DEWELL FLOOD INSURANCE PREMIUM

FIRM

FLOOD INSURANCE RATE MAP

JEFFERSON COUNTY,
MONTANA
(UNINCORPORATED AREAS)

PANEL 628 OF 800
This map is based upon Flood Insurance Study No. 17000-01-0001

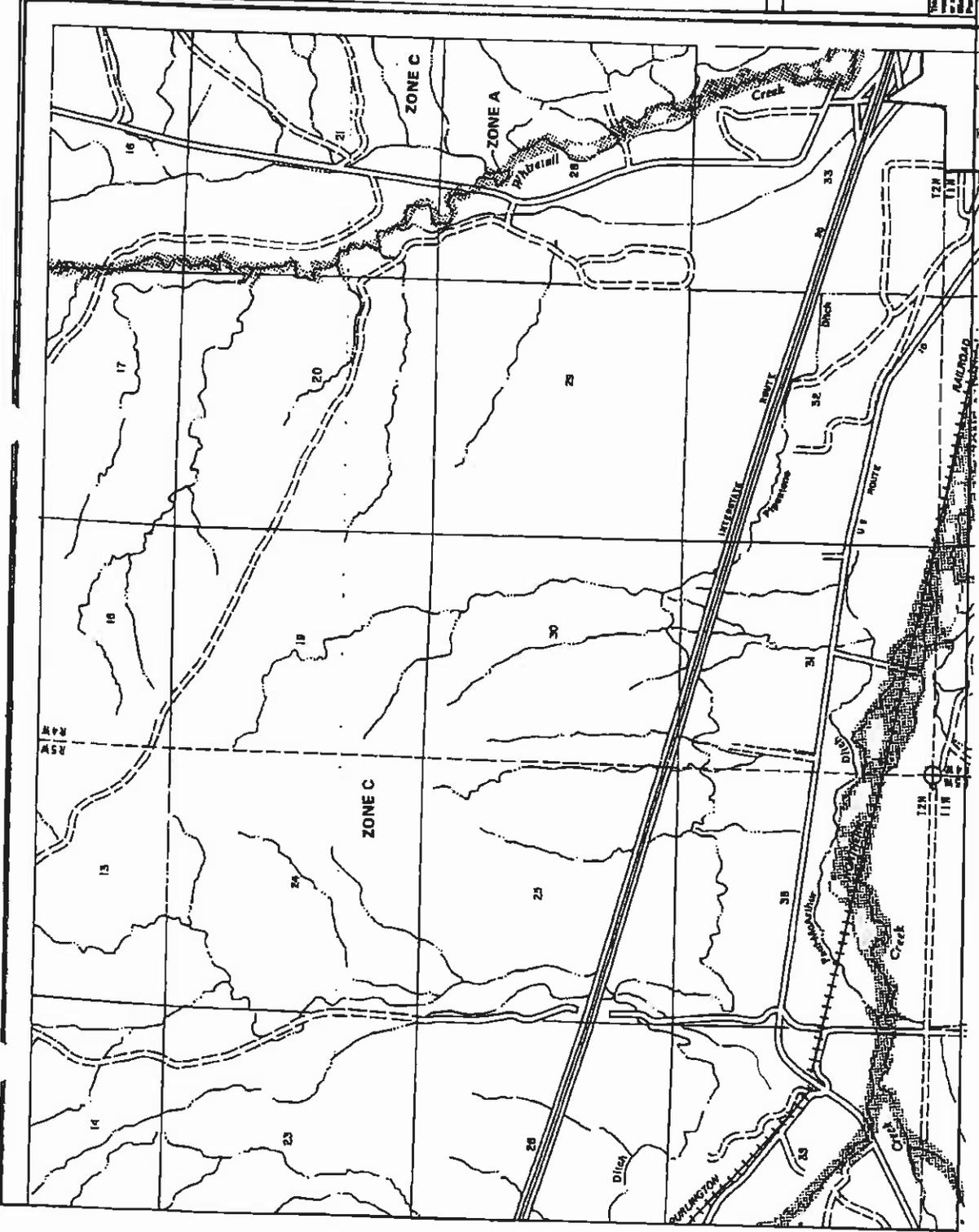
COMMUNITY PANEL NUMBER
28734 (628)

EFFECTIVE DATE:
JUNE 17, 1988



Federal Emergency Management Agency

This is an extract from a project of the Federal Emergency Management Agency, U.S. Department of Homeland Security, under the National Flood Insurance Act of 1968. The information shown on this map was derived from the Flood Insurance Study No. 17000-01-0001, which was prepared by the Federal Emergency Management Agency, U.S. Department of Homeland Security, in cooperation with the State of Montana. The information shown on this map is for informational purposes only and does not constitute a guarantee, warranty, or endorsement of any product or service by the Federal Emergency Management Agency, U.S. Department of Homeland Security.



APPENDIX E

**Uniform Environmental Checklist – 2011 Update
(see separate scan)**

**Excerpt form 2006 Preliminary Engineering Report
describing Environmental Resources**

It is expected that alternative 4 will be able to meet expected secondary treatment standards, fecal coliform, ammonia limits, and the nondegradation load limits in future permits. The latest surface water regulatory issue which may affect discharging facilities is the Total Maximum Daily Load (TMDL) requirements. The Montana DEQ is uncertain how these requirements will affect small communities with discharging facilities which otherwise are in full compliance with their discharge permit. TMDLs are evaluated on a drainage by drainage basis and are dependent on a number of factors including the receiving streams current water quality. The uncertainties with future TMDL allocations present some regulatory risk to any community with a discharging facility. Since Big Pipestone Creek is impaired from nutrients, it is likely that a nutrient limits will be included in the Town's next discharge permit. Any discharging alternative is subject to the ever-increasing requirements being placed in discharge permits, which are reissued every five years.

e) Environmental Considerations

Although the four treatment alternatives considered vary in possible impact to the environment, no significant adverse impacts are anticipated by implementation of any of the alternatives. In fact, the environmental condition will improve with the implementation of any of the proposed improvements when compared to the existing system being utilized by the Town. The Uniform Environmental Checklist, which evaluates the impacts of all alternatives, is enclosed within Appendix P. The environmental impacts of each treatment alternative are considered in detail within the sections below.

Surface Water Issues

Area water courses include Big Pipestone Creek south of the lagoons, and Whitetail Creek located just east of the lagoon facility. Alternatives 1, 2 and 3 will eliminate nutrient loads to surface waters by land applying, through spray irrigation, the treated wastewater at agronomic rates. Although there is potential for runoff into surface waters, with proper irrigation design, site location, and practices, this potential is considered to be minimal. The irrigation alternatives will be designed and located to prevent surface water runoff. Alternatives 1, 2 and 3 offer less water-related environmental impacts than Alternative 4, which discharges treated effluent to surface water.

Alternative 4 is a mechanical plant that can provide advanced nutrient removal resulting in the discharge with a low nutrient content. While this alternative would be designed to meet the permit discharge limits and non-degradation rules, this alternative would still result in a discharge of some nutrients to the Big Pipestone Creek. In addition, there is a potential for

permit violations in the event of an equipment breakdown or upset in treatment process.

The existing treatment facility will continue to treat and discharge wastewater to Big Pipestone Creek until the new facility is complete. Temporary construction bypass pumping may be needed for collection system improvements.

Groundwater Issues

Groundwater impacts resulting from the various alternatives being considered are not expected to be significant. The new wastewater ponds for all three lagoon alternatives will be lined with a synthetic liner and undergo leak testing after construction to ensure compliance with state leak standards. This will adequately protect groundwater from pond seepage. The SBR and sludge digester tanks will be constructed out of concrete and leak tested prior to use as well. The irrigation systems designed for Alternatives 1, 2 and 3 will establish maximum irrigation application rates that ensure no deep percolation of nitrogen to the groundwater. The irrigation application rates would be low enough to ensure excellent treatment of the wastewater as it percolates through the soil matrix.

This will be a significant improvement over the existing leaking lagoon. Losses from the lagoon enter the groundwater and ultimately impact Big Pipestone Creek.

Air Quality Impacts

Air quality impacts with respect to wastewater treatment and disposal consist of noxious odors and the conveyance of airborne pathogens. It should be noted that wastewater treatment and disposal inevitably creates odors that are offensive to the average person's sense of smell. Although these odors can be controlled, more so with certain processes than others, they cannot be eliminated. All four alternatives being considered have the potential for producing odors. Wastewater treatment lagoons are known to produce unpleasant odors, particularly when the ice melts off and the trapped anaerobic gasses are released. Odors associated with aerated treatment processes are generally less than with facultative lagoons because mixing is constantly occurring and the surface doesn't freeze over completely. Alternatives 1 and 2 have the greatest potential to generate odors due to the lack of aeration and spring turnover associated with facultative lagoons. However, the odors should be no worse than those generated by the existing facultative lagoon system, which does not appear to be a significant problem. The SBR tanks and aerobic digesters for alternative 4 would be located in buildings, which will minimize odors.

Potential health hazards due to the spread of airborne pathogens from any of the facilities is considered remote. Of the four alternatives considered, the irrigation alternatives have the greatest potential for airborne pathogen distribution because of the spray irrigation of treated wastewater. An adequate open space buffer and/or disinfection per DEQ requirements will minimize this hazard from Alternatives 1, 2 and 3.

Land Use/Important Farm Land/Formally Classified Lands

The proposed treatment site is located a fair distance from the community, and since the treatment lagoons have been located at this site for 45 year, conflicts with adjacent land use should not occur. Alternatives 1, 2 and 3 would modify the current agricultural characteristics of the land the most because of the irrigation of wastewater and will be a positive benefit to the proposed site.

The primary soils in the Whitehall area that could be impacted by this project are described in Chapter 4 section 7(b). The NRCS Prime Farmland Soil Legend for the Jefferson County area designates Amesha gravelly loam (115C), Amesha loam (116A), and Fairway clay loam (324A) as prime farmland if irrigated (see Appendix L).

Socio-Economic/Environmental Justice Issues

The social impact of any of the four alternatives would be significant to the study area in that each would provide for a more reliable and safer wastewater treatment system than that currently being utilized. A reliable wastewater system may promote growth and improve economic conditions in the Town.

Alternatives 1, 2 and 3 provide a supplemental water source for the agricultural lands in the area which may be an economic benefit to the farmer(s) that receives the water. These alternatives will also require the dedication of large areas of land for the wastewater ponds and irrigation sites which could be viewed less favorably from a social and visual perspective. However, the proposed sites are large undeveloped agricultural parcels located near the existing lagoons.

Of significance would be the economic impact to the community should any of the alternatives be implemented. At a minimum, increased annual sewer rates would be incurred by the users. In addition, significant capital expenditures would be required to fund the project, although it is expected that a portion of these could be accounted for through outside grant monies. Another source of minor economic impact would be monies brought into the community by construction crews during the project. Construction of a new wastewater system may encourage people to move to Whitehall.

The construction of any of the proposed system alternatives will not have a disproportionate effect on minority or low-income populations.

Cultural/Historical Issues

Cultural or historical resources are not expected to be impacted by the adoption of any of the alternatives considered. The Montana State Historical Protection Office (SHPO) has been consulted, and their comments are included in Appendix A. SHPO has indicated that there are a few previously recorded sites within the designated search locales and that there have been a few previously conducted cultural resource inventories done in the area. They felt that there is a low likelihood that cultural resources will be impacted in areas where the ground was previously disturbed, and therefore recommendation for a cultural resource inventory was unwarranted at this time. However if the final project location will occur on ground that has not been previously disturbed, they stated that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted.

Biological Resources/Threatened and Endangered Species

Biological resources are not expected to be impacted by any of the alternatives considered in this report. An NRIS search was conducted and revealed several animal species of concern in the planning area: the Lark Bunting, the Long-billed Curlew, and the Sage Thrasher. The NRIS data search also identified two plant species of concern in the study area: the Annual Indian Paintbrush, and the Ute Ladies' Tresses (Appendix A). However, threatened or endangered species are not expected to be impacted by any of the three alternatives considered. A letter from the Montana Fish, Wildlife and Parks (FWP) advises that no impacts to wildlife and fisheries are expected. The U.S. Fish and Wildlife Service also reviewed the proposed project and determined that no impacts are foreseen to critical habitation or federally listed species (see Appendix A).

Floodplains

The primary surface water drainages within the planning area consist of Big Pipestone Creek basin to the west and south, and Whitetail Creek basin to the north and east. The 1979 Flood Hazard Photomap for Big Pipestone Creek indicates that the existing lagoons and the area north of the lagoons are not located within the 100-year floodplain. The area west of the lagoons is located within the 500-year floodplain. The embankments of the proposed lagoons will be a minimum of 4 feet above the existing ground to prevent any potential flooding.

If it is determined to be necessary, the Town will apply and receive a permit for any floodplain work prior to proceeding with construction. Construction will be completed in accordance with the provisions of the permit.

Wetlands

It is not anticipated that wetlands will be disturbed by the construction of any of the alternatives. A review will be completed during design and, if wetlands will be disturbed, they will be delineated for the Corps of Engineers permit. The Town will apply for and receive a Corps of Engineer's permit prior to construction if needed. All construction activities will be completed in accordance with the permit.

Energy Impacts

All of the alternatives will have energy impacts. At a minimum alternative 1, 2, and 3 involve operation of a lift station and an irrigation pump and center pivot irrigation system. Alternative 3 will have increased energy use for operation of the influent lift station and aeration system. Alternative 4 will have the highest energy impacts due to the high level of aeration and pumping required for wastewater treatment and solids handling.

Noise

Alternatives 3 and 4 will have noise impacts due to the blowers needed for aeration. The blowers will be equipped with silencers and housed in an insulated block building to reduce the transmission of noise.

Summary of Environmental Considerations for Treatment Alternatives

No significant environmental impacts were expected from any of the alternatives evaluated in this report.

f) Social/Aesthetics/Public Acceptance

Overall, adverse impacts to the social, aesthetics, and public acceptance for any of the alternatives is not expected to be an issue. The new lagoons will be located next to the existing treatment site, which is somewhat isolated and has been historically used by the community to treat its wastewater for approximately 45 years. The existing lagoons will be reclaimed when the new facility is operational. The proposed irrigation site was chosen based on suitable soils, existing land use (agricultural), and separation from developed areas.

Alternatives 1, 2 and 3 will have the greatest impact on the aesthetics of the area due to the size of the lagoons. Grass will be placed on the new embankments to help them blend in with the landscape to minimize visual impacts. The small footprint of Alternative 4 will not significantly impact the aesthetics of the area. Alternatives 1, 2 and 3 should be well accepted by the surrounding farmers since the system will blend in with the operational character of surrounding properties.

A number of legally advertised public hearings and meetings have been held during the PER process. A public hearing on community needs was held before the regular monthly council meeting on January 9, 2006. The council meetings are generally well attended and attending persons were given the opportunity to ask questions and voice opinions on the needs of the community. A public presentation was held at the February 13, 2006 regular town council meeting at which time the Engineer presented the preliminary findings of the PER study including a detailed discussion of the system deficiencies, alternatives available to the Town to improve the resolve system deficiencies, funding options, and costs. The presentation was interactive and the council and public took part in the discussion, asking questions and presenting opinions on the direction the Town should take. The Whitehall Ledger ... A public hearing was held on April 11 prior to the regular town council meeting at which time the Engineer presented the findings of the PER study including a discussion of the system deficiencies, alternatives available to the Town to improve the resolve system deficiencies, funding options, and costs. The meeting was opened for public comment after the presentation. A copy of the minutes and attendance lists for the public presentations and hearings are included in Appendix B.

5. Selected Plan

The wastewater treatment alternatives considered have been ranked in accordance with the previous discussions in this plan. This ranking is presented in Table 6-3. Each alternative is given a rating of plus (+), minus (-), or neutral (o). A plus indicates a positive rating for the category when compared to other alternatives, a neutral rating indicates that the alternative is neither strong nor weak in the category being considered when compared to other alternatives, and a minus means the alternative is weak in this category.

Unlike a numbered ranking system, this rating system allows the same score in a particular category for various alternatives. In some categories it is impossible to distinguish between the relative merits of each alternative. In this way, the true strengths and weaknesses of each alternative become apparent. The plus and minus scores are added and the results indicated in the total. The higher the positive score the more favorable the rating. A weighted rating system may be applied to this system if desired (i.e. cost effectiveness may be more important to the Town than the other ranking criteria). It is important to recognize the limitations of any rating system. The rating in Table 6-3 is not used as the final determination in plan selection. It is used as a tool and combined with professional judgment to arrive at a recommended plan.



Natural Resources Conservation Service
3550 Mullan Road, Suite 106
Missoula, MT 59808-5125

(406) 829-3395 Office
(406) 829-3455 Fax

June 13, 2008

Clay Landry
Area Specialist
USDA Rural Development
790 Colleen Street
Helena, MT 59601

Re: Whitehall Waste Water Project Wetland Determination

Dear Clay,

On June 10, 2008 I accompanied you and Fred Phillips from Great West Engineering to the site for the proposed sewage lagoon re-location, just west of the current lagoons. I collected soil and vegetation information at 3 sites (see attached map). The soils are mapped as 326A Fairway-Moltoner complex, 0 to 2 percent slopes. The Fairway soils are described as having deep, loam to silty clay loam textures with a seasonal water table at 2.0 to 3.5 feet and are not considered a hydric soil. Moltoner soils are also described as deep, loam to silty clay loam textures, but with a seasonal water table at 1.0 to 2.0. Moltoner soils are designated as a hydric soil. Fairway soils typically do not have salinity or sodium problems but Moltoner soils are moderately saline and moderately sodic.

The site for the proposed lagoons is mainly level with some slightly lower swale or wide channel areas. WP001 is in what appears to be the lowest part, but that is only six inches or less lower than the surrounding areas. WP002 is on the slightly higher part and WP003 is in a slightly lower area. The slightly higher parts are dominated by quackgrass and Kentucky bluegrass with some smooth brome and dandelions. I did not see any wetland indicator plants. The lower parts also have quackgrass and bluegrass but some wetland plants like creeping spikerush and willow-herb were identified. When the samples dried soluble salt crystals are visible indicating a salinity problem typical of the Moltoner soils. This could limit the types of vegetation used on the lagoon berms to salt tolerant species like tall wheatgrass and slender wheatgrass.

The soils at the three sample sites do not meet any hydric soil indicators but they do have some redoximorphic concentrations (mottles) below 20 to 24 inches. These mottles typically need to be within 12 inches to make a hydric soil. Based on the depth to the mottles, and the fact the sites are not dominated by wetland plants, the area of the proposed lagoons does not meet wetland criteria.

However, this area probably has seasonal water tables in the two to four foot range. Seasonal groundwater could impact the lagoon function by lifting liner material. Both Fairway and Moltoner soils are rated as Very Limited for Sewage Lagoons due to the water tables. I suggest a couple monitor wells be installed as soon as possible to capture this year's high water level. I would put a wood fence post on each side of the plastic well pipe to keep the cattle from breaking them. Put a cap on the pipe and have a small hole drilled on the side near the top for air venting. I have used regular drain pipe coupled with a piece of solid pipe for monitor wells. The drain pipe extends from about one foot below the surface to the depth of the well, typically 6 feet. The solid pipe is from about one foot below the surface to about two feet above. Mound the soil up around the pipe. This is to keep surface water from rain or irrigation from entering the pipe. Groundwater contamination is a concern with lagoons in areas of high groundwater. Properly designed liner material to reduce leaching into the groundwater may be needed.

The area for the proposed pivot irrigation with wastewater is mapped as 325A Fairway-Nestley clay loams, 0 to 2 percent slopes. Fairway soils are described above. Nestley soils are described having sand and gravel below depths of 9 to 25 inches. Like the Fairway soils they have seasonal water tables

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at 2.0 to 3.5 feet. The water holding capacity of these two soils is very different. The Fairway soils will hold 6.0 to 6.5 inches of plant available water in the upper 36 inches of soil. Nestley soils will only hold about 3 inches. Fairway soils are described as the dominant soil in this map unit. Several soil profiles should be observed in the proposed sprinkler area to determine the range in depth to sand and gravel. If the gravels are mostly greater than 3 feet water holding capacity should not be a concern; however, if the area has 1/3 or more with gravels less than 2 feet the sprinkler application amount and timing need to be adjusted to reduce leaching and still provide adequate moisture for plant growth. Fairway soils are rated as Somewhat Limited for wastewater irrigation due to ground water and Nestley soils are rated Very Limited due to filtering capacity, droughty (low water holding capacity), and ground water.

Both soils in 325A are described with clay loam surfaces. If this is the texture for the sprinkler area the Sprinkler Intake Group is C. If the rest of the soil profiles are 36 inches or more of loam, clay loam, or silty clay loam the plant available water holding capacity could be estimating by multiplying the depth in inches by 0.17 or 0.18.

Over application of irrigation water is typically not a significant concern with center pivots unless the pivot is set for maximum applications. It is a lot easier to over irrigate with flood or wheel lines as much more water can be applied at a time. However; because the irrigation is with wastewater leaching and groundwater contamination is still a concern that needs to be addressed with proper irrigation water management.

Neither 325A or 326A have a prime farmland or other important farmland designation so the USDA Farmland Protection Policy Act does not apply for the conversion from agriculture to lagoons.

Neal Svendsen
Missoula Area Resource Soil Scientist

Attachments: Site map, field notes, relative soil reports.

cc w/o attachments: Ronnie Maurer, District Conservationist, USDA-NRCS, Whitehall, MT

From: [Mccullor, Matthew NWO](#)
To: [Soule, Lester E NWS](#); [Mccasland, Elizabeth NWS](#)
Subject: Whitehall, MT Sewer System Improvement Project, Whitehall MT.
Date: Wednesday, December 07, 2011 7:05:15 AM
Attachments: [Whitehall, MT Sewer System Improvement Project, Whitehall MT..docx](#)

Les and Beth,

Sorry about the time and my confusion but I believe I understand the avenue I should have taken on this 595 project from the beginning. Reading the Environmental Report and the SHPO/Tribal letters, I decided that the lead agency is the UDSA Rural Development. I then read all the letters and responses again and wrote a memo supporting the 106 actions (attached) for you to put with the records and remove this project from our plates.

Please read the attached memo and let me know what, if anything, need changed, deleted, or added.

Thank you,
Matt McCullor
Archeologist
US Army Corps of Engineers
CENWO-PM-AB
1616 Capitol Ave
Omaha, Nebraska 68102
Phone: 402-995-2653

SUBJECT: Whitehall, MT Sewer System Improvement Project

Review of the USDA Rural Development's actions, required for compliance with National Historic Preservation Act Section 106, demonstrated reasonable and good faith efforts to identify and consider historic properties in the project area. The USDA Rural Development provided the Montana State Historic Preservation Office (MT SHPO) and four federally recognized Indian Tribes the opportunity to comment and express concerns for historic properties including those of traditional religious and cultural importance potentially affected by the project.

Consultation resulted in a "No Historic Properties Affected" determination. Contact made to the Shoshone Tribe, Confederated Salish and Kootenai Tribes, Northern Cheyenne Tribe, and the Shoshone-Bannock Tribe resulted in one response. The Shoshone-Bannock recommended monitors from their tribe be present on site during any groundbreaking activities, stating, "...the possibility of below surface cultural material and/or human remains may still exist." The MT SHPO conducted background research and found no recorded historical property in the project area. The MT SHPO did not recommend a cultural resource survey prior to construction but did refer to the possibility of inadvertent discovery of cultural resources in the project area.

Tribal monitoring of groundbreaking activities, recommended by the Shoshone-Bannock Tribe, should be considered by, but be at the discretion of, the Town of Whitehall and USDA Rural Development. The United States Army Corps of Engineers concurs with the USDA Rural Development's Section 106 compliance actions concerning the Whitehall, MT Sewer System Improvement Project, Whitehall MT.

Project Location: The proposed work would be performed at the Whitehall Wastewater Treatment Plant adjacent to Big Pipespring Creek, Whitehall, Jefferson County, Montana (GreatWest Engineering, 2011).

Proposed Action: The project consists of construction of a new 8.7 acre primary lagoon and a 6.8 acre storage lagoon, upgrades to one of the existing lagoons for additional storage, and installation of a new gravity main, lift station and force main to the new primary lagoon with a bypass line to the new storage lagoon. A new spray irrigation center pivot site will be constructed adjacent to the lagoons and application will be based on agronomic rates and water balance. Construction and operation of this improved system should bring the Whitehall wastewater treatment plant into compliance under the Clean Water Act.

Threatened and Endangered Species

In Jefferson County, three species are listed as threatened or endangered, under the 1973 Endangered Species Act, as amended (USFWS, 2011a). In addition, three species are listed as candidate for protection under the Act. This list includes one bird, two plants, and three mammals (Table 1).

Table 1. Threatened and Endangered Species in Jefferson County, Montana

Name	Status	Critical Habitat
Sprague’s Pipit (<i>Anthus spragueii</i>)	Candidate	-
Ute Ladies’ Tresses (<i>Spiranthes diluvialis</i>)	Threatened	No
Whitebark Pine (<i>Pinus albicaulis</i>)	Candidate	-
Black-footed Ferret (<i>Mustela nigripes</i>)	Endangered	No
Canada Lynx (<i>Lynx canadensis</i>)	Threatened	Yes, not in project area
North American wolverine (<i>Gulo gulo luscus</i>)	Candidate	-

Sprague’s Pipit (*Anthus spragueii*) – This bird is currently listed as a candidate species, with the status confirmed in October 2011 (USFWS, 2011b). The Sprague’s pipit is a small grassland bird characterized by its high flight display and otherwise very secretive behavior. Sprague’s pipits are strongly tied to native prairie, land which has never been plowed, throughout their life cycle. Threats to this species include habitat loss and conversion, habitat fragmentation on the breeding grounds, energy development, roads, and inadequacy of existing regulatory mechanisms. Only 15 to 18 percent of the historical habitat in the United States remains due to prairie habitat loss and fragmentation (USFWS, 2011b).

As the proposed project is in previously disturbed grasslands which is not the preferred habitat of the Sprague's pipit; it is expected that construction of the project will have **no effect** on this prairie bird.

Ute ladies' tresses (*Spiranthes diluvialis*) – This flowering plant was listed as a threatened species in October 1992 (USFWS, 1992). This species is a perennial, lowland species that typically occurs beside or near moderate gradient, medium to large streams and rivers in the transition zone between mountains and plains, but are often found in riparian habitats (Fertig et al., 2005).

Ute ladies' tresses occur in a variety of habitats, including seeps, floodplains, moist to wet meadows on floodplains, abandoned meander channels, moist to wet meadows irrigated by freshwater springs, riparian streambanks, borrow pits, upper edges of river banks, islands, point bars, and various topographic positions up to 200 feet horizontally and 0.5-4 feet from water's edge, but not on steep slopes. Over one-third of all known Ute ladies'-tresses populations are found on alluvial banks, point bars, floodplains, or ox-bows associated with perennial streams (Fertig et al., 2005).

Although the proposed project area is adjacent to a stream, it is too dry for the wetland preferring Ute ladies' tresses, so the plant would not be in the project area. Therefore, the proposed project would have **no effect** on the threatened Ute ladies'-tresses.

Whitebark Pine (*Pinus albicaulis*) – The Whitebark Pine (*Pinus albicaulis*), a 5-needled conifer classified as a stone pine was added to the list of endangered and threatened species as a candidate species in July 2011 (USFWS, 2011c). Stone pines are distinguished by large, dense seeds that lack wings and therefore depend upon birds and squirrels for dispersal across the landscape. Whitebark pine is typically found in cold, windy, high elevation or high latitude sites in western North America and as a result, many stands are geographically isolated. It is a stress-tolerant pine and its hardiness allows it to grow where other conifer species cannot. It is also a slow growing species, living from 500 to 1000 years. Whitebark pine is considered a keystone species because it regulates runoff by slowing the progress of snowmelt, reduces soil erosion by initiating early succession after fires and other disturbances, and provides seeds that are a high-energy food source for some birds and mammals. The species is distributed in Coastal Mountain Ranges (from British Columbia, Washington, Oregon, down to east-central California) and Rocky Mountain Ranges (from northern British Columbia and Alberta to Idaho, Montana, Wyoming, and Nevada). Whitebark pine is ecologically very significant in maintaining snow pack and regulating runoff, initiating succession after fire or other disturbance events, and providing seeds that are a high-energy food source for many species of wildlife.

As the proposed project area is lower elevation than the preferred habitat of the whitebark pine, and there are no whitebark pines growing in the proposed area, the proposed project will have **no effect** on the whitebark pine.

Black-footed Ferret (*Mustela nigripes*) – In March 1967, the black-footed ferret was listed as endangered range-wide (USFWS, 1967). It is the only ferret species native to the Americas. The black-footed ferret depends on prairie dogs (*Cynomys spp.*) for food and their burrows for shelter. Their historic range spanned much of the western North America's intermountain and prairie grasslands extending from Canada to Mexico. The species not exists at 17 reintroduction sites across eight states, Canada, and Mexico (USFWS, 2008), with four of those sites in Montana. The black-footed ferret's close association with prairie dogs was an important factor in its decline. From the late 1800s to approximately 1960, both prairie dog habitat and numbers were dramatically reduced by the sequential and overlapping effects of habitat loss from conversion of native prairie to cropland, poisoning, and habitat modification due to disease (USFWS, 2008). The black-footed ferret was considered extinct or nearly extinct when a small population was located in Mellette County, South Dakota in 1964. Attempts at captive breeding with a few captured animals from the Mellette County population failed. The last wild ferret observed at the Mellette County site was in 1974. When the last captive animal died at Patuxent Wildlife Research Center in Laurel, Maryland in 1979, the ferret was again presumed extinct.

In 1981, a second population was discovered in Meeteetse, Wyoming. Following disease outbreaks at Meeteetse, all surviving wild black-footed ferrets were removed between 1985 and 1987 to initiate a captive breeding program. No wild populations of black-footed ferrets have been found since the capture of the last Meeteetse ferret, despite extensive and intensive range wide searches. It is unlikely that any undiscovered wild populations remain.

Seven of the black-footed ferrets captured at Meeteetse successfully reared young, leading to a lineage of continuing captive reproduction. Extant populations, both captive and reintroduced, descend from these seven "founder" animals. The closest reintroduced populations are approximately 300 miles away to the east and north east (USFWS, 2008). As there are no known black-footed ferrets in the project area, the proposed project will have **no effect** on the endangered black-footed ferret.

Canada Lynx (*Lynx canadensis*) – The Canada lynx, contiguous U.S. Distinct Population Segment, was listed as a threatened species in March 2000 (USFWS, 2000). In 2009 critical habitat was designated for this species of cat (USFWS, 2009). The lynx is a medium-sized cat with long legs, large, well-furred paws, long tufts on the ears, and a short, black-tipped tail. The winter pelage of the lynx is dense and has a grizzled appearance with grayish-brown mixed with buff or pale brown fur on the back, and grayish-white or buff-white fur on the belly, legs and feet. Summer pelage of the lynx is more reddish to gray-brown. The lynx's long legs and large feet make it highly adapted for hunting in deep snow. The distribution of lynx in North America is closely associated with the distribution of North American boreal forest. In Canada and Alaska, lynx inhabit the classic boreal forest ecosystem known as the taiga. The range of lynx populations extends south from the classic boreal forest zone into the subalpine forest of the western United States, and the boreal/hardwood forest ecotone in the

eastern United States. Forests with boreal features extend south into the contiguous United States along the North Cascade and Rocky Mountain Ranges in the west, the western Great Lakes Region, and northern Maine. Within these general forest types, lynx are most likely to persist in areas that receive deep snow and have high-density populations of snowshoe hares, the principal prey of lynx (USFWS, 2009).

As the Canada Lynx prefer boreal forest landscapes, they are not expected to be in the project area except as transients. Their closest designated critical habitat is approximately 80 miles away to the southeast. Therefore this project will have **no effect** on the Canada Lynx or its designated critical habitat.

North American Wolverine (*Gulo gulo luscus*)

The North American Wolverine was listed as a candidate species in December 2010 (USFWS, 2010) although it was first considered for listing in 1985 (USFWS, 1985). The primary threat to the North American wolverine is from habitat and range loss due to climate warming. Wolverines inhabit habitats with near-arctic conditions wherever they occur. In the contiguous United States, wolverine habitat is restricted to high-elevation areas in the West. Wolverines are dependent on deep persistent snow cover for successful denning, and they concentrate their year-round activities in areas that maintain deep snow into spring and cool temperatures throughout summer. Wolverines in the contiguous United States exist as small and semi-isolated subpopulations in a larger metapopulation that requires regular dispersal of wolverines between habitat patches. Secondary threats include harvest, i.e., trapping; inadequate regulatory mechanisms to protect against human recreational disturbance, infrastructure developments, and transportation corridors; and demographic stochasticity and loss of genetic diversity due to small effective population sizes.

The wolverine is the largest member of the Mustelidae family, with adults ranging in weight from 17 to 40 pounds (8 to 18kg), with males being larger than the females. They resemble a small bear with a bushy tail. Wolverines are opportunistic feeders, consuming a variety of foods depending on availability. They primarily scavenge carrion, but also prey on small animals and birds, and eat fruits, berries, and insects.

Wolverines do not appear to specialize on specific vegetation or geological habitat aspects, but instead select areas that are cold and receive enough winter precipitation to reliably maintain deep persistent snow late into the warm season. The requirement of cold, snowy conditions means that, in the southern portion of the species' range where ambient temperatures are warmest, wolverine distribution is restricted to high elevations, while at more northerly latitudes wolverines are present at lower elevations and even at sea level in the far north. Deep, persistent, and reliable spring snow cover (April 15 to May 14) is the best overall predictor of wolverine occurrence in the contiguous United States. Because of this habitat requirement for cold, snowy conditions, wolverines are not expected to be in the project action area except as transients.

South of the Canadian border, wolverines are restricted to high mountain environments near the treeline, where conditions are cold year-round and snow cover persists into the month of May. As they are a montane and boreal preferring species, they are not expected to be in the project area except as transients. Therefore this project will have **no effect** on North American wolverines.

Conclusion:

No effect to the three listed threatened and endangered species or their critical habitats. **No effect** to the three listed candidate species.

Works Cited

Fertig, W., Black, R. & Wolken, P., 2005. *Rangewide status review of Ute Ladies' Tresses (Spiranthes diluvialis)*. [Online] Available at: http://www.fws.gov/mountain-prairie/species/plants/uteladiestress/SPDI_Status%20review_Fertig2005.pdf [Accessed August 2011].

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USFWS, 1985. Endangered and threatened wildlife and plants; review of vertebrate wildlife. *Federal Register*, 50(181), p.37958.

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USFWS, 2009. Revised designations of critical habitat for the contiguous U.S. distinct population segment of the Canada lynx. *Federal Register*, 74(36), p.8616.

USFWS, 2010. 12-Month finding on a petition to list the North American wolverine as endangered or threatened. *Federal Register*, 75(239), p.78030.

CENWS-PM-ER
Town of Whitehall, Jefferson County, Montana
Section 595 Wastewater System Improvements
Threatened and Endangered Species Justification

USFWS, 2011a. *Species list for Jefferson County, Montana*. [Online] Available at: http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species.html [Accessed 2 November 2011].

USFWS, 2011b. Review of native species that are candidates for listing as endangered or threatened; annual notice of findings on resubmitted petitions; annual description of progress on listing actions. *Federal Register*, 76(207), p.66370.

USFWS, 2011c. 12-Month finding on a petition to list *Pinus albicaulis* as endangered or threatened with critical habitat. *Federal Register*, 76(138), p.42631.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 ECOLOGICAL SERVICES
 MONTANA FIELD OFFICE
 585 SHEPARD WAY
 HELENA, MONTANA 59601
 PHONE (406) 449-5225, FAX (406) 449-5339

ENDANGERED, THREATENED, PROPOSED AND CANDIDATE SPECIES MONTANA COUNTIES* Endangered Species Act

November 2011

C = Candidate
 LT = Listed Threatened
 LE = Listed Endangered
 P = Proposed
 PCH = Proposed Critical Habitat
 CH = Designated Critical Habitat
 XN = Experimental non-essential population

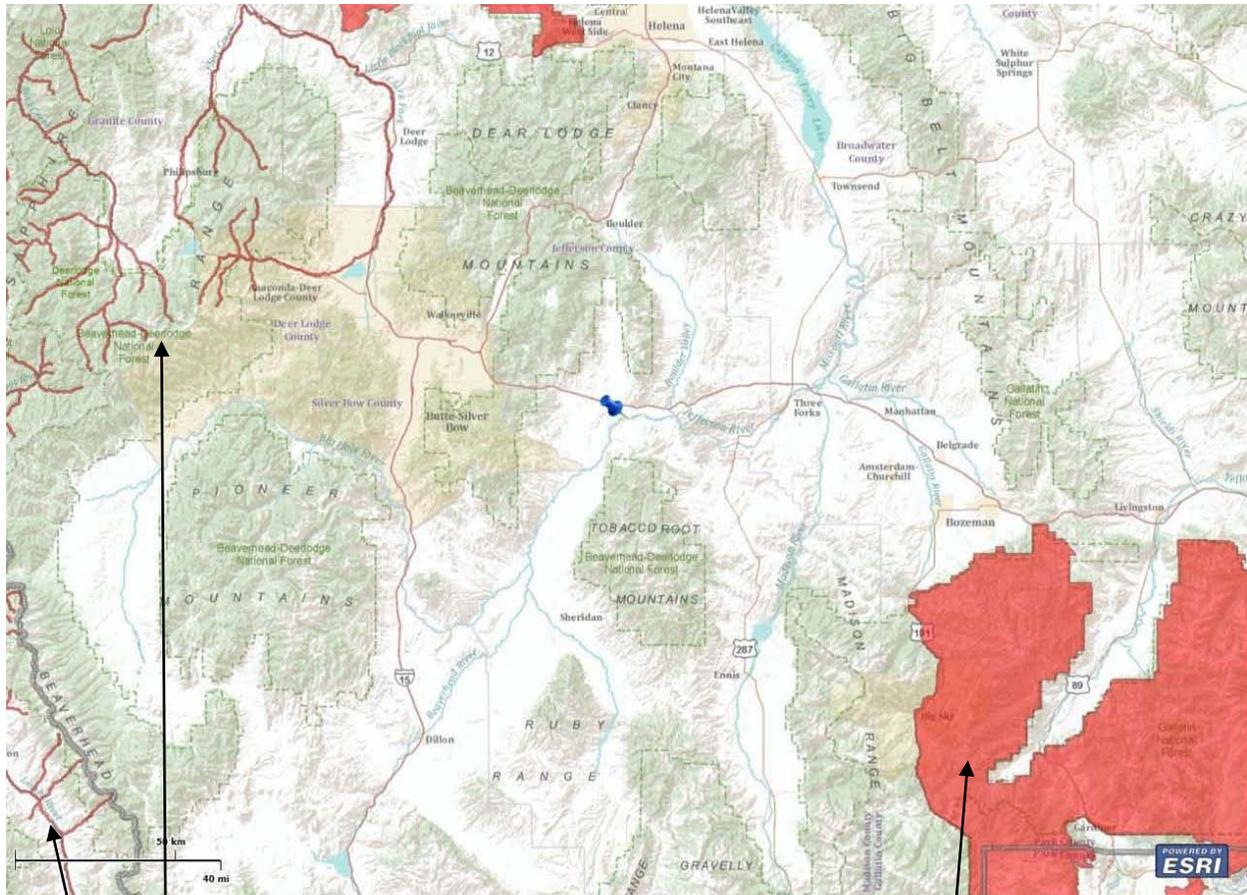
*Note: Generally, this list identifies the counties where one would reasonably expect the species to occur, not necessarily every county where the species is listed

County/Scientific Name	Common Name	Status
BEAVERHEAD		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Thymallus arcticus</i>	Arctic Grayling (Upper Missouri River DPS)	C
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C
BIG HORN		
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
BLAINE		
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
BROADWATER		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Anthus spragueii</i>	Sprague's Pipit	C
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C

County/Scientific Name	Common Name	Status
FLATHEAD		
<i>Salvelinus confluentus</i>	Bull Trout	LT, CH
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Silene spaldingii</i>	Spalding's Campion	LT
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Lednia tumana</i>	Meltwater Lednian Stonefly	C
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C
GALLATIN		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C
GARFIELD		
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE
<i>Charadrius melodus</i>	Piping Plover	LT, CH
<i>Sterna antillarum athalassos</i>	Interior Least Tern	LE
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
GLACIER		
<i>Ursus arctos horribilis</i>	Grizzly Bear	LT
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Salvelinus confluentus</i>	Bull Trout	LT, CH
<i>Lednia tumana</i>	Meltwater Lednian Stonefly	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C
GOLDEN VALLEY		
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
<i>Gulo gulo luscus</i>	Wolverine	C
GRANITE		
<i>Lynx canadensis</i>	Canada Lynx	LT, CH
<i>Salvelinus confluentus</i>	Bull Trout	LT, CH
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Pinus albicaulis</i>	Whitebark Pine	C
HILL		
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
JEFFERSON		
<i>Spiranthes diluvialis</i>	Ute Ladies' Tresses	LT
<i>Lynx canadensis</i>	Canada Lynx	LT
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Gulo gulo luscus</i>	Wolverine	C
<i>Anthus spragueii</i>	Sprague's Pipit	C
<i>Pinus albicaulis</i>	Whitebark Pine	C

Whitehall

Jefferson County, MT



Bull trout critical habitat
(rivers and streams)

Canada lynx critical habitat

Center of map – Town of Whitehall



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
MISSOULA REGULATORY OFFICE
1600 NORTH AVENUE WEST, SUITE 105
MISSOULA, MONTANA 59801-5500

November 1, 2011

Regulatory Branch
Montana State Program
Corps No. **NWO-2006-90270-MTH**

Subject: Town of Whitehall Wastewater Treatment Improvements – Whitetail and Big Pipestone Creeks

Great West Engineering
Attn: Fred Phillips, P.E.
P.O. Box 4817
Helena, MT 59604

Dear Mr. Phillips:

We have reviewed your Pre-Application Consultation on behalf of the town of Whitehall for Department of the Army (DA) authorization for wastewater system improvements in Whitehall. The proposed work is located in Sections 1- 3, Township 1 North, Range 4 West, in Jefferson County, Montana.

Under the authority of Section 404 of the Clean Water Act, DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

The project includes spot repairs on the existing collection system, installation of a lift station and force main, construction of a new three cell lagoon system, and installation of an irrigation pivot for land application of the treated effluent. The project site is not located within or near the banks of Whitetail Creek or Big Pipestone Creek and does not involve the installation of fill material within those creeks. Neal Svendsen, Natural Resources Conservation Service Soil Scientist, conducted a site visit on June 10, 2008, collected soil samples and vegetation information, and prepared an Environmental Report. Mr. Svendsen determined that based on the soil and vegetation study, the project site does not meet the criteria of a wetland. A copy of the report dated June 13, 2008, was provided to this office on March 22, 2011 and October 18, 2011. Vicki Sullivan and Todd N. Tillinger, of this office, reviewed the documents on March 24, 2011 and October 18, 2011, respectively, and concurred with the Environmental Report that no wetlands are present at the project site, therefore, the project does not involve the installation of fill material in a wetland.

Based on the information provided that no fill material will be placed either temporarily or permanently in a water of the United States, no DA permit under Section 404 of the Clean Water Act, is required for this project. However, this does not eliminate the requirement to obtain other applicable federal, state, tribal and local permits. Please note that deviations from the reviewed plans and specifications of your project could require authorization from this office.

Copies of this letter will be provided to Mary Hensleigh, Town of Whitehall, P.O. Box 529, Whitehall, MT 59759 and to Lester Soule, USACE Seattle District via email at: Lester.E.Soule@usace.army.mil. Please contact Amelia Gucker at (406) 541-4845, ext. 325, and reference Corps File Number NWO-2006-90270-MTH if you have questions concerning this determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd N. Tillinger", with a long horizontal flourish extending to the right.

Todd N. Tillinger
Montana Regulatory Manager



Brian Schweitzer, Governor
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

July 18, 2011

Fred Phillips, PE
Great West Engineering
P.O. Box 4817
Helena, MT 59604

RECEIVED
JUL 21 2011
Greatwest

RE: Whitehall Lagoons and Spray Irrigation; EQ 11-1741

I have reviewed the engineering report, plans and specifications you submitted on April 12, 2011 and the additional information submitted on July 15, 2011 for the above-mentioned project in accordance with Department Design Standard DEQ-2. The request to construct a new wastewater treatment lagoon and spray irrigation system for the Town of Whitehall is hereby approved with the conditions listed below. A copy of the plan bearing the approval stamp of the Department of Environmental Quality is enclosed. A second set will be retained as Department record.

The project consists of construction of a new 8.7 acre primary lagoon and 6.8 acre storage lagoon, upgrades to one of the existing lagoons for additional storage, and installation of a new gravity main, lift station and force main to the new primary lagoon with a bypass line to the new storage lagoon. A new spray irrigation center pivot site will be constructed adjacent to the lagoons and application will be based on agronomic rates and water balance.

Conditions of Approval:

1. A signed lease or documentation that the property has been purchased must be provided for the spray irrigation site prior to use. The lease agreement must specify the crop to be grown and harvested on the application site per the design. Any change in plant crop must first be approved in writing by the Department.
2. In accordance with the deviation granted for DEQ-2, Standard 93.36, mixers or aerators must be installed if odors become a problem.
3. In accordance with the deviation granted for DEQ-2, Standard 93.422, both lagoons must be constructed and air lance tested under the same design and quality control criteria, the primary lagoon must be filled to the full level and leak tested in accordance with the plans and specifications. If the leak test on the primary lagoon is within the acceptable limits per the specifications, the storage lagoon will be accepted without leak testing.

On-going Recordkeeping and Monitoring

In order to meet state standards and regulations, your maintenance staff “should become certified operators” and must document that the criteria in the approval of your system are being met in practice. At a minimum, you must keep records on the following criteria:

1. Log the amount of water applied on a daily basis and document the basis for this quantity, e.g., pump times and pump rates;
2. Record the level of the water in the storage cell on a monthly basis;
3. Estimate the area irrigated on a daily basis to assure that the ground isn't saturated, allowing wastewater to seep to ground water or allowing it to run off the site, reaching state waters or permitting public exposure, and record irrigation system location by time and date to monitor water applied at each setting;
4. Sample the irrigated water for nitrogen compounds and fecal coliform levels, at the beginning of and again at about midpoint of each irrigation season, to assure that approved levels are being maintained prior to seasonal start-up and monthly throughout the season. Normal secondary effluent should not have a total nitrogen level in excess of approximately 30 mg/L (higher concentrations may indicate problems within the primary treatment system lagoons or influent conditions that are not normally associated with municipal wastewater);
5. Maintain records of the original land site and setbacks (buffer zones) or other limits;
6. Record weather events, such as rainfall or freezing temperatures, in order to document that your application rates were reduced or stopped during these conditions;
7. Implement a pesticide/herbicide disposal ban within the spray irrigation area to assure shock poisoning of microbiology or vegetation does not occur;
8. Log operation and maintenance activities and observations of your treatment and land application facility on a daily basis, or as changes occur; and,
9. Maintain records of correspondence with local, state and federal agencies related to your facility, documents related to any issue concerning the facility, such as complaints about odors or operation practices, and other pertinent documents.
10. Implement a crop removal practice on the land application area and document the amount, frequency and method of crop removal.

The purpose of recording and maintaining the above is to provide a basis for DEQ personnel to determine if your facility is meeting the requirements under which it was approved. This documentation may also provide a basis for issuing a ground water discharge permit, should one be required for land application systems in the future.

These records need to be maintained in an organized fashion at the facility for future inspection and verification. As a condition of the Department approval issued for this system, inspections may be performed to assure adequate O&M practices are being performed to prevent groundwater and surface water pollution and to ensure the public

safety. Also, please feel free to have your staff contact this program at any time to pursue assistance with proper operation and maintenance of the system.

Sludge Disposal

USEPA promulgated Part 503, Standards for the Use or Disposal of Sewage Sludge, on February 19, 1993 (58 FR 9248), with amendments on February 19, 1994 (59 FR 9095), and October 25, 1995 (60 FR 54764). These regulations address four sludge use and disposal practices: land application, surface disposal, incineration, and disposal in a municipal solid waste landfill. Part 503 imposes requirements on four groups:

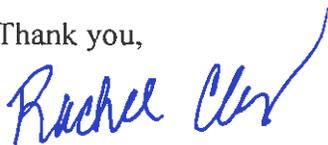
- Persons who prepare sewage sludge or material derived from sewage sludge;
- Land applicers of sewage sludge;
- Owners/operators of sewage sludge surface disposal sites; and
- Owners/operators of sewage sludge incinerators.

USEPA Region 8 is responsible for implementing the 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge in permits issued to treatment works treating domestic sewage (TWTDS) in Montana. USEPA has issued a general permit for facilities in the State of Montana that generate, treat, or use or dispose of sewage sludge by means of land application, landfill, or surface disposal (NPDES Permit No. MTG650000). TWTDS must file a notice of intent with USEPA and the Department in accordance with the timeframes and procedures identified in the applicable permit.

Please note that any deviations from the approved plans and specifications must be submitted to the Department prior to modification. Within 90 days following completion of the project a complete set of "as-built" record drawings must be signed, stamped, certified to be constructed in accordance with approved plans and specifications, and submitted to the Department by the project engineer. The project may not be placed into service until the project engineer certifies by letter to the Department that the activated portion of the project was inspected and found to be constructed in accordance with the plans and specifications approved by the Department.

Thank you for your efforts to meet our requirements. If I can offer any further information or assistance, please feel free to contact me at (406) 444-6722.

Thank you,



Rachel Clark, PE
Public Water and Subdivisions Bureau

cc: Jefferson County EH Office



Enforcement & Compliance History Online (ECHO)

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Detailed Facility Report


[Report Error](#)
[Data Dictionary](#)

For Public Release - Unrestricted Dissemination Report Generated on 11/02/2011
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Gray text in this report indicates information that is not required to be reported to EPA. These data, typically regarding non-major or smaller facilities, are often incomplete.

Facility Permits and Identifiers

[Data Dictionary](#)

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
	FRS	110011047009	WHITEHALL WWTF	T1N R4W S3 SE	WHITEHALL	MT	59759
CWA	ICP	MT0020133	WHITEHALL WWTF	1 MI SE OF WHITEHALL	WHITEHALL	MT	59759

Facility Characteristics

[Data Dictionary](#)

Statute	Source ID	Universe	Status	Areas	Permit Expiration Date	Latitude/ Longitude	Indian Country?	SIC Codes	NAICS Codes
	110011047009					LRT: 45.859722 , -112.078888	No		
CWA	MT0020133	Minor; NPDES Individual Permit	EFF		02/28/2014	45.859722, -112.078889	No	4952	

If the CWA permit is past its expiration date, this normally means that the permitting authority has not yet issued a new permit. In these situations, the expired permit is normally administratively extended and kept in effect until the new permit is issued.

For the RCRA program, activities that contribute to an overall facility status of Active are displayed in parentheses using the acronym HPACS, where H indicates handler activities, P - permitting, A - corrective action, C - converter, and S - state-specific. More information is available in the Data Dictionary.

Inspection and Enforcement Summary Data

[Data Dictionary](#)

Statute	Source ID	Insp. Last 05Yrs	Date of Last Inspection	Formal Enf Act Last 05 Yrs	Penalties Last 05 Yrs
CWA	MT0020133	4	07/23/2010	1	\$00

Compliance Monitoring History (05 years)

[Data Dictionary](#)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	MT0020133	ICP	Evaluation (CEI); NPDES - Base Program	State	10/18/2006	
CWA	MT0020133	ICP	Evaluation (CEI); NPDES - Base Program	State	10/17/2007	
CWA	MT0020133	ICP	Evaluation (CEI); NPDES - Sanitary Sewer Overflow (SSO)	State	08/12/2008	
CWA	MT0020133	ICP	Evaluation (CEI); NPDES - Base Program	State	07/23/2010	

Entries in *italics* are not considered inspections in official counts.

Compliance Summary Data

[Data Dictionary](#)

Information on the nature of [alleged violations](#) is available on the FAQ page.

Statute	Source ID	Current SNC/HPV?	Description	Current As Of	Qtrs in NC (of 12)
CWA	MT0020133	N/A		Apr-Jun11	10

Three Year Compliance Status by Quarter

[Data Dictionary](#)

Violations shown in a given quarter do not necessarily span the entire 3 months. Information on the nature of [alleged violations](#) is available on the FAQ page, and information on the duration of non-compliance is available at the end of this report.

CWA/NPDES Compliance Status													
Statute:Source ID		QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	QTR9	QTR10	QTR11	QTR12
CWA:MT0020133		Jul-Sep08	Oct-Dec08	Jan-Mar09	Apr-Jun09	Jul-Sep09	Oct-Dec09	Jan-Mar10	Apr-Jun10	Jul-Sep10	Oct-Dec10	Jan-Mar11	Apr-Jun11
Non-compliance in Quarter		N/A	N/A	Yes	Yes	N/A	N/A	Yes	Yes	Yes	Yes	Yes	Yes
Facility Status		N/A	P(ResPend)	P(ResPend)									
Effluent Violations by NPDES Parameter:													
View effluent charts for all parameters: Only Charts with Violations All Charts Custom Output													
(or click on parameter names below for individual parameter charts)													
Discharge point:001													
pH	Neither					Lim Viol	Lim Viol						
BOD, 5-day, percent removal	Neither								100%	183%			54%
BOD, 5-day, 20 deg. C	Mthly							4%					
	NMth							6%					
E. coli, MTEC-MF	NMth			60%				92%			92%	1821%	18%
	Neither			4%				284%			65%	1115%	135%
Solids, suspended percent removal	Neither			11%					168%	43%			
Solids, total suspended	Mthly			54%									
	NMth			42%	8%								
Compliance Schedule Violations:													
Schedule Event achieved late but reported ; Plan, Report, or Scope of Work												02/27/11	
Schedule Event achieved late but reported ; Plan, Report, or Scope of Work												03/13/11	
Single Event Violations:													
Effluent Violations - Numeric effluent violation											07/23/10		
Reporting Violations - Late Submittal of DMRs											07/23/10		
Monitoring Violations - Analysis not Conducted											07/23/10		
Reporting Violations - Improper/ Incorrect Reporting											07/23/10		
Management Practice Violations - Failure to Maintain Records											07/23/10		
Reporting Violations - Failure to submit required report (no											07/23/10		

Effluent violations are displayed as highest percentage by which the permit limit was exceeded for the quarter. **Bold, large print** indicates Significant Non-compliance (SNC) effluent violations. Shaded boxes indicate unresolved SNC violations.

Notices of Violation or Informal Enforcement - AFS, PCS, ICIS-NPDES, RCRAInfo (05 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date	
CWA	MT-200012348	Letter of Violation/ Warning Letter	State	12/22/2008	
CWA	MT-200027972	Letter of Violation/ Warning Letter	State	11/30/2009	
CWA	MT-200030685	Letter of Violation/ Warning Letter	State	12/31/2009	
CWA	MT-200032046	Letter of Violation/ Warning Letter	State	02/11/2010	
CWA	MT-200035199	Letter of Violation/ Warning Letter	State	04/23/2010	
CWA	MT-200036003	Letter of Violation/ Warning Letter	State	05/18/2010	
CWA	MT-200038591	Letter of Violation/ Warning Letter	State	08/12/2010	
CWA	MT-200038680	Letter of Violation/ Warning Letter	State	08/11/2010	
CWA	MT-200039752	Letter of Violation/ Warning Letter	State	09/17/2010	
CWA	MT-200041760	Letter of Violation/ Warning Letter	State	11/19/2010	
CWA	MT-200043422	Letter of Violation/ Warning Letter	State	01/20/2011	
CWA	MT-200043811	Letter of Violation/ Warning Letter	State	02/07/2011	
CWA	MT-200043932	Letter of Violation/ Warning Letter	State	02/08/2011	
CWA	MT-200045074	Letter of Violation/ Warning Letter	State	03/17/2011	
CWA	MT-200046341	Letter of Violation/ Warning Letter	State	04/21/2011	

Formal Enforcement Actions - (05 year history)

AFS, PCS, RCRAInfo, NCDB

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description	
- No data records returned.							

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

ICIS

[Data Dictionary](#)

Primary Law/Section	Case Number	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
CWA / §OTHER	MT-FID1987	Administrative - Formal	State	TOWN OF WHITEHALL	11/17/2010	01/13/2011 08/03/2011	.	\$100	.	.

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS-FE&C). These actions may duplicate records in the Formal Enforcement Actions section.

Environmental Conditions

[Data Dictionary](#)

Permit ID	Watershed	Watershed Name	Receiving Waters	Impaired Waters?	Combined Sewer System?
MT0020133	10020005	Jefferson. Mont.	BIG PIPESTONE CR	NO	No

TRI History of Reported Chemicals Released in Pounds per Year at Site:

[Data Dictionary](#)

Year /	Total Air Emissions	Surface Water Discharges	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers	Total Releases and Transfers
- No data records returned.							

TRI Total Releases and Transfers by Chemical and Year

Chemical Name	-8	-7	-6	-5	-4	-3	-2	-1	0

- No data records returned.

Demographic Profile of Surrounding Area (3 Miles)

[Data Dictionary](#)

Radius of Area:	N/A	Land Area:	N/A	Households in area:	N/A
- No data records returned.					

Notice About Duration of Violations -- The duration of violations shown on this report is an estimate of the actual duration of the violations that might be alleged or later determined in a legal proceeding. For example, the start date of the violation as shown in the ECHO database is normally when the government first became aware of the violation, not the first date that the violation occurred, and the facility may have corrected the violation before the end date shown. In some situations, violations may have been corrected by the facility, but EPA or the State has not verified the correction of these violations. In other situations, EPA does not remove the violation flag until an enforcement action has been resolved.



This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: FRS: 09/08/2011. ICIS: 09/09/2011.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.

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1 BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
2 OF THE STATE OF MONTANA

3 IN THE MATTER OF:
4 VIOLATIONS OF THE WATER QUALITY ACT
5 BY THE TOWN OF WHITEHALL AT THE
6 WHITEHALL WASTEWATER TREATMENT
7 SYSTEM, JEFFERSON COUNTY, MONTANA.
8 (MPDES PERMIT NO. MT0020133, FID #1987)

ADMINISTRATIVE ORDER
ON CONSENT

Docket No. WQ-10-24

7 **I. NOTICE OF VIOLATION**

8 Pursuant to the authority of Section 75-5-611, Montana Code Annotated (MCA), the
9 Department of Environmental Quality (Department) hereby gives notice to the Town of Whitehall
10 (Respondent) of the following Findings of Fact and Conclusions of Law with respect to violations of
11 the Montana Water Quality Act (WQA) (Title 75, chapter 5, part 6, MCA) and the Administrative
12 Rules of Montana (ARM) (Title 17, chapter 30, sub-chapters 1 through 20) adopted thereunder.

13 **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14 The Department hereby makes the following Findings of Fact and Conclusions of Law:

- 15 1. The Department is an agency of the executive branch of government of the State
16 of Montana, created and existing under the authority of Section 2-15-3501, MCA.
- 17 2. The Department administers the WQA.
- 18 3. Respondent is a “person” as defined in Section 75-5-103(23), MCA.
- 19 4. Section 75-5-605(1)(b), MCA, states that it is unlawful for any person to violate
20 any provision set forth in a permit or stipulation, including but not limited to limitations and
21 conditions contained in the permit.
- 22 5. ARM 17.30.1342(1) requires, in part, that a permittee shall comply with all
23 conditions of a permit. ARM 17.30.1342(4) states “The permittee shall take all reasonable steps
24 to minimize or prevent any discharge in violation of this permit which has a reasonable

1 likelihood of adversely affecting human health or the environment.” ARM 17.30.1342(5) states
2 “The permittee shall at all times properly operate and maintain all facilities and systems of
3 treatment and control (and related appurtenances) which are installed or used by the permittee to
4 achieve compliance with the conditions of this permit.”

5 6. Respondent owns and operates a public wastewater treatment system (WWTS) to
6 provide treatment and disposal of domestic sewage.

7 7. On February 12, 1996, the Department issued a Montana Pollutant Discharge
8 Elimination System (MPDES) Permit No. MT0020133 (1996 Permit) effective April 1, 1996
9 through December 21, 2000 to Respondent. The Department administratively extended the
10 Permit on January 1, 2001.

11 8. On January 22, 2009, the Department reissued Permit No. MT0020133 (2009
12 Permit) to Respondent effective March 1, 2009 through February 28, 2014.

13 9. The 1996 Permit and 2009 Permit are collectively referred herein as “the Permit.”

14 10. The Permit authorizes Respondent to discharge treated wastewater from its WWTS to
15 one outfall: Outfall 001 - at the end of the pipe, discharging into Big Pipestone Creek, located at
16 approximately 45°51’33.5” N latitude, 112°04’31” W longitude.

17 ***Exceeding Permit effluent limits***

18 11. ARM 17.30.2001 defines classes of WQA violations. Appendix A to 40 CFR
19 123.45 lists Group I and Group II pollutants. The Department considers Class I violations, a
20 40% or greater exceedance of an MPDES permit effluent limit for a Group I pollutant or a 20%
21 or greater exceedance of a Group II effluent limit to be significant non-compliances (SNCs).

22 12. The 1996 Permit established the 30-day average effluent limit for total suspended
23 solids at 100 milligrams per liter (mg/l).

24 //

13. Part I.B. of the 2009 Permit establishes effluent limits for Outfall 001 as follows:

Effluent Limitations: Outfall 001				
	Units	Average Monthly Limit ¹	Average Weekly Limit ¹	Maximum Daily Limit ¹
Biochemical Oxygen Demand (BOD ₅)	mg/l	45	65	--
	lb/day	94	136	--
Total Suspended Solids (TSS)	mg/l	45	65	--
	lb/day	94	136	--
<i>E. coli</i> Bacteria, summer ^(2, 3)	cfu/100 ml	126	252	--
<i>E. coli</i> Bacteria, winter ^(3, 4)	cfu/100 ml	630	1,260	--
Effluent pH shall remain between 6.0 and 9.0				
65 Percent (%) Removal Requirement for BOD ₅				
65 Percent (%) Removal Requirement for TSS				
Footnotes: 1. See definitions in Permit. 2. Summer period is April 1 through October 31. 3. Geometric mean value. 4. Winter period is November 1 through March 31.				

14. According to records maintained by the Department, Respondent exceeded effluent limits established in the Permit on 20 occasions during the April 2008 through July 2010 monitoring periods. Of the 20 effluent limit exceedances, 13 exceeded the effluent limits by 40% or more for Group I pollutants or by 20% or more for Group II pollutants and are considered by the Department to be SNCs. Attachment A lists the monitoring periods, parameters, reported values, and percent where Respondent exceeded the permitted effluent limits at its WWTS.

15. The Department sent Violation Letters on the dates listed in Attachment A notifying Respondent in writing of the effluent limit exceedances that occurred during the April 2008 through July 2010 monitoring periods.

16. Respondent violated the Permit and ARM 17.30.1342(1) by exceeding the permitted effluent discharge limits during the April 2008 through July 2010 monitoring periods for the parameters listed in Attachment A.

1 17. Respondent violated Section 75-5-605(1)(b), MCA, 20 times by failing to comply
2 with Permit conditions by exceeding the permitted effluent discharge limits during the April
3 2008 through July 2010 monitoring periods. Of the 20 violations, 13 are SNCs as the reported
4 values exceeded the effluent discharge limits in the Permit by 40% or more for Group I
5 pollutants or by 20% or more for Group II pollutants and pH.

6 ***Discharge monitoring report (DMRs) violations***

7 18. ARM 17.30.1342(12)(d)(i) requires that monitoring results must be reported on DMRs.

8 19. The Permit states: "Effluent monitoring results obtained during the previous
9 months(s) [the reporting period] shall be summarized for each month and reported on a
10 Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of
11 the month following the completed reporting period."

12 20. Records maintained by the Department indicate that Respondent submitted
13 incomplete DMRs, late DMRs or failed to submit DMRs for Outfall 001 for the following
14 reporting periods: June, July and October 2007; January, February, April, June through
15 September, November and December 2008; and March through September and December 2009.
16 In addition, Respondent failed to timely submit DMRs for Outfall 001-UP for the March through
17 September and December 2009 reporting periods.

18 21. The Department sent a Violation Letter on August 11, 2010 notifying Respondent
19 of the DMR violations for the reporting periods listed in Paragraph 20.

20 22. Respondent violated the Permit on 28 occasions by submitting the DMRs late for
21 the reporting periods listed in Paragraph 20.

22 23. The Permit violations constitute a violation of ARM 17.30.1342(12)(d)(i).

23 24. Respondent violated Section 75-5-605(1)(b), MCA, on 28 occasions by failing to
24 comply with the Permit.

1 *Sanitary sewer overflow (SSO) violation*

2 25. The Permit states that the authorization to discharge is limited to those outfalls
3 specifically designated as discharge locations.

4 26. The Permit requires that Respondent report serious incidents of noncompliance as
5 soon as possible, but no later than 24 hours from the time that Respondent first became aware of
6 the circumstances.

7 27. The Permit requires the permittee to, in instances of noncompliance not required to be
8 reported within 24 hours, report the incident at the time that monitoring reports are submitted.

9 28. The Permit requires the permittee to, at all times, properly operate and maintain all
10 facilities and systems of treatment and control (and related appurtenances), which are installed or
11 used by the permittee to achieve compliance with the condition of the Permit.

12 29. The Department conducted a compliance evaluation inspection at Respondent's
13 WWTS on July 23, 2010. During the inspection, the Department documented that an SSO event
14 occurred in July 2009. The SSO resulted in an unauthorized discharge of sewage from the service
15 line clean-out for the A&W establishment, a non-permitted discharge location.

16 30. According to records maintained by the Department, Respondent failed to report
17 the SSO to the Department.

18 31. The Department sent a Violation Letter on August 11, 2010 notifying Respondent
19 of the SSO violation.

20 32. Respondent violated the Permit by failing to report the July 2009 SSO to the
21 Department. The occurrence of an unauthorized discharge of sewage from a non-permitted
22 discharge location constitutes a violation of the Permit.

23 33. Respondent violated Section 75-5-605(1)(b), MCA, by failing to comply with the
24 Permit.

1 ***Failure to comply with Permit requirements and conditions***

2 34. The Permit establishes minimum requirements that Respondent must comply with
3 for influent and effluent monitoring at Outfall 001. The monitoring requirements include the
4 constituents to sample, sample location, sampling frequency and sample type.

5 35. The Permit establishes instream monitoring requirements for Big Pipestone Creek.

6 36. The Permit establishes that monitoring procedures must be conducted according
7 to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless
8 other test procedures have been specified in the Permit.

9 37. The Permit establishes that records of all monitoring information shall be retained
10 for a period of at least three years from the date of the sample, measurement, report or application.

11 38. On July 23, 2010, the Department conducted a compliance evaluation inspection
12 at Respondent's WWTS and documented the following Permit condition violations:

- 13 a. Respondent failed to sample for Dissolved Oxygen (DO) for Outfall 001
14 during the March and April 2009 monitoring periods.
- 15 b. Respondent failed to sample for Total Dissolved Solids (TDS) for Outfall 001
16 during the March 2009 monitoring period.
- 17 c. Respondent failed to report the average weekly limit for Oil and Grease for
18 Outfall 001 for the March 2009 monitoring period.
- 19 d. Respondent failed to sample for pH, total nitrogen, and total phosphorous at
20 Outfall 001-UP during the March and June 2009 monitoring periods.
- 21 e. Respondent failed to sample for the required monitoring parameters for
22 Outfall 001-UP during periods of no discharge from Outfall 001 during the
23 May 2009, and April and May 2010 monitoring periods.
- 24 f. Respondent incorrectly reported flow for the June 2010 monitoring period.
- g. Respondent is not maintaining records of equipment calibration.

39. Respondent violated Section 75-5-605(1)(b), MCA, by failing to comply with the Permit.

21 ***Calculated administrative penalty***

22 40. Pursuant to Section 75-5-611(9), MCA, the Department may assess an
23 administrative penalty not to exceed \$10,000 for each day of each violation; however, the
24 maximum penalty may not exceed \$100,000 for any related series of violations.

1 44. Within 60 days from the effective date of this Consent Order, Respondent shall submit
2 to the Department for its review a compliance plan, including but not limited to, a written explanation
3 detailing how Respondent intends to meet the permitted effluent discharge limits for E. coli, BOD and
4 TSS, as well as the procedure for reporting SSOs, and a schedule to come into compliance with the
5 Permit. The compliance plan and schedule must include a timeline for implementation of the
6 corrective action and a final compliance date. The compliance plan and schedule shall be sent to:

7 John L. Arrigo, Administrator
8 Enforcement Division
9 Department of Environmental Quality
10 1520 East Sixth Avenue
11 P.O. Box 200901
12 Helena, MT 59620-0901

13 45. The Department will provide comments to Respondent in writing on the adequacy
14 of the compliance plan and schedule. Respondent shall respond in writing to any deficiencies in
15 the compliance plan and schedule identified in the Department's review letter within the
16 timeframe specified in the review letter. The compliance plan schedule required by Paragraph
17 44 will be incorporated by reference into this Consent Order as enforceable requirements upon
18 written notification to Respondent by the Department.

19 46. Respondent may not commence or continue the construction, alteration, or extension
20 of the WWTS prior to Department approval of plans and specifications submitted pursuant to ARM
21 17.38.101 *et seq.* If deficiencies are found in the plans and specifications, Respondent shall respond
22 to any Department request for additional information and remedy any deficiency noted by the
23 Department within 60 days after the request for information or notice of deficiency is mailed.

24 47. Respondent must achieve and maintain compliance with the Permit by the final
date specified in the compliance plan. If implementation of the plan fails to achieve permanent
compliance, the Department may order further steps and/or seek penalties for noncompliance.

1 **Enforcement effluent limits**

2 48. Upon the effective date of this Consent Order and until the final date specified in
 3 the compliance plan, current Permit effluent limits are not in effect and Respondent shall comply
 4 with the following enforcement effluent limits:

Enforcement Effluent Limits: Outfall 001							
Parameter	Units	Average Monthly Limit ¹	Average Weekly Limit ¹	Maximum Daily Limit ¹	Sample Location ¹	Sample Frequency ¹	Sample Type ¹
Biological Oxygen Demand (BOD ₅)	mg/l	--	--	--	influent	1/month	composite
	mg/l	63	91	--	effluent	1/week	composite
	lbs/day	132	190	--	effluent	1/month	calculated
Total Suspended Solids (TSS)	mg/l	--	--	--	influent	1/month	composite
	mg/l	63	91	--	effluent	1/week	composite
	lbs/day	132	190	--	effluent	1/month	calculated
<i>E. coli</i> Bacteria, summer ^{2,3}	cfu/100ml	126	252	--	effluent	1/week	grab
<i>E. coli</i> Bacteria, winter ^{3,4}	cfu/100ml	630	1,260	--	effluent	1/week	grab
65 Percent (%) Removal Requirement for BOD ₅					effluent	1/month	calculated
65 Percent (%) Removal Requirement for TSS:					effluent	1/month	calculated
Effluent pH shall remain between 5.5 and 9.5 s.u.					effluent	1/week	instantaneous
Footnotes: 1. See Permit for explanation of terms. 2. Summer period is April 1 through October 31 3. Geometric mean value 4. Winter period is November 1 through March 31							

17 **Stipulated penalties**

18 49. In the interest of settlement and to avoid litigation, the Department will exercise its
 19 enforcement discretion to not assess the \$100,000 administrative penalty in this Consent Order. In lieu
 20 of an assessed penalty, Respondent agrees to pay stipulated penalties as described in Paragraph 50.

21 50. After the effective date of this Consent Order, Respondent shall pay to the
 22 Department the following stipulated penalties:

- 23 a. A \$50 stipulated penalty for each day the submittal of past-due or incomplete
 24 DMRs or an explanation as required in Paragraph 43 are submitted late; for each

1 day the compliance plan required in Paragraph 44 is submitted late; for each day
2 the Respondent fails to respond to a deficiency letter pursuant to the timeframes
3 set forth in the Department's review letter; and for each day a compliance plan
4 date incorporated by reference into this Consent Order is missed.

- 5 b. A \$50 stipulated penalty for future late or incomplete monthly DMRs or a
6 failure to monitor for required parameters;
- 7 c. A \$100 stipulated penalty for each exceedance of an enforcement effluent
8 limit; and
- 9 d. A \$500 stipulated penalty for each failure to comply with a notification
10 requirement or special permit condition.

11 51. The requirement to pay stipulated penalties remains in effect until this Consent
12 Order is terminated in writing by the Department.

13 52. Within 30 days after receipt of a written notice, Respondent shall pay to the
14 Department the full amount of any stipulated penalty that is due. Stipulated penalties must be
15 paid by check or money order, made payable to the "Montana Department of Environmental
16 Quality," and shall be sent to the Department at the address in Paragraph 44.

17 53. If the Department assesses stipulated penalties under this Consent Order and
18 notifies Respondent of the reason for and amount of the stipulated penalty, and Respondent
19 refuses to pay the amount assessed, the Department is entitled to a judgment in district court for
20 the amount of the stipulated penalty. In such an action, Respondent may dispute the occurrence
21 of the violation before the court; however, if the court determines that a violation has occurred,
22 Respondent is precluded from challenging the amount of the stipulated penalty.

23 54. If any event occurs that may delay completion of corrective actions and cause a
24 failure to meet a compliance deadline, Respondent shall notify the Department in writing within

1 ten (10) days after it becomes aware of the event. The notice must be sent to the address listed in
2 Paragraph 44. The notice of delay must include: (a) an explanation of the reasons for the delay;
3 (b) the expected duration of the delay; and (c) a description of all actions taken or to be taken to
4 prevent or minimize the delay and a schedule for implementation of those actions.

5 55. The Department will review the notice submitted by Respondent under Paragraph
6 54 and will exercise its enforcement discretion to determine if it is appropriate to waive all or a
7 portion of any stipulated penalties.

8 56. Failure to fulfill the requirements of this Consent Order by the specified
9 timeframes, as ordered herein, constitutes a violation of Title 75, chapter 5, part 6, MCA, and
10 may result in the Department seeking a court order requiring additional corrective action and
11 assessing additional civil penalties.

12 **IV. CONSENT TO ADMINISTRATIVE ORDER**

13 57. Respondent waives its right to administrative appeal or judicial review of the
14 Findings of Fact and Conclusions of Law and Administrative Order on Consent set forth herein
15 and agrees that this Consent Order is the final and binding resolution of the issues raised.

16 58. Respondent agrees that the violations established by the Findings of Fact and
17 Conclusions of Law may be considered by the Department as history of violation in calculating
18 penalties for subsequent violations as permitted by Section 75-1-1001, MCA.

19 59. The terms of this Consent Order constitute the entire agreement between the
20 Department and Respondent with respect to the issues addressed herein notwithstanding any
21 other oral or written agreements and understandings made and entered into between the
22 Department and Respondent prior to the effective date of this Consent Order.

23 60. Except as herein provided, no amendment, alteration, or addition to this Consent
24 Order shall be binding unless reduced to writing and signed by both parties.

1 61. Each of the signatories to this Consent Order represents that he or she is
2 authorized to enter into this Consent Order and to bind the parties represented by him or her to
3 the terms of this Consent Order.

4 62. Except as provided in Paragraph 48, none of the requirements in this Consent
5 Order are intended to relieve Respondent from its obligation to comply with all applicable state,
6 federal, and local statutes, rules, ordinances, orders, and permit conditions.

7 63. Respondent agrees to waive defenses based upon the statute of limitations for the
8 violations alleged herein and not to challenge the Department's right to seek judicial relief in the
9 event that Respondent fails to fully and satisfactorily comply with the terms of this Consent Order.

10 64. This Consent Order terminates upon determination by the Department and written
11 notification to Respondent that it has fully complied with its requirements.

12 65. This Consent Order becomes effective upon signature of the Director of the
13 Department or his designee.

14 IT IS SO ORDERED:

15 STATE OF MONTANA
16 DEPARTMENT OF ENVIRONMENTAL QUALITY

17 _____
18 JOHN L. ARRIGO, Administrator
19 Enforcement Division

20 _____
21 Date

IT IS SO AGREED:

TOWN OF WHITEHALL

22 _____
23 Signature

24 _____
Print Name



**United States Department of Agriculture
Rural Development
Bozeman Area Office**

May 14, 2009

Ms. Diana Yupe
Shoshone-Bannock Tribes of Fort Hall,
Shoshone-Bannock Heritage Tribal Office
P.O. Box 306
Fort Hall, ID 83203

COPY

NAGPRA Contact

REPLY TO: Clay J. Landry

REF: Whitehall, MT Sewer System Improvement Project, Whitehall MT.

Dear Ms Yupe:

Rural Development's Water and Environmental Program provides funding in rural areas under its Water and Waste Loan and Grant Program in accordance with 7 CFR Part 1780. The Town of Whitehall MT, located in Jefferson County Montana, has applied to Rural Development to construct a project, the Wastewater System Improvement Project, to serve rural residents in Jefferson County, Montana.

Rural Development is considering funding this application, making the project subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Rural Development has determined that the area of potential effects for this project involve portions of Jefferson County, and a 45 acre area located 1 mile southeast of the Town. The proposed Town of Whitehall Wastewater project, the will consist of constructing a 11.5 acre retention pond, a 7.5 acre facultative lagoon and a 40 acre pivot irrigation system.(see the attached map from the Preliminary Engineering Report for the area of potential effect). It is not anticipated any tribal or federally owned property will be affected.

Rural Development will be in consultation with the Montana State Historic Preservation Office for known historic properties to identify those areas where the presence of historic properties is likely. Rural Development requests the assistance of your Department in identifying historic properties of religious and cultural significance to the Shoshone-Bannock Tribes that may be affected by this project.

Rural Development is beginning to review the project area to make a preliminary determination that this project will have no effect on any historical or cultural resources.

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Voice (406) 449-5000 Ext. 4 • Fax (406) 449-5008

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Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)

If you are aware of any information Rural Development should consider, please advise Rural Development within 30 days, so that we can examine this information in our preliminary determination of effects.

Additionally, the following stipulation will be included within all Construction Documents and Letter of Loan Conditions.

Mitigation;

Any excavation by the Contractor that uncovers an historical or archaeological artifact shall be immediately reported to the project foreman and a representative of Rural Development. Construction shall be temporarily halted pending the notification process and further directions issued by Rural Development after consultation with the State Historic Preservation Officer (SHPO).

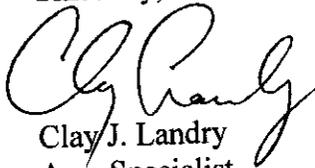
If excavation within any area of the project uncover human remains, all work shall cease immediately in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and State Code. The area around the discovery shall be secured and the County Coroner and the State Archeologist at SHPO shall be notified immediately. The State Archeologist shall notify the effected tribes or THPO, and USDA RD SEC without delay.

Rural Development and the Town of Whitehall MT intend to work closely with interested parties to ensure that the proposed project avoids adversely affecting historic properties to the maximum extent feasible.

Rural Development has invited the Shoshone-Bannock Tribes to participate in government-to-government consultation for the project, should you accept this invitation a Programmatic Agreement for this undertaking will be developed. Rural Development requests a decision on this matter within 30 days.

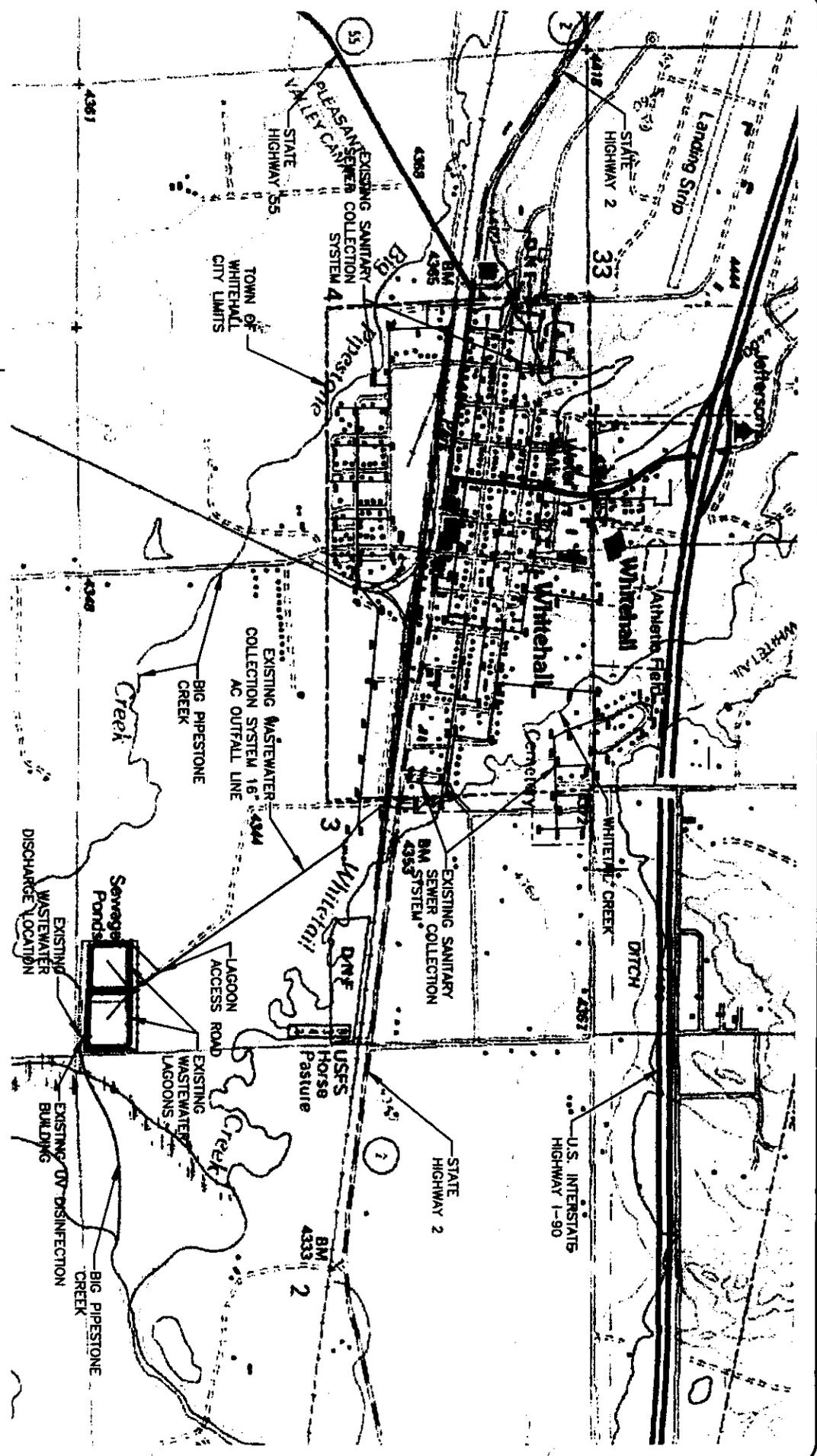
Please submit any written comments to myself, Clay J. Landry, Area Specialist, 790 Colleen St., Helena, MT 59601, phone 406-449-5000, ext. 120.

Sincerely,


Clay J. Landry
Area Specialist

Attachments

cc: James E. Raznoff, State Environmental Coordinator, MT RD
Tom Atkins, Area Director
Steve Troendle, Community Programs Director, MT RD



TOWN OF WHITEHALL, MONTANA
 WASTEWATER COLLECTION, TREATMENT
 & DISPOSAL STUDY
 WASTEWATER SYSTEM SCHEMATIC
 FIGURE 4-2



United States Department of Agriculture
Rural Development
Bozeman Area Office

May 14, 2009

Mr. Gilbert Brady Sr.
Northern Cheyenne Cultural Commission
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

COPY

NAGPRA Contact

REPLY TO: Clay J. Landry

REF: Whitehall, MT Sewer System Improvement Project, Whitehall MT.

Dear Mr. Brady:

Rural Development's Water and Environmental Program provides funding in rural areas under its Water and Waste Loan and Grant Program in accordance with 7 CFR Part 1780. The Town of Whitehall MT, located in Jefferson County Montana, has applied to Rural Development to construct a project, the Wastewater System Improvement Project, to serve rural residents in Jefferson County, Montana.

Rural Development is considering funding this application, making the project subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Rural Development has determined that the area of potential effects for this project involve portions of Jefferson County, and a 45 acre area located 1 mile southeast of the Town. The proposed Town of Whitehall Wastewater project, the will consist of constructing a 11.5 acre retention pond, a 7.5 acre facultative lagoon and a 40 acre pivot irrigation system.(see the attached map from the Preliminary Engineering Report for the area of potential effect). It is not anticipated any tribal or federally owned property will be affected.

Rural Development will be in consultation with the Montana State Historic Preservation Office for known historic properties to identify those areas where the presence of historic properties is likely. Rural Development requests the assistance of your Department in identifying historic properties of religious and cultural significance to the Northern Cheyenne Tribe that may be affected by this project.

Rural Development is beginning to review the project area to make a preliminary determination that this project will have no effect on any historical or cultural resources.

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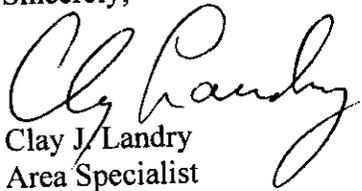
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Rural Development and the Town of Whitehall MT intend to work closely with interested parties to ensure that the proposed project avoids adversely affecting historic properties to the maximum extent feasible.

Rural Development has invited the Northern Cheyenne Tribe to participate in government-to-government consultation for the project, should you accept this invitation a Programmatic Agreement for this undertaking will be developed. Rural Development requests a decision on this matter within 30 days.

Please submit any written comments to myself, Clay J. Landry, Area Specialist, 790 Colleen St., Helena, MT 59601, phone 406-449-5000, ext. 120.

Sincerely,


Clay J. Landry
Area Specialist

Attachments

cc: James E. Raznoff, State Environmental Coordinator, MT RD
Tom Atkins, Area Director
Steve Troendle, Community Programs Director, MT RD



**United States Department of Agriculture
Rural Development
Bozeman Area Office**

May 14, 2009

Mr. Tony Incashola NAGPRA Contact
Confederated Salish and Kootenai Tribes
Salish Culture Committee
P.O. Box 418
St. Ignatius, MT 59865



REPLY TO: Clay J. Landry

REF: Whitehall, MT Sewer System Improvement Project, Whitehall MT.

Dear Mr. Incashola:

Rural Development's utility program (Water and Environmental Program) provides funding in rural areas under its Water and Waste Loan and Grant Program in accordance with 7 CFR Part 1780. The Town of Whitehall MT, located in Jefferson County Montana, has applied to Rural Development to construct a project, the Wastewater System Improvement Project, to serve rural residents in Jefferson County, Montana.

Rural Development is considering funding this application, making the project subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). Rural Development has determined that the area of potential effects for this project involve portions of Jefferson County, and a 45 acre area located 1 mile southeast of the Town. The proposed Town of Whitehall Wastewater project, the will consist of constructing a 11.5 acre retention pond, a 7.5 acre facultative lagoon and a 40 acre pivot irrigation system.(see the attached map from the Preliminary Engineering Report for the area of potential effect). It is not anticipated any tribal or federally owned property will be affected.

Rural Development will be in consultation with the Montana State Historic Preservation Office for known historic properties to identify those areas where the presence of historic properties is likely. Rural Development requests the assistance of your Department in identifying historic properties of religious and cultural significance to the Confederated Salish and Kootenai that may be affected by this project.

Rural Development is beginning to review the project area to make a preliminary determination that this project will have no effect on any historical or cultural resources. If you are aware of any information Rural Development should consider, please advise

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Rural Development within 30 days, so that we can examine this information in our preliminary determination of effects.

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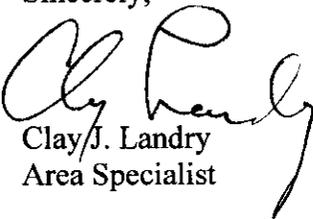
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Rural Development and the Town of Whitehall MT intend to work closely with interested parties to ensure that the proposed project avoids adversely affecting historic properties to the maximum extent feasible.

Rural Development has invited the Confederated Salish and Kootenai to participate in government-to-government consultation for the project, should you accept this invitation a Programmatic Agreement for this undertaking will be developed. Rural Development requests a decision on this matter within 30 days.

Please submit any written comments to myself, Clay J. Landry, Area Specialist, 790 Colleen St., Helena, MT 59601, phone 406-449-5000, ext. 120.

Sincerely,



Clay J. Landry
Area Specialist

Attachments

cc: James E. Raznoff, State Environmental Coordinator, MT RD
Tom Atkins, Area Director
Steve Troendle, Community Programs Director, MT RD



**United States Department of Agriculture
Rural Development
Bozeman Area Office**

COPY

May 14, 2009

Shoshone Tribal Cultural Center
P.O. Box 1008
Fort Washakie, WY 82514

NAGPRA Contact

REPLY TO: Clay J. Landry

REF: Whitehall, MT Sewer System Improvement Project, Whitehall MT.

Dear Sir or Madam:

Rural Development's utility program (Water and Environmental Program) provides funding in rural areas under its Water and Waste Loan and Grant Program in accordance with 7 CFR Part 1780. The Town of Whitehall MT, located in Jefferson County Montana, has applied to Rural Development to construct a project, the Wastewater System Improvement Project, to serve rural residents in Jefferson County, Montana.

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Rural Development is beginning to review the project area to make a preliminary determination that this project will have no effect on any historical or cultural resources. If you are aware of any information Rural Development should consider, please advise

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Rural Development with... 30 days, so that we can examine this information in our preliminary determination of effects.

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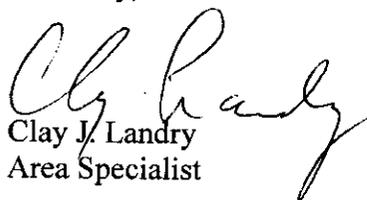
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Rural Development and the Town of Whitehall MT intend to work closely with interested parties to ensure that the proposed project avoids adversely affecting historic properties to the maximum extent feasible.

Rural Development has invited the Shoshone Tribe to participate in government-to-government consultation for the project, should you accept this invitation a Programmatic Agreement for this undertaking will be developed. Rural Development requests a decision on this matter within 30 days.

Please submit any written comments to myself, Clay J. Landry, Area Specialist, 790 Colleen St., Helena, MT 59601, phone 406-449-5000, ext. 120.

Sincerely,


Clay J. Landry
Area Specialist

Attachments

cc: James E. Raznoff, State Environmental Coordinator, MT RD
Tom Atkins, Area Director
Steve Troendle, Community Programs Director, MT RD

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

PURPOSE:

To present background information of the regulatory issues Whitehall is facing with the sewer system and surface water discharge

To present background on the proposed wastewater improvements project including the current finance plan and project user rates.

To present information on the grant funding previously obtained and potential to obtain grant funds in the future

To obtain public comment in support or in opposition to the proposed wastewater improvements project

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Regulatory issues Whitehall is facing with the sewer system and surface water discharge:

- **Big Pipestone Creek is receiving water for wastewater discharge**
- **Big Pipestone Creek is listed on the 2002 303(d) list as an impaired water (nutrients – nitrogen & phosphorus)**
- **The Upper Jefferson River is listed as impaired waters**
- **Ammonia toxicity analysis shows discharge does not meet State water quality standard (Clean Water Act) for ammonia**

The new MPDES Statement of Basis is published. New discharge permit monitoring requirements are listed:

Discharge

- **BOD 5 (influent and effluent)**
- **Total Suspended Solids (influent and effluent)**
- **pH**
- **Temperature**
- **E. Coli**
- **Total Ammonia**
- **Nitrate + Nitrite as N**
- **Total Kjeldahl Nitrogen**
- **Total Nitrogen**
- **Total Phosphorus**

In-stream Monitoring

- **Total Ammonia**
- **pH**
- **Water Temperature**
- **Total Nitrogen**
- **Total Phosphorus**

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Treatment system issues Whitehall is facing with the sewer system:

- **Leaking lagoons**
- **Inadequate treatment capacity**

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Proposed Solution:

Non-discharging storage and irrigation system (Attachment A)

Eliminates discharge to State waters

Eliminates discharge permit under current regulations

Eliminates monitoring associated with discharge permit

Eliminates fees associated with discharge permit

Updated system will have capacity for 20-year design population

Updates to existing collection system and storm water collection system to eliminate groundwater infiltration and storm water flows

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

System Cost:

Capital cost: \$4,762,000

Funding:

TSEP grant: \$750,000 (approved)

DNRC grant: \$100,000 (approved)

WRDA Grant: \$230,000 (approved)

STAG Grant: Not Successful

CDBG Grant: Not Successful

Remainder of funding shifted from SRF loan to alternate Rural Development funding plan in a combination of grant and loan funding (Part 8 of 2006 PER)

Monthly User Cost: \$34-\$36

Monthly user cost is determined based on a RD analysis of communities with similar types (recent projects) of system and similar community income levels.

East Helena	\$38.93
Manhattan	\$45.00
St. Ignatius	\$40.00
Troy	\$34.27
Valier	\$29.94
Virginia City	\$33.00

(data sheet available at Clerk's office)

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

What if Whitehall decides to delay the project until there is a regulatory order issued to force the Town to complete improvements?

Town will give up \$750,000 TSEP grant & \$100,000 DNRC grant

Town is in a position to keep the RDA grant as the grant was issued for completion of plans and specifications for system improvements rather than construction.

Town will have to start anew on putting together a financing plan for improvements at a later date.

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

What is the likelihood that the Town will be successful at getting the grants at a later date?

The Town would likely be successful with TSEP although the ultimate cost to the end user will be higher.

Whitehall obtained a \$750,000 TSEP grant in the 2006 cycle. Since that time the program has amended the criteria and a community must be at 150% of the target rate to qualify for a \$750,000 grant; at 125% of the target rate to qualify for a \$650,000 grant; and at 100% of the target rate to qualify for a \$500,000 grant.

Whitehall was at just over 100% of the target rate with the 2006 application. Under current rules the Town would only be eligible for a \$500,000 grant.

The 2010 census will be completed next year. Income levels will increase so target levels will increase:

Previous census data (Median Household Income)

1979:	\$11,934
1989:	\$19,674
1999:	\$29,940
2009:	

Assuming similar growth, we can anticipate the target level for Whitehall will increase from the previous census income date level. The level is 2.3% of the MHI. If the income level goes up to \$37,500, the target rate will be \$71.87. Accounting for the current average water bill will result in a minimum sewer rate of approximately \$46.87 to minimally qualify for the CDBG and TSEP programs. The sewer rate would have to be at approximately \$82.80 per month to qualify for a \$750,000 grant

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

What can the Town expect from Rural Development in the future?

RD is a long standing program that has funded many municipal projects in the State of Montana and around the county.

RD will be available for long term low interest loans and, where the applicant meets the agency criteria, grant funding.

RD funding considers community income levels. At current income levels Whitehall is grant eligible.

RD agency requirements also include completing a comparison of rates for communities with similar income levels and systems.

Due to the typical increase of the cost to complete projects, the comparative analysis is completed with communities who have recent projects.

While rates can't be specifically projected into the future, a look at past rates shows the typical utility rate for communities grows between \$5 - \$10 every five years.

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Have other options been considered?

Yes. A detailed cost analysis has been completed for an alternate site located southwest of Whitehall. The total estimated cost of the alternate site is approximately \$1,000,000 greater than the proposed site adjacent to the existing lagoons.

The use cost for the alternate site would be higher, in the range of \$42 at current interest rates.

The benefit of the alternate site is it is easily expandable. However, the current system is planned for a 20-year period so expansion is not likely to be an issue for many years.

The alternate site is a better site from environmental aspects. The land is dry land bench ground that has soils that are better suited for irrigation.

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Summary:

Does Whitehall have to move forward with a project at this time?

No. There is no Administrative Order from EPA nor is there a violation notice from DEQ. Moving forward now is a proactive approach that allows the Town to deal with the regulatory and system capacity issues facing Whitehall with the threat of regulatory action and sanctions.

Will Whitehall have to complete improvements eventually?

Yes. The Clean Water Act issues (ammonia toxicity) and Total Maximum Daily Loads (nitrogen and phosphorus loading) will drive the issue on the regulatory end. The treatment standards will also drive the issue due to the leaking lagoon and lack of treatment capacity.

The new permit includes requirements for extensive additional testing by the Town to monitor wastewater coming into the lagoon, wastewater exiting the lagoon, and the water quality in Big Pipestone Creek downstream of the discharge.

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Summary (continued):

Will it cost more in the user rate if we wait?

It is very likely that the user rate will be significantly higher based on the funding program changes, the new income data that will come out of the 2010 census, and the trend of increasing costs due to inflation. Whitehall's best opportunity for completing the project improvements in the most cost effective manner appears to be now.

WHITEHALL WASTEWATER IMPROVEMENTS

PUBLIC HEARING

JANUARY 20, 2009

Public Comment Period:

Public comments regarding any aspect of the project are requested.

Please state your name and address for the record.

Comments in support of the project will be requested first.

Comments opposing the project will then be taken.

Please keep your comments to the point.

After the comment period the council may open the floor to questions and discussion

Public comments:

Proponent comments:

Mayor Terry Ross, 101 First Street, spoke in support of the project. The need for the project has been clearly identified. The water quality issues will require the Town to do updates to the system. Also, the existing system does not allow for growth in the community. There is an affordable housing project in the planning stages for Whitehall and it will probably be off the ground in 4-5 years. That is providing the Town has the sewer capacity to serve the project.

Fred Phillips, 5 Patticake Drive, spoke in favor of the project. The water quality issues are not going to go away. If the Town elects to delay the project until an agency issues an order we will be looking at much higher costs in the user rate due to changes in the funding program and the anticipated increase in the community income levels. Whitehall is never going to be able to complete a project with a better user rate than we can obtain right now.

Opponent comments:

No one spoke as an opponent to the project.

1-05109
RECEIVED

SEP 12 2007

GreatWest

RESOLUTION # 05-07

**RESOLUTION TO ADOPT
2007 WASTEWATER SYSTEM PRELIMINARY
ENGINEERING REPORT AMENDMENT
AND ACCEPT THE RECOMMENDED FUNDING
SCENARIO TO COMPLETE WASTEWATER SYSTEM
IMPROVEMENTS**

WHEREAS, the Town of Whitehall, Montana has completed a Wastewater System Improvements Preliminary Engineering Report (PER) Amendment to modify the 2006 PER's funding strategy, estimated construction costs, project schedule, and the rate analysis to reflect current conditions;

WHEREAS, the Wastewater System Preliminary Engineering Report Amendment has provided revised project cost estimates for the proposed improvements;

WHEREAS, the Wastewater System Preliminary Engineering Report Amendment provides a modified project schedule for wastewater water system improvements;

WHEREAS, the Wastewater System Preliminary Engineering Report Amendment provides recommendations for a revised funding strategy for the project;

WHEREAS, the Town of Whitehall, Montana has the legal jurisdiction and authority to construct, finance, and maintain the wastewater system;

WHEREAS, the Town of Whitehall, Montana held a public hearing on September 10, 2007 at 7:15 PM to review the Wastewater System PER Amendment, review the recommended funding alternative, and solicit public comment;

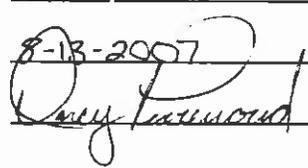
The Town of Whitehall, Montana adopts the Wastewater System Preliminary Engineering Report Amendment and the funding recommendation for completion the recommended wastewater system improvements.

Signed: 

Name: TERRY ROSS

Title: Mayor

Date: 8-13-2007

Attested: 

Church Directory

Cardwell Community Church. Pastor William Grider, Sunday worship 11:00 AM and 7:00 PM, Sunday School 9:40 AM, Wednesday night prayer meeting 7:00 PM at 289 McKown Lane, Highway 259, Cardwell, 287-5771.

Christ Episcopal Church, Sunday services 9:00 AM, Main Street, Sheridan, 842-7713

Christian Church (Disciples of Christ), Pastor Ed Pangburn, Sunday worship 10:00 AM, Sunday school 9:00 AM, Wednesday Bible study 7:00 PM, Friday free community dinner 6:00 PM, 104 First St. East, 287-5767.

Church of Jesus Christ of Latter-day Saints, Bishop David T. Adamson, Sacrament 9:00 AM, Sunday school 10:00 AM, Priesthood and Relief Society 11:00 AM, Mormon Lane and Yellowstone, 287-3246 or 287-7866.

Community of Christ - Pastor Nancy Sacy, Wednesday Supper Fellowship 6:30 PM, Sunday Church school 10:00 AM, Worship service 11:00 AM, 88 First Road East, 287-3411.

Covenant Community Church, Sunday services 10:00 AM, Corner of Division St. and Legion Ave., for more information call 287-9101 or visit www.truthmliving.org.

Jefferson Valley Baptist Church (Southern Baptist), Pastor David Rogers, Sunday worship 11:00 AM and 7:00 PM, Sunday school 9:45 AM, TeamKID youth program, pre-K to high school, Wednesdays 6:30 PM at the church, Highway 2 West, 287-5196, 287-7844 or 287-2252.

Lighthouse Resurrection Fellowship, Pastor Joe Schlemmer, call for information, 287-3372.

St. Teresa Catholic Church, Fr. Dan Driscoll, Sunday Mass 8:30 AM, Saturday Mass 5:00 PM, CCD Wednesdays 3:00 PM, CYC Wednesdays 7:00 PM, 109 Second St. E., 287-3893, Website www.stteresaaofavila-whitehall.com.

Seventh-day Adventist Church, Saturday church service 9:00 AM, held at the Jefferson Valley Baptist Church, Sabbath School 10:30 AM, Steve Schwab 287-3465.

Trinity United Methodist Church, Pastor Dee Anna, worship service 11:15 AM, Sunday school for adults and children 10:00 AM, weekly interdenominational Bible study Tuesdays 10:00 AM, 205 N. Noble, 287-3823.

Whitehall Assembly of God, Pastors Chuck and Sandi Lanes, youth/music - Pastor Bill Lanes, Sunday school 9:30 AM, Sunday worship 10:30 AM, Wednesdays: Community Youth Group (for grades 7-12) 7:00 PM, Adult Bible Study,

Missionettes and Royal Rangers, all at 7:00 PM; Women's Ministries third Monday each month 7:00 PM, Six First St. East, 287-3095.

Whitehall Baptist Church (Independent Baptist), Pastor Tracey Jones, Sunday service 10:00 AM and

6:00 PM, 203 W. Legion Ave. (next to The Corner Store), 287-2201.

Zion Lutheran Church, Pastor Chris Wareham, Sunday services 8:30 AM, Sunday school 9:45 AM, 301 W. First Pastor in Whitehall Tuesdays, 287-5446, Butte 782-5935

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NOTICE OF PUBLIC HEARING

Notice is hereby given that a final public hearing will be held at 7:30 p.m. on Monday evening, May 1, 2006 at the Town Hall in Whitehall, Montana. The purpose of the hearing will be to solicit public comment on the Final Draft Whitehall Wastewater Preliminary Engineering Report prepared by Great West Engineering of Helena, Montana. The report was partially funded by a Preliminary Engineering Report Grant from the Montana Department of Commerce Treasure State Endowment Program. Copies of the water system analysis will be available for review at the Town Hall. This plan documents the results of an investigation of the wastewater system that serves the Town of Whitehall. The wastewater collection system, treatment lagoon system, and discharge to Big Pipestone Creek were evaluated and, where needs were identified, alternatives were considered to upgrade the existing wastewater system. The alternatives under consideration and the costs thereof will be presented for discussion. The public will also be given the opportunity to comment on the Town's proposed grant applications for funding wastewater improvements through the Treasure State Endowment Program, Department of Natural Resources Renewable Resource Grant program, Community Development Block Grant Program, and State & Tribal Assistance Grant program. The engineers will be in attendance to present their recommendations and answer questions.

(S) Terry Ross, Mayor, Town of Whitehall, Montana

Notice of Public Hearing to Obtain Updated Public Input For Community Needs And Growth Policy Planning In The Town Of Whitehall

The Town Council of Whitehall will hold a public hearing on May 1, 2006 at 7:30 PM at the Town Hall. The purpose of the hearing is to: 1) Obtain public comments regarding a proposed Community Development Block Grant (CDBG) Application for grant funding for a public facility project consisting of improvements to the Town's wastewater system. The proposed project includes storm sewer collection improvements to eliminate storm water discharges to the sanitary sewer system, rehabilitation of existing wastewater collection mains, and construction of a lined wastewater treatment and storage lagoon and construction of an irrigation pumping system and pivot to land apply treated wastewater effluent to agricultural crops. The project service area is that portion of Whitehall currently served by the municipal wastewater system.

At the public hearing, the proposed project will be explained, including how the proposed project meets community needs identified at a previous public hearing held in January 2006, the purpose and the proposed area of the project, activities, budget, possible sources of funding, and any costs that may result for local citizens as a result of the project.

Community members are encouraged to attend. All interested persons will be given the opportunity to ask questions and express their opinions regarding the proposed project.

Comments may be given orally at the hearing or submitted in writing to the Town Clerk before 5:00 PM on May 1, 2006.

Anyone who would like more information or who wants to submit suggestions should contact Holly Netz, Town Clerk, (phone: 287-3972). A copy of the application to be submitted for funding the project is available for review at Town Hall during regular office hours.

(S) Terry Ross, Mayor, Town of Whitehall, Montana

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Town of Whitehall, Montana

Community Needs Public Hearing

Date: May 1, 2006

Location: Town Hall
2 North Whitehall Street

Time: 7:30 P.M.

Purpose: To obtain public comments regarding a proposed Community Development Block Grant (CDBG) application for grant funding public facility improvements for the Whitehall wastewater system.

Scope: To explain the scope and purpose of the proposed wastewater project, proposed area, activities, budget, possible sources of funding, and costs that may result for local citizens.

To explain how the project meets community needs identified in the January 9th public hearing held to identify community needs.

To obtain public comment on the proposed project.

Attendance: Visitors in attendance at the public hearing are noted in the official meeting minutes and reproduced here.

Visitors:

Council: Mac Smith, Ed Hunt, Todd Breitenfeldt, Lee Hoerauf, Steve Antonioli.

Staff: Mayor Terry Ross, Clerk Holly Netz, Legal Council Helen McCarthy

The public hearing proceeded at 7:30 P.M. as advertised. Fred Phillips of Great West Engineering Inc. moderated the public hearing.

A handout was provided that included exhibits showing the area of the proposed project, proposed area, activities, budget, possible sources of funding, and costs that may result for local citizens.

Following is a listing of the community needs identified at the Whitehall January 2006 public hearing. The proposed wastewater improvements project meets or supports the community needs as noted:

- **A community center/events center** – This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth.
- **A Town Growth Policy / Vision Statement** -
- **24 Hour Medical Facility** - This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth.
- **Wastewater Facility Improvements** - The proposed wastewater project directly meets this community goal.
- **Continuation of Street Surfacing Program**
- **Traffic/Pedestrian Travel Planning**
- **More Pedestrian Trails**
- **Storm Water Management** - This goal is supported in the wastewater treatment and disposal system improvements project through removal of storm water inlets from the sewer collection system. .
- **Keeping Lighting Up To Standards**
- **Water Line Repairs**
- **Things for Recreation & Socializing** – Suggestions included a skate park and swimming pool and continuation of Saddle Club, Baseball Program, Soccer Facility, Fish Pond Park, and Park and Cemetery landscaping.
- **Encourage Clean Quality Businesses** – This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth.
- **Sidewalks / Curbs** - New and replacement
- **Quality of Living** – This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth.
- **Retirement Living Facility** - This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth.
- **Work On Tax Base Replacement** – This goal is supported by improving the wastewater treatment and disposal system to increase wastewater treatment capacity to allow community growth. The tax base will expand through community growth.
- **Set Standards For Development** –

The community needs previously identified provide direction for developing official growth policy goals for the community. Based on community input, the following goal/objective statements are recommended as the first step toward developing a Growth Policy Plan for the Town of Whitehall:

- Protect and enhance property values by encouraging compatible development (zoning and development standards)

- Encourage residential and business development to diversify the community tax base by providing adequate public infrastructure (water, sewer, storm water management, and streets)
- Encourage development of community projects for recreational facilities through planning and by providing adequate public infrastructure (Growth Policy, public facilities)
- Encourage development of expanded medical facilities through planning, recruitment, and by providing adequate public infrastructure (Growth Policy, economic development or public facility grants, public facilities)
- Encourage development of expanded retirement living facilities through planning, recruitment, and by providing adequate public infrastructure (Growth Policy, economic development or public facility grants, public facilities)

Public Comment

Public hearing period was opened at 7:32 PM.

The hearing was immediately opened for public comment. The following comments were received:

One comment was received. Mr. Tom Jenkin stated that the proposed project was well planned and was important for the Town to take care of the sewer system needs in order to support community growth. Mr. Jenkin stated he fully supported the Town implementing the project.

The public hearing was closed at approximately 7:45 P.M.

Fred Phillips
Great West Engineering



Whitehall Ledger

VOL. 22, NO. 41 ~ January 11, 2006

- Robbins Lane update...page 3
- Parenting classes scheduled for Whitehall...page 4
- Chamber discusses "Volunteer of the Year" award...page 8
- Rocky Mountain Bank has new president and manager...page 9

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Wintering in Whitehall
On Saturday, Dec. 31, Whitehall Super 8 desk clerk Linda Slattery (left) found this monarch butterfly outside the back step at the motel. Slattery said the butterfly's wings were straight up and she thought it had died, but she saw a movement of wings and brought it inside. As of Jan. 9 the butterfly was still a guest at the motel. Monarch butterflies travel up to 2,500 miles on annual winter migrations to Mexico or California. LEDGER PHOTO

WHS speech/drama team performs Jan. 19

Community Night will showcase team members

The WHS speech and drama team has scheduled its annual Community Night on Thursday, Jan. 19.

Community Night is a WHS speech and drama team tradition in which members of the team showcase their speech, drama and debate presentations for community members to observe. In most cases, the presentations the WHS team members will be performing are the same presentations the team members will make at the upcoming speech/drama/debate divisional competition in Townsend on Jan. 21.

Community Night takes place at 7:00 PM in the commons. There is no charge to attend the event, and all community members are invited to attend and watch the talented WHS students perform.

Booster Club planning to "Pack the Gym" on Jan. 21

WHS basketball fans can anticipate a fun night of high school basketball action on Saturday, Jan. 21, with the Whitehall Booster Club's "Pack the Gym Night."

Brenda Sacry and the Whitehall Booster Club have scheduled several incentives to come out and support the WHS boys and girls basketball games, and all the incentives are fun. Each fan arriving for the game will receive a numbered ticket, and winning tickets will be drawn throughout the night for a variety of prizes including DVD players, movie passes, an iPod and more. WHS beads and bandanas will be sold, mini basketballs will be available and other fun activities. See "Booster" on page 20

Town council special meeting will discuss wastewater options

by Glenn Marx, Ledger publisher

The Whitehall Town Council participated in a public meeting held to identify community needs on Jan. 9, and immediately after the public meeting the council held its regular monthly meeting to discuss a variety of items, including the need for a special community meeting to learn more about the town's wastewater treatment system.

For several months the council has been discussing the status of the wastewater treatment system, and the town of Whitehall has received two small state planning grants to identify problems and solutions related to wastewater treatment and discharge. The town has contracted with Great West Engineering, an engineering firm in Helena, for the project. Fred Phillips, an engineer with Great West, is a Whitehall resident and has taken the lead on the project.

Phillips will update the council and the community on the status of the town wastewater system during a special council meeting on Tuesday, Jan. 17, at 7:00 PM, in the council chambers. Phillips will provide an environmental, regulatory and economic overview of the wastewater treatment and discharge situation, and will discuss alternatives,

potential costs and potential payment methods, including grants, loans and projected ratepayer costs.

The Community Needs Assessment meeting held prior to the Jan. 9 council meeting was held as a requirement for one of the planning grants Whitehall has received. The purpose of the meeting was for community members to identify and prioritize infrastructure, financial, cultural economic, recreational or procedural projects or activities for the community. In addition to the council, about a half dozen residents were in attendance. After about an hour of discussion, Phillips, the council and audience settled on three main priorities for the community. The priorities were: town infrastructure (streets, sidewalks, lagoons/wastewater treatment), construction of a new community center and economic development.

Bill Brown of Whitehall made the initial pitch for a community center, and the group in attendance agreed with the proposal. Tom Harrington of the Jefferson Local Development Corporation talked about a need for a town growth policy and longer term vision for population and economic growth for the community and surrounding area.

Once the priorities were settled, town resident Tom Jenkin cautioned the council to be wary of costs and budget implications associated with the discussion.

"Don't bite off more than you can chew," said Jenkin. "You might want to do a lot, but can only pay for so much."

The council meeting itself lasted less than 90 minutes and most of the issues on the agenda were ongoing issues such as the Connor subdivision water line, the town water telemetry system. E911 dispatching and an agreement for telecommunications equipment use of the town's silver water tower.

The council approved the Connor subdivision waterline but went on record as expressing concerns about the project. The waterline will be a dead end line, and while dead end lines are allowed, they are not encouraged. Dead end lines can lead to water pressure and stagnant water issues, unlike looped waterlines, which allow for a continuous flow of water.

The council also voted to approve an agreement between Michael Britton of Montana Rural Internet and Lee Good of TeleSystem Services, two wireless Internet providers in Whitehall. The agreement stipulates use of the town wa-

Phillips will provide an environmental, regulatory and economic overview of the wastewater treatment and discharge situation, and will discuss alternatives, potential costs and potential payment methods, including grants, loans and projected ratepayer costs.

ter tower as a site for telecommunications equipment, and town attorney Helen McCarthy said she believed the agreement was acceptable to both entities. The council also voted to terminate a previous agreement between the town and Montana Rural Internet.

Whitehall Mayor Terry Ross reported the town is close to receiving the needed equipment to repair the town water telemetry system. The telemetry system allows the water pumps in town to in essence communicate with the water tank northeast of town. The system has been operated manually in recent months but a memo to the town from the project contractor indicates the needed equipment will arrive soon and the system should be operational by the end of the month.

In other action, the council: See "Council" on page 20

"Council"...continued from page 1

☐ Voted to begin a process to annex the south half of the Whitehall Recreation Complex. The town owns the complex but the county owns the property, and for planning purposes the council thought it wise to ensure property owned by the town is inside the town borders. As part of this process, the town will seek to create an

accurate map of the town to show the actual town plat.

☐ Learned the final design for the Whitehall community swimming pool has been approved and bid packages to swimming pool construction firms are ready for distribution.

Plans still call for swimming pool construction in 2006.

☐ Learned the Whitehall Ambulance still has a couple outstanding equipment and telecommunications issues related to E911 dispatching from Boulder, and that local dis-

patch is still calling out the ambulance unit. The equipment concerns could be addressed within a couple weeks with E911 dispatching coming from Boulder later in January.

☐ Voted to partially approve a new town policy and

procedures manual. Chapter 6 of the proposed revisions will be discussed - as will the proposal to build a skate board park in Whitehall at council's special meeting on Jan. 17.

"Booster" ...from page 1

ties are in store for the night, including free pop free throw shooting for kids fifth grade and under.

The event has been scheduled by the Whitehall Booster Club to show support for the basketball teams and to say thanks to fans who come out and enjoy WHS events and activities.

The Whitehall basketball teams play Manhattan Christian on Jan. 21, with the WHS girls playing about 6:00 PM and the WHS boys playing about 7:30 PM.

by Debbie Hanneman, WHS Booster Club

Enjoy a free ride on the Whitehall Senior Transportation Bus to the Whitehall High School "Pack the Gym Night" on Jan. 21, 2006! The Whitehall Schools Booster Club is sponsoring a bus ride to "Pack the Gym Night," which will coincide with both our high school girls and boys basketball games. Individual pick-up times are not set yet, but bus riders will be notified of their pick-up time several days before "Pack the Gym Night." Once the bus arrives at the school parking lot, Whitehall High School students from the Interact Club will escort all bus riders into the varsity gym.

If you would like a free ride to "Pack the Gym Night," please visit the Whitehall Se-

nior Center to reserve your seat, or call 287-5336 (8:30 AM - 12:00 PM), call 490-3974

(7:30 AM - 5:00 PM), or 494-5229 (6:30 PM - 9:00 PM).

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nior Center to reserve your seat, or call 287-5336 (8:30 AM - 12:00 PM), call 490-3974

(7:30 AM - 5:00 PM), or 494-5229 (6:30 PM - 9:00 PM).

"Board"...from page 9

In other action, the board: ☐ Learned from middle school counselor Mike Welch that the middle school student council has completed its project to print the lyrics to the school song on a banner for display in the varsity gym.

☐ Learned from Audet that WHS may modify its football schedule in 2006 to omit Huntley Project and add Deer Lodge. Deer Lodge is only about one-third the distance from Whitehall as Huntley Project, and Deer Lodge has expressed an interest in playing WHS. Audet said it might be difficult to juggle the schedule to accommodate the game, but said it made sense to play teams closer to Whitehall and that he would attempt to reach other schools and discuss scheduling.

☐ Learned from Booster Club co-president Chuck Wideman that Jan. 21 has been designated "Pack the Gym Night" at the WHS boys and girls basketball games. WHS fans are encouraged to wear school colors purple/gold during the evening, and new Trojan purple shirts will be sold the night of the game.

☐ Heard a report from Kayla Gnerer of the WHS student council who updated the board on the council's activities. Gnerer said WHS students are assisting at Whitehall Head Start on Tuesday mornings, are continuing work on the school courtyard improvement project, are interested in starting a teacher appreciation program and an annual senior class project that would benefit the school.

☐ Learned from WHS guidance counselor Irene Strauss that 15 WHS students are participating in the Health Career Pathways program, which enables high school students to take college level classes to help jump-start a career in the health care profession.

☐ Learned that Cameron Vines will start a student teach-

ing stint at the high school and middle school starting on Jan. 16. Vines, a student at University of Montana-Western in Dillon, will teach high school and middle school history.

☐ Learned from Cline that the district is continuing to work on one of the board's goals of improving communications. The district is publishing a tentative board meeting agenda in the Ledger, publishing a newsletter to parents updating the school web site and hearing regularly from the WHS Booster Club.

☐ The board also voted to table a proposed School Wellness policy until the state policy undergoes a final revision, and voted to approve second reading of a school policy regulating the new Automated External Defibrillator.

☐ Learned from middle school principal Luann Metcalf that the first meeting of a committee interested in starting a gifted and talented student program in the elementary/middle school will take place on Friday, Jan. 13, at 12:50 PM in Metcalf's office.

☐ Learned from Cline that the \$225,712 in additional state monies earmarked for the Whitehall School District approved by the Montana Legislature during its recent special session won't actually translate to the district receiving that exact amount of funding. Cline told the board that \$225,712 figure was based on 2004-05 student enrollment, and 2005-06 enrollment will be less than the previous year, which means the actual amount of money appropriated to the district will be a smaller total than the \$225,712.

☐ Learned that school enrollment as of Jan. 3 was 503 students, up three from December's count, but down

seven students from this time last year.

☐ Learned from Cline that the district is continuing to work on one of the board's goals of improving communications. The district is publishing a tentative board meeting agenda in the Ledger, publishing a newsletter to parents updating the school web site and hearing regularly from the WHS Booster Club.

☐ The board also voted to table a proposed School Wellness policy until the state policy undergoes a final revision, and voted to approve second reading of a school policy regulating the new Automated External Defibrillator.

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- ★ 2005 FORD EXPLORER XLT, 4x4, auto, third seat, rear air \$20,495
- ★ 2005 FORD EXPLORER XLT, 4x4, auto, 5200 miles \$18,995
- ★ 2004 FORD RANGER, XLT, 4x4, quad cab, V6, auto, low miles, like new \$16,995

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Whitehall

Ledger

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VOL. 22, NO. 43 ~ January 25, 2006

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- Catching Up With...
- Congressman Denny Rehberg...page:5
- Black Tie & Blue Jeans revisited...page:8
- WHS Wrestling Senior Night set for Thursday, Jan. 26...page:16

Web site: www.whitehall-ledger.com

Town council takes first step toward upgrade in wastewater, lagoon system

No firm decisions made yet, but income survey is key first step

by Glenn Marx, Ledger publisher

Part I - Overview

(Ed. note: The Whitehall Town Council held a special meeting on Tuesday, Jan. 17, to discuss the possibility of constructing a new land and wastewater treatment system. Fred Phillips, a Whitehall resident and engineer for Great West Engineering, presented an overview of the options and payment plans at the meeting. A significant amount of information was presented and discussed at the meeting, and to break the information into more easily understood segments the Ledger will present a three-part series on the lagoon and wastewater treatment proposal starting this week. Part I will provide an overview of the project.

Part II will look at the environmental and regulatory aspects of the project and Part III will examine possible payment options and costs associated with the proposal.)

The Whitehall Town Council took a baby step on Tuesday, Jan. 17, on what might be a lengthy procedural march that could eventually end up with the town building a \$3.3 million sewage lagoon and wastewater system upgrade.

The council's initial foray into the regulatory world of new wastewater systems was hesitant and uncertain, and nothing the council did on Jan. 17 in any way committed the town of Whitehall to a specific project proposal at a specific project cost. The town council can still pull the plug at any time, but everyone in town with a municipal water and sewer hookup should be aware of the council's early movement toward considering what - if any

See "Lagoon" on page 24

Skate park site picked

Town council approves site at Legion Park for proposed skateboard park

by Glenn Marx, Ledger publisher

On Jan. 11 an informal meeting identified property on First Street just east of Jefferson IGA as the preferred location for a proposed skateboard park, and on Jan. 17 the town council voted to select a different site - in Legion Park just west of the fire hall - as the site for the proposed skateboard park.

The council action firmly establishes the Legion Park location as the site, and barring objections from either Montana Rail Link or the Montana Department of Transportation (MDT), if a skateboard park is going to be built in Whitehall, it will be built at the Legion Park site.

(See letter on page 24 in this week's Ledger.)

At the Jan. 11 informal committee meeting, the parcel of town-owned land behind Chinese Garden and adjacent to Jefferson IGA was identified as the top site because town officials believed both Montana Rail Link and MDT would ob-

See "Skateboard" on page 24



Humorous duos

Kathy Reed (above, left) and Eli Olind were two of the WHS students who participated in the WHS Speech/Drama Community Night on Jan. 19 and competed at speech/drama divisionals in Townsend on Jan. 21. The two portray newborn babies wrestling with family and hospital realities. (Below) Marshall Weyer (left) and Stuart Fortier portrayed a ventriloquist (Weyer) and his dummy (Fortier) who learn they are better as a team than on their own. See page ten for results of the divisional speech/drama meet. LEDGER PHOTO



"Lagoon" ...continued from page 1

—upgrades in the town's wastewater system should be nursed. Look down the road a few months and a council decision could obligate town ratepayers to a sewer rate that could nearly quadruple the existing sewer rate of \$6.90 per month.

Fred Phillips, a Whitehall resident who is also the project engineer from Great West Engineering in Helena, made close to a three-hour presentation to the town council about the status of the town's wastewater collection system and sewage lagoons, existing and expected state and federal water quality regulations, possible alternatives to upgrade the wastewater system and lagoons, and possible payment methods for the upgrades.

Phillips made it clear he believes there is no doubt Whitehall needs to do something to upgrade the system.

"These are the things (lagoon capacity and state and federal regulations) driving what we do," Phillips told the council. "It's not a question of if we do something, it's a question of when and what we do."

The council wasn't as certain as Phillips, but after close to 180 minutes of information, maps, charts, census data and other material, technical and procedural questions and answers, the council did take a small step in possibly upgrad-

ing its sewage and wastewater system.

The council unanimously approved the distribution of an income survey for individual town residents to fill out and return. The income survey is not necessary, but could be financially advantageous in helping the town to hold the line on increased sewer rates once a sewer upgrade project has been approved and finalized.

This income survey will be the first tangible evidence something new is going on in Whitehall. Part III of this series will go into the repayment plan options in more depth, but government loan repayment programs in part depend on the ability of the community to pay for the capital or infrastructure improvements, and the lower the average household income within a community, in a general sense, the lower the utility payments for ratepayers.

The median household income for Whitehall according to the Montana Department of Commerce is \$29,940, and Phillips and town council members believe that number is artificially high. The figure is well above the state household median income, and given the number of elderly residents in Whitehall and the number of families on low or fixed incomes it seems unlikely people

living within the town limits of Whitehall have incomes close to 25 percent above the state average.

Town residents can expect a survey form to show up in their mail in early February, and to qualify for the possible lowering of median family income a total of 67 percent of the households must respond to the survey. If 66 percent of the households in town return the survey the volume of results would not qualify the town for a reduction in median household income. That means the 66 percent of respondents could show an average income of \$25,000, a figure that could lower sewer rates in an upgraded system by as much as \$9 per month (from a possible sewer rate of \$23.69 per month to more in the \$15 per month range) per household. There are about 450 homes in Whitehall, which means somewhere around 265 complete surveys will need to be filled out and returned for the survey to accomplish a lowering of median family income. It is possible area businesses may support the town council by offering incentives to fill out the survey, and areas residents should watch the Ledger for more information about possible incentives.

Information from the survey will be sent to a group called Montana Rural Water, who will confidentially tally the results and report the data to the Montana Department of Commerce. Individual surveys will be kept totally and absolutely confidential.

Whitehall currently has two lagoon ponds southeast of town. The pond surface is 10 acres; the ponds were built in the late 1950s and were updated in 1987. The lagoons are unlined, the water is not aerated, but before the wastewater is discharged into Big Pipestone Creek the wastewater is treated with an ultraviolet light designed to treat water contaminants before release into surface waters. The existing system of wastewater collection and treatment is functional but not ideal, and the collection system and ponds do have some growing issues.

Some of the growing issues are black and white. Some are much more gray, much more speculative.

How fast will the population of Whitehall grow? What is the functional capacity of the existing wastewater collection and lagoon system? How will regulations governing wastewater and water quality impact Whitehall? How will the Jefferson River TMDL process impact a town of Whitehall discharge permit? What is a TMDL process?

The answers to some of these questions will help determine what Whitehall needs to do to upgrade its wastewater system, what it should do, and what it could do.

Part II of this series will be

published next week, and will take a look at the Whitehall current wastewater system, lagoon ponds, current town com-

pliance with state and federal regulations and what kind of options the council is looking at for system upgrade

"Skateboard" ...from page 1

ject to a permanent structure such as a skateboard park constructed in Legion Park so close to railroad tracks (south of the park) and so close to vehicular traffic (just north of the park).

But on Jan. 17 Dr. Gavle Sacry of Whitehall said he visited with Montana Rail Link officials, and Sacry said the MRL officials have no problems with a skateboard park built in Legion Park. Sacry said a fence may need to be constructed to separate the skateboard park from the MRL tracks, but that there was ample room to build a 40-foot wide skateboard park in Legion Park and maintain a safe distance from the railroad tracks.

Sacry also said there is ample room to build the 40-foot wide skateboard park in Legion Park and still keep the structure 20 feet from the curb, so the MDT right-of-way issue is not a problem, said Sacry.

The Legion Avenue site for the proposed skateboard park was the preferred site because of its visibility and closeness to a commercial business, but Whitehall Mayor Terry Ross and others believed MDT and

MRL would object to the proposal. With their objections verbally dismissed, the council voted unanimously to site the proposed skateboard park in Legion Park.

Francine Janik attended the meeting and cautioned the council about building the skateboard park site close to Cowdrey Court, which she said could cause enforcement problems at the skateboard park.

She also expressed concerns about the skateboard park's possible impact on the trees in the park, and the council's motion to approve the site stipulated that construction of the skateboard park must minimize impacts on the trees in the park.

Sacry assured the council construction of the proposed skate park would minimize impacts on trees in the park.

"I see the skateboard park as an addition rather than a subtraction to the beauty of our town," said Sacry.

The next meeting of the informal committee on the project is set for Tuesday Jan. 31, 7:00 PM, in the town hall.

Letter to the Editor

Skate park still needs lots of helpers

I am not sure if this is a letter to the editor or news or advertising. You can call it what you wish. It is good information, which I am hoping most of the community will welcome. I know that local skateboarders, whether present or future, will be happy to hear it. There are many parents whose labor and advice have been necessary who will be glad to have a community facility for their children. Maybe even some adults will catch the bug and try skateboarding also.

Thanks to Montana Rail Link and the town of Whitehall council members, it is beginning to look a lot like skateboarding. An area just west of the horseshoe pits lends itself very nicely to a skateboard park of about 45

or 100-plus feet. New trees, picnic tables and maybe some playground equipment will make the area even more attractive and useable.

At this point our needs are great because a land right is all we have — except for the expectation that many will volunteer to help. A number of talented citizens have already volunteered, but we will need more. We need commitments for labor, fundraisers, supplies, equipment, advertising, promotion — all kinds of helpers.

The next meeting of the skateboard planning committee is Tuesday, Jan. 31, at 7:00 PM at the town council hall. Anyone who can help or advise us, please come.

Gavle Sacry,
Whitehall



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Whitehall Ledger

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- Candidates file for 2006 election ballot...page 3
- WHS and middle school Honor Rolls...page 4
- Former Town Pump waitresses open Legion Street Grille...page 8
- Wrestlers ready for divisionals...page 14-5

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WHS speech/drama team adventures

The Whitehall High School speech/drama team traveled to Glasgow for the Jan. 27-28 state Class B speech/drama meet. Participants from Whitehall included above photo) Jessye Vorton (left) and Amber Reinschmidt, and right photo) Jonathan Bateman. The photos were taken during the speech/drama team's "community night" on Jan. 19. The WHS speech/drama team had a series of adventures at the meet with regard to housing while in the Glasgow area. Two of the WHS competitors placed in the top seven at the state meet, and had a cell phone not rung, perhaps two more would have. See page 11 in this edition of the Ledger for an additional photo plus an article about the state speech meet and Fort Peck motel accommodations, and see page 16 for additional thoughts about the WHS speech/drama team. LEDGER PHOTOS



Whitehall's wastewater might not be up to standards

Project engineer says town has problems meeting state and federal water quality laws and regulations

by Glenn Marx, Ledger publisher
Part II - Current Town Wastewater System

(Ed. note: The Whitehall Town Council is considering upgrading the town's municipal wastewater treatment system, and Part II of a three-part series of articles focuses on the current wastewater treatment system. Part III of the series will provide information about specific options for upgrading the system and possible payment methods for the upgrade.)

The Whitehall municipal wastewater treatment system in some ways is like a typical person: It has good days, and it has bad days.

On good days, the wastewater collection system easily handles the 137,000 gallon per day amount produced by flushed toilets, bathtub and shower drainage, sink refuse, garbage disposals and everything else that ends up flushed or washed away by town households. Each one of us in Whitehall, on average, send about 125 gallons per day through the waste collection system in town, where it winds its way mostly through eight-inch, ten-inch and 12-inch pipe to the 15-inch and 16-inch transmission main line to the lagoon system southeast of

See "Wastewater" on page 24

Watershed council approves work plan

Council wants to take look at building setbacks along Jefferson River

by Glenn Marx, Ledger publisher

The Jefferson River Watershed Council met on Jan. 25 and formulated its 2006 work plan, and while many of the work plan items are continuations of 2005 projects, the council did prioritize some items, including looking at building setback requirements on the Jefferson River and possibly supporting the town of Whitehall's efforts to reduce wastewater discharges into Big Pipestone Creek.

The watershed council, a cooperative organization established six years ago, is comprised of local landowners, irrigators, government agency representatives, conservationists and local government representatives. The group has no regulatory authority but has taken a lead in several issues related to water quality and water quantity in the Jefferson

River system. The watershed council has developed a successful drought management plan for the Jefferson River, is coordinating several river restoration projects within the river corridor and is spearheading the TMDL (Total Daily Maximum Load) process for the Jefferson River.

The TMDL process, a state and federally mandated process to identify, control and abate activities that impair water quality in Montana's lakes and rivers, is an ongoing project that won't be complete for the Jefferson River until 2008 at the earliest. The TMDL process evaluates issues such as cattle grazing in riparian areas, river flows, sediment in the streams, water temperatures, conifer encroachment, irrigation practices, aquatic life, water contaminants and point source discharges where a single identifiable source such as a pipe discharges into the stream. The TMDL process determines conditions needed for river health and then sets tar-

See "Watershed" on page 19

"Wastewater" ...continued from page 1

town.

On good days, it is not a problem that sometimes storm water runoff and sewer refuse from homes and businesses sometimes share the same piping.

On good days, the non-aerated lagoons hold the water long enough for proper settling to occur and water discharged from the lagoons to treatment under an ultraviolet light is compliant with all state and federal water quality laws.

On good days, there is ample water in Big Pipestone Creek to receive the treated water discharged from Whitehall's wastewater system without detecting inflated amounts of ammonia and other contaminants.

On good days, in other words, the current system seems to work satisfactorily. When asked during a special town council meeting on Jan. 17 if the town had been found in violation of any state or federal water laws related to its discharge in Big Pipestone Creek, the answer was no.

But even on good days, the town's municipal wastewater system may be barely limping along, and the town probably does not want the Montana Department of Environmental Quality or the federal EPA sniffing too close to our sewer collection system.

Fred Phillips, an engineer for Great West Engineering, is a Whitehall resident and is the lead consultant for Great West Engineering on Whitehall's wastewater treatment project. He reported to the council the town's two sewage lagoons, with a pond surface area of 10.7 acres, have been in place for over 40 years. The system was updated in 1987 with an ultraviolet light to treat and kill contaminants, but the town wastewater system is showing signs of wear and tear. The town council is considering an upgrade of the sewer collection and wastewater system, and Phillips presented a Draft Preliminary Wastewater Engineering Report to the council on Jan. 17 that provides information about the current system and options for upgrades. No decisions on options or upgrades have been made yet, but to qualify for grant and loan packages the council will likely have to make a final decision later this spring or summer.

On bad days, it's obvious why the town council is looking at upgrading the municipal sewer collection and wastewater treatment system. On bad days, Whitehall appears to be violating the law.

Consider these items from the Draft Preliminary Wastewater Engineering Report:

□ The lagoon ponds are unlined, and a two-week leak test on the east lagoon showed the lagoon is leaking about ten times above the state standard for leakage. A leaking, unlined lagoon near surface water is sooner or later going to get the

regulatory attention of state officials.

□ At the current system flow rate for the lagoon system the lagoons hold wastewater about 98 days before discharging the water into Big Pipestone Creek. The Montana Department of Environmental Quality (DEQ) standard retention time for wastewater in lagoons is 180 days, which means Whitehall is holding wastewater just barely over half the time stipulated by state standards.

□ Don't be fooled by the "Big" in Big Pipestone Creek. It is a small stream that at times flows less than two cubic feet per second, and the town municipal discharge may - at times - be violating water quality standards at the point where it discharges into the creek. Phillips point blank says Whitehall is in violation. He told the town council on Jan. 17 that, "We are not meeting water quality standards right now with our discharge."

□ The Jefferson River and its tributaries (like Big Pipestone Creek) are part of a TMDL process (Total Maximum Daily Load) that is developed to identify and correct water quality and water quantity problems. The town of Whitehall is the only point source of pollution (point source means a single recognizable source, such as a pipe) on Big Pipestone Creek, which

in many ways puts a regulatory and enforcement bulls eye on the discharge. It is possible that the TMDL process will ratchet down the allowable amount of pollutants such as nitrogen discharged from the town sewer collection system into the creek, and it would be nearly impossible for the town's current system to successfully accomplish that task.

□ The town wastewater system discharges BOD (Biological Oxygen Demand) slightly above current standards, and the current town wastewater discharge system appears to have seasonal difficulties. The system, reported Phillips, operates with increased discharges in the winter to lower the lagoon levels for spring. The system can meet regulatory requirements for BOD in winter, can nearly do so in spring, but cannot meet regulations in summer.

□ During low flows of Big Pipestone Creek, the discharge from the town results "in ammonia toxicity" in the creek, which can impact aquatic life.

The bottom line, said Phillips, is this: "We have a problem meeting the requirements of the Clean Water Act."

Phillips produced a chart in his report showing Whitehall has regulatory issues with lagoon detention time, excessive BOD discharges, leaking lagoons, sludge accumulations in the ponds, ammonia dis-

charges into Big Pipestone Creek and with other water quality standards and with TMDLs, once formalized.

No one from DEQ or the EPA attended the Jan. 17 council meeting, and the town is not under order by anyone to do anything.

The town council is trying to come to grips with what is the right thing - the "right" thing in the sense of the "re-

sponsible" thing - to do to upgrade a sewer collection system and wastewater treatment that, like all infrastructure, will eventually need an upgrade.

What kind of upgrade? How much will it cost? What will the upgrade accomplish? Who will pay for it?

See the answers in Part III (conclusion) of the series next week.

Debbie Dulaney
Formerly of Cottage Floral

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Web site: www.whitehall-ledger.com

Sewer system upgrade costs vary

Ratepayer costs depend on project options, state/federal loans and grants and info from income survey

by Glenn Marx, Ledger publisher
Part III - Options and Costs
(Ed. note: The Whitehall Town Council is exploring the potential of upgrading the town sewer collection and wastewater treatment sys-

tems. Part I of this three-part series provided an overview of a special council meeting held Jan. 17 to discuss the project. Part II of the series discussed the effectiveness of the current sewer collection and wastewater treatment systems. Part III of the series concludes with information about the options for the upgrade, possible costs for the upgrade and potential funding sources and utility rates.)

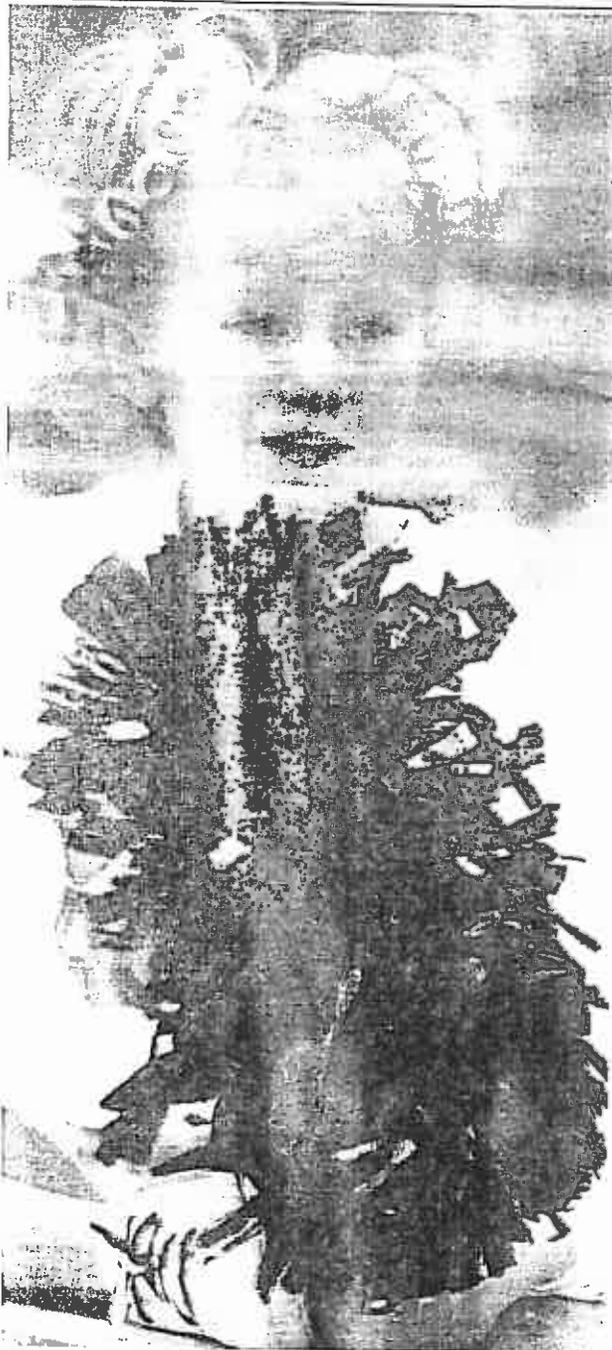
filled out, a lot of numbers still to be crunched, a lot of decisions still to be made and a lot of options still to be explored, but some members of the town council would like to see the upgrade costs configured so the existing sewer rate of \$6.90 escalates to no higher than the \$15 to \$20 range.

Right now, the base water rate for Whitehall is \$29.10 per month and the base sewer rate is \$6.90, for a base cost of \$36 per month.

Depending on the median family income figure for Whitehall, success in obtaining grants and loans to help finance the upgrade and the exact type of upgrade approved, that \$36 per month could grow to \$52.79 per month, based on a \$23.69 per month sewer bill.

That \$23.69 is too high, said town council member Steve Antonioni. He said he doubted town residents "would be too excited" about nearly quadrupling their base sewer rates, and other community members at the Jan. 17 council meeting also voiced concerns about a \$23.69 per month sewer rate.

See "Wastewater" on page 24



Mighty Quinn Little Quinn Belderrain was one of the youthful members of the Whitehall Spirit Team during the Whitehall High - Jefferson High basketball games on Friday, Feb. 3. In addition to the WHS cheerleaders, the middle school cheerleaders and the littlest members of the spirit corps performed. The WHS cheer team - headed to Florida in April for national cheerleading competition - performs under the direction of Holly Netz. LEDGER PHOTO

Capital improvement projects cost money - typically lots of money - but Fred Phillips, the project engineer for the town of Whitehall's exploration into an upgrade for the sewer collection and wastewater treatment systems, says the best way to determine the true cost of a project is not necessarily by looking at the total bottom line cost.

A more reasonable - and more accurate - way of looking at costs of a capital improvement project, said Phillips, is by calculating the monthly bill increase residents will pay to fund the project.

In Whitehall, there are still a lot of variables to be sorted through, a lot of reports to be

County Commission wants more access to local public lands

"It's time we stick up for our rights," said county commissioner Chuck Notbohm

by Glenn Marx, Ledger publisher
The Jefferson County Commission met with public land managers and members of the public during the commission's regular meeting in Boulder on Jan. 31, and although no firm decisions were made the commission did make it clear it wants to see more access to public lands and fewer roads and trails gated and closed.

About 50 people - close to 20 of them federal and state agency personnel - attended the meeting, which took place in the county courthouse courtroom. Agency personnel from the Helena National Forest, Beaverhead/Deerlodge National Forest, Bureau of Land Management, Montana De-

partment of Natural Resources and Conservation, and Montana Department of Fish, Wildlife & Parks attended the meeting, as did groups of access and multiple-use advocates from the Bozeman area and Townsend area.

The meeting was in response to a Dec. 13, 2005, letter written by the Jefferson County Commission to Bruce Ramsey, supervisor of the Beaverhead/Deerlodge National Forest. The letter was signed by all three commissioners and took the position that most roads are under the control and jurisdiction of the county, and that roads should be open to the public to use. The letter was chiefly written by Commissioner Chuck Notbohm, and while the letter took a stronger tone than commissioners Tom Lythgoe and Ken Weber would normally

See "Access" on page 19

"Wastewater" ...continued from page 1

The best way to lower that rate is by lowering the figure that specifies Whitehall's median income figure. More on that later.

It appears the actual bottom line cost of the project, based on the alternatives presented by Phillips and discussed by the council, does not vary much in total costs. The three most viable options presented by Phillips are all approximately the same cost.

Option A, a non-aerated shallow lagoon, costs about \$2.95 million. Option B, a non-aerated deep lagoon, costs about \$2.7 million. Option C, an aerated deep lagoon, costs about \$2.7 million. Option D, construction of a mechanical water treatment facility, would cost about \$5.1 million to build and would be expensive to operate without any real addi-

tional benefits to water quality compared to the other options. Option D was essentially eliminated as a viable option by Phillips and the council.

So the bottom line costs of the three options presented by Phillips are all within \$200,000 or so of one another, and all produce very similar benefits. Phillips prefers Option B and in scoring of criteria Option B placed just ahead of Option A and Option C, but in truth all three options produce similar cost effectiveness, reliability, regulatory compliance, pollution treatment performance, operation and maintenance ease and environmental benefits. There are some nuances with the three options - such as a need for a lift station with a deep lagoon system - but in form and substance the three options are consistent in

many respects.

All three hold wastewater in a lined lagoon, and rather than discharge treated water into Pipestone Creek, all three options land farm the wastewater through an irrigation system process. All three options call for construction of a new lagoon, dewatering of the existing lagoons, land farming the dried sludge, reclaiming the existing lagoons, irrigating with the future wastewater and abandoning the existing wastewater discharge permit and process.

Phillips also proposes to improve the Whitehall collection system by separating the storm water from the sewer collection system and then rehabilitating the main transmission line of the wastewater collection system. Those improvements, which are optional and separate from the lagoon and wastewater treatment system, would add about \$600,000 to the cost of the project. The council has not discussed the storm water and main line portion of the project as much as it has discussed the lagoon and wastewater treatment system.

Phillips said the reason why it is advantageous to separate the sewer collection system from the storm water system is a capacity issue. If the storm water system is separate the capacity needed for the sewer collection system is smaller, and therefore, less expensive to build and operate.

No matter which option is picked, and no matter if the storm water system is part of the upgrade or not, any upgrade is going to cost millions of dollars. Phillips outlined a state and federal loan program and four different state grant programs that could be tapped to help finance the upgrade. The USDA Rural Development Loan Program offers funds at

4.5 percent, and a state revolving loan program through the Montana Department of Commerce offers rates at 3.75 percent.

Two key grant programs - the Treasure State Endowment Program and the Community Development Block Grant Program - offer up to a combined \$1.2 million in grants but both have eligibility requirements dealing with the number of low and moderate income families. In fact, right now, with a reported average family income of \$29,940, Whitehall is not eligible for the Community Development Block Grant Program. The program requires 51 percent of the families be low to moderate income, and according to the most recent census Whitehall has only 47 percent of families in the low to moderate income status.

Phillips said the income survey that will be distributed to residents later in February needs to be filled out, completed and mailed in to provide more accurate information about household income in Whitehall. Phillips believes a more accurate survey can help lower overall income in town, and thus lower sewer rates, and will also enable Whitehall to qualify for the Community Development Block Grant.

Phillips prepared a variety of possible financing packages based on use of certain grant and loan programs, and the cost to the ratepayer drops considerably - to a low of \$23.69 per month - when grant programs were used to calculate the repayment schedule of the project. That \$23.69 per month - compared to a current rate of \$6.90 per month - seemed high to some on the council and some in the audience.

The council will discuss the possible wastewater and lagoon upgrade at the next town council meeting, scheduled for 7:30 PM on Monday, Feb. 13. The council is under a bit of a time crunch to begin making decisions on the project because timeframes for applying for some of the grant and loan programs are coming up soon.

Jefferson County Commission meeting agenda

The Jefferson County Commissioners will meet on Tuesday, Feb. 14, 2006, at 1:30 PM in the law library at the Jefferson County Courthouse in Boulder. The partial agenda is as follows.

Items for commissioners' action or review: Discuss and decide on lighting at Montana City intersection; discuss and decide on Health Board recommendation regarding use of Health Department vehicle; discuss and decide on commission letter of support for methamphetamine treatment facility to be located in Boulder; 1:45 PM - Final plat approval, Brelland Minor Subdivision.

Opportunity for public comment - The commission welcomes and encourages public comment, and comments related to agenda items will be taken at the time the item is dealt with. To ensure that others who want to address the same issue have the opportunity to do so, the item may be placed on an agenda for a later meeting.

The commission meets at 10:00 AM every Tuesday morning to hear an update from the road/solid waste supervisor and to review claims

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**PUBLIC
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NOTICE**

- The Jefferson County Board of Commissioners will be meeting with Greg Jackson, JPIA, for a mid-policy visit on Thursday, Feb. 9, at 10:00 AM in the commission office.
- The commissioners will be attending an elected official/departments head meeting on Thursday, Feb. 9. The meeting will be held in the annex conference room, and will begin at 10:30 AM. Gary Hablutzel will also be in attendance to present an alternative health insurance plan.
- The commissioners will be leaving at noon on Thursday, Feb. 9, to view Holmes Gulch and Tucker Gulch roads.

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Town council seeks to lock in paving project

by Glenn Marx, Ledger publisher

The Whitehall Town Council voted to firm up a price and set a firm date for street paving in June of 2006 and voted to purchase a used ambulance in action at the council meeting on Feb. 13.

The council is hoping the third time is a charm for a south side paving project that was delayed in both 2004 and 2005. The council voted unanimously on Feb. 13 to fund a \$69,256 paving project for south side streets (Brooke, Whitehall, Main), plus portions of Patticake Drive, White-tail Drive, Noble Street, First Street and Main Street north of Legion Avenue.

The cost for portions of the paving projects have escalated based on increased fuel costs, but the council plans for its action to take a big step toward locking in a price and date for the work.

"The sooner we get this done (approved), the sooner we can get a contract signed with Gilman (Gilman Excavating of Butte) to get this done in June," said Whitehall Mayor Terry Ross.

The council wants Gilman Excavating to begin the street paving construction period by working in Whitehall. The past two years, weather and other projects delayed Gilman from working in Whitehall before the temperatures turned too cold in fall. In 2006, the council doesn't want to take any chances.

Ross and the town, and project engineer Dave Stahly of Stahly Engineering in Helena, will be working to approve a contract that fixes a date certain in early summer 2006 for Gilman to set up shop in Whitehall and complete the project.

The council also voted unanimously to approve the acquisition of a 1995 coach ambulance from A-1 Ambu- See "Council" on page 24

Sweethearts



Betty and Dale Barkell of Silver Star - married for 58 years - were two of the sweethearts who attended the Whitehall Senior Center Sweetheart Breakfast on Sunday, Feb. 12. The event is a fundraiser for the Whitehall Senior Transportation program. See page 23 for a Thank You ad from the senior center. LEDGER PHOTO BY TERRI MARX

board receives alternative school update

by Glenn Marx, Ledger publisher

The Whitehall School Board heard a positive progress report on the high school's alternative education program, heard an update on first semester school discipline actions and learned two high school volleyball coaches have resigned in action at the Feb. 7 board meeting.

Rita Brown, WHS teacher for the Whitehall Alternative School and distance learning program, told the board 19 students participate in the five basic programs. The five basic programs are: Connection with the Montana Schools E-Learning Consortium, high school credit retrieval for adults and high school students, preparation for GED, homeschool liaison and health career programs through Montana Tech in Butte.

Brown said the alternative school typically runs fourth through seventh periods, and that her room is equipped with 11 computers, all of which are networked and have Internet access.

Both Brown and WHS Principal Patrick Audet voiced See "School" on page 24

Income surveys are in the mail

by Glenn Marx, Ledger publisher

The town resident income surveys - a first step toward a possible municipal sewer collection and wastewater treatment improvement project in Whitehall - should be mailed and in the hands of town residents by the end of the week.

Fred Phillips, an engineer and the project consultant, told the Whitehall Town Council during the council's Feb. 13 meeting that the income surveys were delivered to the town office earlier that day and that he expects them to be mailed soon.

The income survey is a tool used to identify median family income within a county or community, and the median family income is used by state government agencies to calculate and establish target rates for ratepayer monthly payments of essential services such as water and sewer. The income surveys will also be used to determine whether or not Whitehall qualifies for the state Community Development Block Grant program.

Simply put, the income surveys can save the people of Whitehall money - should the town proceed with a sewer collection and wastewater treatment project - by keeping monthly sewer rates down. The government will, in simple language, use median family income to help peg a target for monthly sewer rates. Again, in simple terms, the higher the median family income, the better the ability for residents to pay, and the better

the ability for residents to pay, the higher the monthly bills.

Phillips said one published report on the Montana Department of Commerce website shows a median population income of \$29,940, which is well above the county average of \$26,489. The \$29,940 seems inflated to Phillips and others, and if allowed to stand, would elevate any ratepayer repayment rates for a sewer and wastewater upgrade.

Phillips encouraged Whitehall residents to sit down and take a few minutes right away and fill out the income survey. Surveys should be returned by Friday, Feb. 24, he said.

It will take 67 percent of the respondents to fill out the survey to make the town at least eligible for a lower target rate, he said, and it will take 53 percent of the respondents to return the survey for the town to be eligible for a Community Development Block Grant (CDBG). To be eligible for the CDBG program and up to a \$450,000 grant, a community must have a majority (51 percent) of low to moderate income families. According to the Montana Department of Commerce website, only 47.6 percent of Whitehall families fall into the categories of low to moderate income. That means if the income surveys are not filled out and returned, Whitehall would not be eligible for the CDBG program.

For more information about the income surveys, contact the town hall at 287-3972.



Whitehall Ledger

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Web site

- Metal mines grants on tap...page 3
- Middle school Academic Olympians... page 4
- Chief Motel opens under new ownership...page 8
- Weed handbook available...page 16

Cline leaving Whitehall schools

School superintendent will leave in June for position in Frenchtown schools

by Glenn Marx, Ledger publisher
The search is on for a new school superintendent in Whitehall.

Randy Cline, who has been a school administrator in Whitehall for the past seven years - three as high school principal and the last four as school superintendent - announced at the March 7 school board meeting he is resigning his position with Whitehall schools on June 30 to accept the superintendent position with the Frenchtown school district.

Board members said they were sad to see Cline go, but accepted the resignation and board chairman Ray Sacks immediately formed a superintendent search committee comprised of board members David Oliverson, Brenda Volz and Jennifer Smith. The three were under direction by Sacks to initiate a hiring process designed for the board to identify, interview and select a successor to Cline by June 30.

Cline, a Big Sandy native who had previously worked in schools at Colstrip and Sunburst, received high marks as superintendent from Whitehall school administrators, faculty, and the community during his tenure as superintendent. He'll leave Whitehall having overseen several facility improvements, the school fully compliant with state and federal laws including the No Child Left Behind Act and with the school district in sound condition despite declining enrollment.

Cline will move on to Frenchtown, a Class A school district with increasing enrollment, and assume duties as superintendent there on July 1.

"This is the most difficult career transition I've ever had to make," Cline said during the board meeting.

In his resignation letter, Cline wrote, "It is my sincere hope that my tenure with this school district has been a productive one and together we See 'School' on page 20

JVP lights up the stage



Tom Sehulster (left, above and below) had his hands full as the character "Latray" in the Jefferson Valley Presents production of "Waiting for Prufrock" on March 10-11-12. Latray was a civil servant who had perfected the art of bureaucratic indifference, and is seen here with two members of the public who had enough bureaucratic indifference. Donna Weldon (above) simply wanted to know when a package would arrive at her house, and Renata Godfrey (below) wanted to obtain her driver's license. Latray and his colleague in the "special" government office delayed and frustrated everyone and everything, and not by accident. "Waiting for Prufrock," written by Bozeman author Sharon Dunn, was produced for the first time ever by JVP. See page 10 for additional photos and information. LEDGER PHOTOS



survey trend looks good

Busy night for town council

by Glenn Marx, Ledger publisher
It was a hectic night for the Whitehall Town Council on March 13, with a full agenda and a surplus of discussion items.

Among other actions and discussions, the council heard a positive report regarding the town income survey and the proposed sewer project, gave budget approval for the Whitehall Ambulance to pursue construction of a new ambulance building, learned that ambulance E911 dispatching from Boulder is not working as smoothly as hoped and learned that the town still does not have firm dates or a contract signed for a summer 2006 street paving project.

Fred Phillips from Great West Engineering (project engineer for the proposed sewage collection and wastewater treatment project) told the council that roughly 39 percent of the 419 income surveys sent to town residents were returned. The median household income of the 162 returned surveys was \$26,105. The Montana Department of Commerce figure for median household income in Whitehall was \$29,940, so the new figure according to the survey responses is \$3,835 lower, which will - if the new figure holds up - lower ratepayer monthly costs by up to seven dollars a month.

"The trend is that this income survey information will benefit the community," said Phillips.

But to qualify the town for specific grant programs that could reduce repayment rates for a sewer/wastewater treatment project, a higher percentage of residents must respond to the survey. Phillips said another round of income surveys will be distributed to all Whitehall residents who did See "Council" on page 20

"School" ...from page 1

have made a difference in the lives of Whitehall School District students by working to provide them with a great education. Go Trojans!"

The board also learned during the March 7 meeting that board member Oliverson will be resigning at the April 4 board meeting. Oliverson, from Cardwell, is going to attend the Montana Law Enforcement Academy and will be unable to complete his term of office on the board. He will head up the search committee for a new school superintendent, and his resignation from the board will formally be on the April 4 board agenda. Once his resignation is accepted by the board, the district will invite prospective candidates (from the Cardwell area) interested in filling the vacancy to write a letter of application to the Whitehall School District.

In other action, the board:

- Approved the WHS Class of 2006 trip to Seattle. A total of 29 WHS seniors will leave by bus on April 5 to Seattle, and will return on April 9 after experiencing and exploring Seattle. The trip includes an underground tour, a visit to the Boeing Flight Museum, a harbor cruise, a visit to the aquarium, a Seattle Mariners baseball game, a trip to the space needle, time at the wharf, shopping and other activities.

- Adopted a power point presentation to the board, and the board unanimously approved the proposed trip.

- Met for about 20 minutes in executive session to discuss litigation strategy. Former WHS student Will Smith filed a lawsuit on Feb. 17 in district court in Boulder alleging the school district defamed his character and caused emotional distress when the school suspended and expelled him from school. Smith alleges the school district improperly suspended him after a Feb. 18, 2003, altercation that took place off school grounds in a non-school related activity. Smith is seeking a jury trial, is representing himself, and is seeking award of general damages, an award of special damages, costs for the litigation and other relief deemed proper by the court or the jury. The board met in closed session with its attorney.

- Took a preliminary look

at the proposed 2006-07 school year budget, and decided an additional voter approved mill levy would not be necessary in 2006. Because of adjustments in school funding made by the Montana Legislature, both the high school and elementary school will see budget increases next school year. With the preliminary budget projections released by Cline, the high school budget would increase about \$52,000 to a total of \$1.315 million. The elementary school budget would increase \$71,200 to \$1.466 million. Cline stressed the numbers are preliminary, and with increases in energy costs, insurance, faculty pay and other expected hikes the funding increases will essentially maintain the status quo in the schools.

- Hired John Stenson as summer 2006 driver's education teacher, set the driver's education fee at \$150, and planned to set two summer driver's education sessions.

- Agreed to renew the cooperative athletic agreement with Twin Bridges for wrestling, and agreed to enter into a cooperative agreement with Twin Bridges for girls cross country.

- Accepted the resignation of Laurie Dunning from her position of assistant school clerk, and voted to hire Pat Schaff as assistant school clerk.

- Voted to hire Sheila Martin and Sherre Mead as elementary school aides through the rest of this school year.

- Voted to send a letter of commendation to varsity basketball coaches Randy Robinson and Kerry Saery.

- Learned the school has received three applications for the open head varsity football coach position, and has not received any applications for the open head varsity volleyball coach position.

- Approved a recommendation by Cline to hire Missoula Sheet Metal to repair the roof of the Tina Kober gym. Cline said it would cost about \$21,000 to repair the roof and over \$100,000 to replace the roof. He added Missoula Sheet Metal repaired a portion of the elementary school roof four years ago with the same material planned for the repair of the gym roof, and the portion of the roof repaired four years ago has had no problems.

"Council" ...from page 1

not respond to the first survey, and Phillips said it is important to the community that people take a few moments to fill out the survey and mail it in. Town officials will also send another newsletter to residents explaining the significance of the survey to the proposed project and the repayment costs associated with the project.

The council also gave Phillips a green light to proceed with preparing grant applications for public funding for the proposed project. The actual submittal of the grants must be approved by a specific council action, and that vote will likely occur sometime in April.

Phillips said the need for the project is growing more apparent. He said he knows of at least two larger possible subdivisions that would tie into town water and sewer lines if proposed and approved, and in both cases the developers will want assurances the town water and sewer systems can accommodate the added volume.

In other action, the council:

- Gave Bernard McCarthy and the Whitehall Ambulance spending authority for \$1,500 in ambulance enterprise funds to pay for design of a new ambulance barn. McCarthy, a member of Whitehall Ambulance, in a letter to the council wrote that the current ambulance garage is too small for the three town ambulances and equipment that has been acquired. McCarthy said the ambulance garage has four bays, and one houses an old fire truck and one houses an old police car. McCarthy asked for - and received - approval to take initial steps toward design and eventual construction of a new and expanded ambulance garage that would allow Whitehall Ambulance to house all three ambulances, store ambulance equipment and offer a washroom for ambulance attendants.

- Learned from Whitehall Ambulance Director Francine Janik that E911 dispatching of the ambulance from Jefferson County central dispatch in Boulder has thus far been fraught with problems. Janik said most of the Whitehall Ambulance crewmembers are not happy with the E911 dispatching and that problems with telephones, pages, signal repeaters and other communications problems have cropped up. The council directed the mayor to invite Jefferson County Sheriff Craig Doolittle to the April town council meeting to review the procedures and effectiveness of E911 dispatching. Janik said the dispatching difficulties have been logged as they occur to the exact problem on the exact day and can later be discussed and remedied.

- Learned that the town still has no contract with Gilman Excavating for the street paving project in Whitehall. The project, originally set for 2004, was delayed

in 2004 and then in 2005 when Gilman and the town could not get together and complete the job. In fall of 2005, the town was told by the project engineer that Gilman was ready to proceed on the project in the early 2006 construction season, but Whitehall Mayor Terry Ross said the town has not heard from Gilman when the project might commence this summer. The town and Gilman have no contract for costs or a work period, but Ross said he would continue to attempt to pin down a work period date.

- Learned the Whitehall Planning Board elected Marc Groy chairman of the board, and learned the planning board is making progress on new fence construction guidelines.

- Opted to hold any action on the possible widening of Skyline Drive until the picture related to a subdivision in the area becomes clearer. Marcus Williams, a Skyline Drive resident, said the road is 60 feet wide for a portion of the road and 50 feet wide in another portion of the road. The council is interested in expanding the entire road to 60 feet, but there are some jurisdictional issues between the town and county associated with the road that would likely need to be cleared up should a discussed and planned subdivision be proposed and approved for the area (located in the northwest corner of Whitehall). The subdivision, if proposed, would be discussed by both the county and town planning boards, and the council said the town could discuss the width of Skyline Drive once - and if - the subdivision begins to take shape.

- Learned the volunteer group working on a skateboard park is ready to begin clearing the site and constructing the skate park as soon as a new lease is signed between the town and Montana Rail Link. The proposed site for the skate park, in Legion Park west of the fire hall, has been staked and lined and equipment is ready to be moved in and commence construction. Once the new lease is okayed and signed, construction is likely to begin.

- Approved a request for proposals for a one-year summer grounds maintenance contract on the town property. The contract will cover mowing, trimming and care of the park, cemetery and the boulevards on Whitehall Street from May through September. The council left open as an option retaining the summer grounds maintenance within town employee authority if that looks like a cost-effective option.

- Approved a resolution to annex the 25 acres of rodeo ground and baseball fields known as the Whitehall Recreation Complex.

- Approved a \$333.22 write-down of the Rice Motel January sewer bill after a 350,000-gallon water leak was discovered.

- Voted to advertise for volunteers to serve on the three-member Whitehall Pool District Board. Whitehall Pool Pals, the organization working toward construction of a community swimming pool in Whitehall, has the majority of funds needed to build the pool. Voters approved creation of a swimming pool district to provide up to \$20,000 annually for pool operations and maintenance, and the current agreement between Pool Pals and Dick Anderson Construction of Helena calls for construction of the pool to start in April.

- Approved open burning in the town limits during April (provided a permit has been obtained), and set April 28-29 as the Whitehall Spring Clean weekend.

- Approved an agreement between the town and town police officer Shad Milbrant for the town to pay for his training at the Montana Law Enforcement Academy, provided he continues to work for the town for a minimum of three years after the training. Town Attorney Helen McCarthy said it appears Milbrant is leaving town employment to accept a position with the Montana Highway Patrol prior to his training at the academy, but said the town now has a standard agreement in place for other similar situations in the future.

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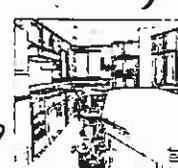
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prom royalty

Whitehall High School Juniors Amber Reinschmidt and Nelson Godbolt were named 2006 prom queen and king after the prom Grand March on Saturday, April 1. The prom theme was "Almost Paradise," with tropical props and decorations throughout the multi-purpose room. LEDGER PHOTO

own street paving project moving forward for 2006

Ann Marx, Ledger publisher
Whitehall eastsiders, this will be the year.

For the past three years, the town of Whitehall has been working to pave and chip seal several south side streets as far as some areas north of Leavenworth Avenue, and each year the project has been delayed.

Town officials have managed to complete the paving and chip seal project this summer and fall, and Whitehall Mayor Terry Ross has signed a

contract that would bind the town and Gilman Excavating of Butte to a work timetable that would see the paving completed in July 2006 and chip seal completed in October.

The town is working with Stahly Engineering in Helena — the project engineer — on obtaining a signature from Gilman Excavating to lock in the summer paving and work schedule. Whitehall Town Clerk Holly Netz said the town hopes to have the contract back

from Gilman in time to discuss the contract during the Tuesday, April 11, town council meeting.

Netz said the contract calls for Gilman Excavating to begin site preparation no later than July 5 and to finish paving sometime after that. The actual timeframe for paving is tentative but according to the contract site preparation could start no later than July 5.

Most of the south side streets would be paved — and all the streets tore up during the recent water line improvement project on the south side — once the paving work is completed this year.

For more information, contact Netz at 287-3972.

driver's education sign-up starts April 5

Whitehall School District will offer two sessions of driver's education classes this summer, with the first session running May 9 to June 23 (24 students) and the second session running July 1 to approximately August 15 (21 students). Both sessions will be taught by John Stenson.

There will be a parent meeting for the first session on Monday, May 8, at 7:00 PM in Mr. Stenson's room in the high school. Sign-ups will go from 5:00-7:00 PM during the school year, with the driving schedule coming out soon.

The parent meeting for the second session will be on Sunday, July 9, at 7:00 PM, in Mr. Stenson's room in the high school. Sign-up in the Whitehall High School office will begin on Wednesday, April 5. The cost is \$150, which must be paid by Friday, May 1.

The age of the student will determine who will make the roster for the session and class. The oldest high school students are given first chance to reserve a spot in the class and the order of their choice. Whitehall School District #4-47-2 students have priority. Students can sign up for one or both of the sessions. Also, students must pay the fee in order to hold their spot on the list. A list for alternates will be maintained and those students will be called if students previously signed up decide to take the class.

To be eligible for driver's education, a student must reach their 15th birthday within six months after completing the course. Sign-ups must be by Dec. 24, 2006, for the May 9-June 24 session and by Feb. 15, 2007, for the June 26-Aug. 1 session).

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Whitehall Ledger

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Web site:

- WHS senior class sweeps Whitehall clean - on page 6
- Music festival a big success for WHS musicians - on page 7
- Lady Trojans break 3 WHS school records at Belgrade - on page 14

50¢

Special meeting Monday to decide if town proceeds with wastewater project

Town hoping to have balance of surveys turned in

By GREG CORR
Ledger Publisher

With grant deadlines fast approaching, Whitehall town officials next Monday night will have to decide whether to proceed with a proposed \$3.4 million wastewater collection and treatment system upgrade and applications for a number of grants, as well as a State Revolving Fund loan.

During the special meeting, which will begin at 7:30 p.m. at town hall, project engineer Fred Phillips will likely report on the town's last-ditch effort to try and collect enough income surveys to keep the town's sewer rates as low as possible. If the needed surveys come in, the rate would drop from \$27.36 to just over \$22, saving Whitehall residents about \$60 a year.

Earlier this week, the town

was only about two dozen surveys short.

"I'm hopeful that we can get the last couple dozen" surveys, Phillips said in a telephone interview Sunday.

At the last regular town meeting on April 11, Phillips told audience members that through his experience, getting the balance of the needed surveys turned in after attempts already have been made is very, very difficult. Town employees, town councilors and Phillips himself have been out collecting surveys since the April 11 meeting.

Phillips said a number of Whitehall residents don't want to fill out a survey because they're worried their income will hinder the project. That's not the case, he said. People need to fill them out "regardless of what their income level is," he said.

The sole objective now, he said, is to get at least 67 percent of the surveys back. That's

See Meeting on page 24



Black Tie & Blue Jeans highlights

Semi-finalist Erv Hedegaard, above, congratulates grand prize winner Irene Strauss after her name had just been announced as the grand prize winner at Saturday night's Black Tie & Blue Jeans fund-raiser in Borden's. Strauss won \$1,500 as the grand prize winner. JIM JACOBSON PHOTO

BELOW: Dawndi Keim (back, right) presents the bucket holding the final two numbers and Bill Brown (back, left) draws the grand prize winner. In the foreground are the two finalists, Strauss and Hedegaard. Hedegaard took home the second place prize of \$500. Over 200 people attended the second annual Black Tie & Blue Jeans event. The Jefferson Valley Community Foundation raised close to \$15,000 (after expenses) at the event for a community endowment fund. GLENN MARX PHOTO



JRWC land use steering committee elects chair, vice chair

Committee continues work on mission statement

By GREG CORR
Ledger Publisher

After discussion zigzagged and forth like the winding Jefferson River itself for a little over two hours last Wednesday night in the Whitehall High School business room, Jefferson River Watershed Council land use steering committee members agreed to work toward a broad-based mission statement and get an action plan under way at their next meeting May

10 in Whitehall.

A couple dozen people, half of those steering committee members, attended the meeting to work their way through a structured agenda that frequently channeled in other directions. A number of those in attendance were under the impression that the steering committee could make land use decisions. Committee members assured everyone that the committee was formed only to gather input from valley residents and relay those sentiments to the Jefferson River Watershed Council. The JRWC would in turn make recommen-

See Steering on page 24

Steering Continued from front

datations to the county planning board, and recommendations could ultimately go before county commissioners Jefferson County Commis-

sinner Ken Weber serves on the JRWC land use steering committee.

About half way through the discussion, committee members

ected Dave Torgerson to chair the group after the committee voted 10-1 with one abstention to elect Torgerson instead of the other nominee. Leita Beardsley. Nathan Tebay was elected vice chairman. Roxann Lincoln volunteered to continue taking minutes. A few people in attendance also joined the committee, bringing the total to 15.

Shortly after Torgerson was elected, Beardsley announced she would be serving on other committees in her area of the valley and chose not to be on the steering committee anymore. Beardsley proposed a mission statement before she left, and that statement will be considered along with other ideas offered by committee members at the next meeting.

Earlier in the meeting, Beardsley said she was under the impression she was elected chair at the last meeting and had done a lot of work setting up goals for the committee. Lincoln said she apologized if Beardsley was misled.

Soon after the meeting began, Torgerson spoke at some length about his background and beliefs. He mentioned the "tremendous amount of growth" that is inevitable for Jefferson Valley and the need to "paint a picture" of what local residents want the valley to look like 20 years from now. He said he's been impressed with the knowledge and wisdom of those attending the steering committee meetings.

"If you don't want me (as chairman), I'm glad to go fishing, trust me," Torgerson kidded the group.

Boulder River drainage resident Bob Sims, who joined the steering committee last Wednesday night, asked how someone who doesn't own property can serve on a committee that makes plans regarding property. Torgerson said it's the committee as a whole that makes the decisions, not him personally.

For a time, discussion veered off into the topics of setbacks, buffer zones and TMDLs — all river management terms that are concerns of many area landowners and residents.

Weber said local residents have a choice — they can wait for the Department of Environmental Quality to pass laws regarding land use in the Jefferson Valley Watershed, or "we can get ahead of the game" and have a group like the JRWC steering committee listen to local residents and start formulating ideas themselves.

One woman at the meeting said a bill to set state river setbacks at 300 feet nearly made it out of committee at the last state legislative session, and similar bills are likely to surface at the next session.

John Kountz, who also attended the meeting, stressed the importance of educating people about proper land use. He mentioned the "Code of the New West" booklet being circulated by the Madison County Planning Board. It contains basic

guidelines on rural living in Madison County, including sections on public lands, stewardship and land management.

Another woman at the meeting asked how Montanans can educate greedy people and added she is morally opposed to building next to a river.

Torgerson mentioned the possibility of putting together a

brochure for the local area, similar to the "Code of the New West" booklet.

Steering committee members include Gary Nelson, Mazurek, Bill Barringer, Bob Lombardi, Joan Gabelman, Frank Nelson, Torgerson, Troy Smith, Weber, Kountz, Joe Schlemmer, Doris Fischer, Tebay, and Sims.

Meeting Continued from front

67 percent of a residential survey group totaling 420.

Phillips said the survey already has revealed that at least 51 percent of Whitehall residents are in the low to moderate income level. As a result, the town can apply for a Community Development Block Grant.

If the town is still short of surveys by meeting time, councilors will need to decide whether to continue with the project this year or put the project on hold for a couple years and in the meantime complete the survey. Phillips said the income surveys collected thus far this year could still be used two years from now.

Funding that the town is seeking follows:

- \$750,000 Montana Treasure State Endowment Program Grant with an application deadline of May 5.

- \$450,000 Montana CDBG with an application deadline of late May.

- \$100,000 Montana Department of Natural Resources and Conservation Grant with an application deadline of May 15.

- \$905,000 State and Tribal Assistance Grant with an application deadline of January.

- \$1,162,000 State Revolving Fund Loan with an application deadline of January or February.

The TSEP and DNRC grants are awarded in two-year cycles, so the Town of Whitehall would have to wait until 2008 to apply once again.

The Town of Whitehall also has not been issued an administrative order from the Department of Environmental Quality regarding the wastewater discharge into Big Pipestone Creek, so Phillips said the option to wait two years is

a viable one. If an administrative order is issued over the next two years, the odds of receiving grant funding also would improve, he said.

"Ideally, it would be best to go ahead and go forward (with the project) now if we can," Phillips said.

At the last regular town meeting, Phillips told councilors that the town is currently discharging improperly treated wastewater into Big Pipestone Creek. An upgraded system would alleviate that problem by holding wastewater in a lagoon and in the summer pumping it as irrigation water to a field adjacent to the lagoon site. The irrigation system would have to meet federal standards.

Several Montana towns like Cascade, St. Ignatus, Alder, Virginia City and Harrison have already implemented irrigation systems; and, like Whitehall, Twin Bridges is looking at constructing one. "They're getting to be the way to go," Phillips said.

The proposed system also would separate the storm water collection system from the sewage collection system. With the proposed system, wastewater storage capacity would be limited with irrigation only during the summer months. Separating storm water and wastewater would resolve that problem.

The proposed system also would accommodate population growth in Whitehall.

If councilors decide to proceed with the project, Phillips said construction and improvements would be completed in 2008.

For more information about the project, or to review a copy of the engineering draft, contact the town hall at 287-3972 or stop at town hall at 2 North Whitehall Street.

Library Continued from page 13

what is available in other libraries — not only ours," said Worth. "Our patrons love it. We get quite a few requests for items patrons have found in libraries across the state."

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The Montana Shared Catalog is a project of the Montana Library Network, a program of the Montana State Library. Through its statewide programs, the Montana State Library empowers Montanans, enhances learning in families and communities, builds 21st century skills and provides opportunities for civic participation. For more information, visit <http://msl.mt.gov>.

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Whitehall Ledger

VOL. 23, NO. 5 - May 3, 2006

Web site

- Local women learn different styles quilt making...on page 3
- Trojans tops at Top 10, compete in Butte...on page 14
- Whitehall named Tree City...page

50¢

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7472007

Wastewater project a go

By GREG CORR
Ledger Publisher

It's official. Whitehall will be getting an upgraded wastewater system in a couple of years.

Whitehall town councilors during a special meeting Monday night gave unanimous approval to the wastewater project by passing four resolutions that adopted the final preliminary engineering report and authorized submission of grant applications.

Fred Phillips, project engineer for Great West Engineering and a resident of Whitehall, also reported that the last-ditch effort by town employees, councilors and himself to obtain the needed income surveys to lower the sewer rate paid off. Through their efforts, the rate slid from an estimated \$27.36 a month to around \$22 per month.

The \$3.4 million project would likely be completed in

2008.

During the public hearing phase of Monday night's meeting, Tom Jenkin was the only audience member to offer a comment, which was in favor of the project. Jenkin said the project would allow Whitehall to grow, and "we need the tax base," he said. He also said the town seems to support the project. Councilors also said comments from townspeople have been favorable.

In addition to accommodating population growth, the new wastewater system will eliminate the toxic discharge of wastewater into Big Pipestone Creek and will fix the leaking sewage problem at the old lagoon site. Instead of being discharged into Big Pipestone, the wastewater will be stored in lagoons throughout the winter and then pumped through an irrigation system during the

See Project on back page

B-Y's Youth Rodeo coming Sunday

By GREG CORR
Ledger Publisher

Montana's longest running youth rodeo, B-Y's Youth Rodeo, is coming to the Whitehall Rodeo Grounds this Sunday, beginning with the Grand Entry at 9:45 a.m.

Going strong for 47 years, the rodeo will once again feature several events, including cow riding, steer riding, calf roping, breakaway roping, team roping, calf daubing, goat tail tying, pole bending, barrel racing and ribbon race.

The entries are in, and the young cowboys and cowgirls are ready to compete for top places.

First place finishers in each event will receive a belt buckle. Second through fourth placers will receive prize awards.

Shannon Smith, one of the main organizers of the rodeo along with Bill Gillespie, said about 60 youth from as far away as Denton will converge in Whitehall for the popular

event. Most of the competitors, she said, are from the Whitehall/Bozeman area.

Smith said a minor change in the age ranges for each division will occur this year. The junior division will be for youth ages 8-13 instead of 8-14 as in past years. The senior division will be for teenagers 14-18 instead of 15-18. The reason for the change, Smith said, is that by the time youngsters reach the age of 14, they've become very proficient riders and can compete with the older participants.

Calf roping and cow riding also will be eliminated this year, she said, and boys will be allowed to compete in goat tying along with the girls.

An event has to have at least three competitors or the event is not held.

After the rodeo, there'll be a pig scramble for two age groups: 6 and under and 7-9. Winners take home their pigs.

See Rodeo on back page

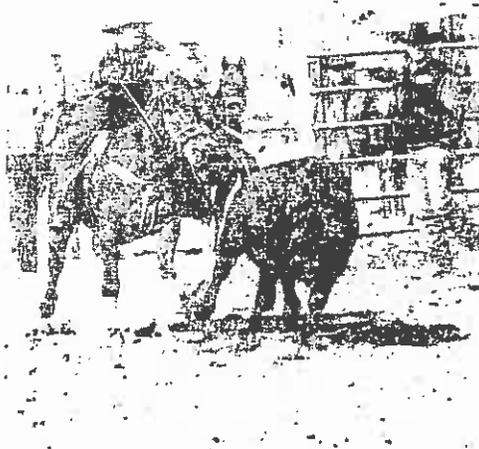


Arbor Day tree planting

Little Rae Lynn Hajan of Humpty Dumpty pre-school takes the shovel during the Arbor Day tree planting event Monday at Whitehall's Legion Park. Ronald Roginske, far left, a city council member, took part in the tree planting, as well as city public works director Jerry Ward, far right. The pre-schoolers, taught by Michelle Johnson, planted a Red Canada chokecherry tree. LEDGER PHOTO

Whitehall eighth grader Donovan Wilder, below, digs a nice big hole early Friday afternoon in preparation for planting a Northwood Maple sapling at West Legion Park while classmates Cullen Ross Severin (at left) and Michael Gnerer wait their turns to shovel. Whitehall's eighth grade Science Exploratory Class participated in the Arbor Day tree planting event, along with town employees, tree board member Byron Perrenoud and Robert Ethridge of the state Department of Natural Resources and Conservation. The eighth grade class planted two young trees on Friday, and several pre-schoolers planted two trees on Monday as part of the Arbor Day observance.





Naomi Olind gets a quick start in senior calf daubing at last year's B-Y's Youth Rodeo in Whitehall. She won the event with a time of 1.45 seconds. LEDGER FILE PHOTO BY ROSELLE HANSON

Rodeo

Continued from front

There will also be dummy roping for those too young to be in the rodeo. That winner receives a belt buckle. Youngsters can sign up for the pig scramble

and dummy roping the day of the rodeo.

The rodeo announcer this year will be Mark Briggs.

Project

Continued from front

warmer months of the year.

When compared to a lot of other communities in Montana, the target rate of \$22.03 is a "phenomenally good rate," Phillips told councilors.

Whitehall residents currently pay an average of \$25 a month for water, so the water and sewer rate combined will average around \$47 per month. Residents currently pay slightly under \$7 per month for sewer.

Just prior to the councilors' passage of the resolutions that gave the project the green light, councilor Steve Antonioli said he was hoping to keep the cost under \$20 per user. The engineer wasn't able to lower the cost any more, he said, but added, "I don't know if there's any way we can get it any cheaper than this."

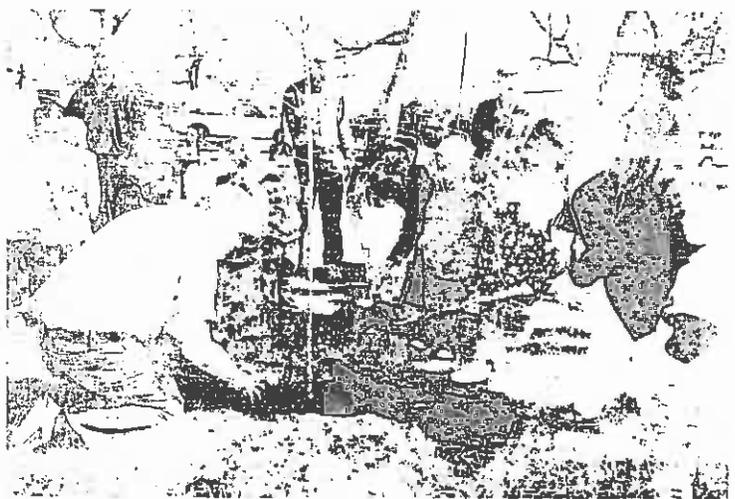
Mayor Terry Ross said with word that the Community Development Block Grant program may be in jeopardy, now is prob-

ably a good time to go ahead with the application process and seek the funds while they're available.

Councilor Dave Torgerson commended the people who went out and gathered the remaining surveys, saving sewer users another \$5 a month.

In addition to grants, the town will apply for a \$1.1 million State Revolving Fund loan with a 20-year term, low interest rate and a 25 percent reserve requirement. Phillips said the reserve is money that can go in the reserve account for operation and maintenance, capital costs or put toward principal on the loan. The town will be able to generate about \$15,000 to \$20,000 in reserves each year.

Phillips said the new sewer rates would be assessed as soon as the project begins, and Whitehall residents would be informed ahead of time through newsletters and the local newspaper.



Planting a tree

Grace Larsen of Whitehall's Head Start group helps fill the hole with dirt Monday morning during the Arbor Day tree planting event. The Head Start youngsters planted a Toba Hawthorn tree. The Head Start kids are taught by Elaine Henningsen. City tree board member Ron Roginske, at lower left, lends a hand. LEDGER PHOTO

Whitehall named Tree City USA

Whitehall has been named a Tree City USA by The National Arbor Day Foundation to honor its commitment to community forest. It is the 14th year Whitehall has received this national recognition.

The Tree City USA program is sponsored by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Whitehall has met the four standards to become a Tree

City USA: a tree board or department, a tree care ordinance, a comprehensive community forestry program, and an Arbor Day observance.

"Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits," said John Rosenow, president of The National Arbor Day Foundation. "A community and its citizens that recognize these benefits and provide needed care for its

trees deserves recognition and thanks."

"This year we are excited to celebrate the 30th anniversary of Tree City USA," Rosenow added. "From its humble beginnings in 1976, the program has grown to be the leading community forestry recognition program in the country. Communities like yours, who emphasize the important role trees play to the well being of its citizens, have made this program such a success."

Whitehall School Menus

School menus for May 1-5, 2006.

Breakfast

Monday: Honey Nut O's, toast, peats, milk.

Tuesday: Pancakes, sausage, pineapple, juice, milk.

Wednesday: Raisin Bran, bagel, juice, milk.

Thursday: Scrambled eggs, toast, orange wedges, milk.

Friday: Frosted Flakes, muffin, apricots, juice, milk.

Lunch

Monday: Pork chop sandwich, tater tots, lettuce & tomato, peaches, milk.

Tuesday: Hamburger

goulash, mixed vegetables, applesauce, chocolate milk.

Wednesday: Chef salad, breadsticks, sunshine fruit, milk.

Thursday: Scalloped potatoes & ham, baby carrots, wheat roll, Jell-O, milk.

Friday: Fish or chicken sandwich, oven fries, lettuce & tomato, cookie bar, chocolate milk.

Meets

Continued from page 14

place in the triple jump with a leap of 39 feet, 1 1/4 inches.

Anaconda's boys took first in team standings Saturday, followed by Laurel, Dillon, Deer Lodge, Belgrade, Missoula, Loyola, Sheridan, Butte Central, Cascade, Boulder, Whitehall and Livingston.

On the girls side, Keener took second in the 100 with a time of 13.01 seconds. Chloe Palakovich took third in the 400 with a time of 1:03.18. Chloe took second in the 800 with a time of 2:31.04 and second in the 1600 with a time of 5:33.45, and her sister Hilary placed fifth in the 3200 with a time of 13:17.94.

Whitehall's athletes travel to the Top 8 meet this Thursday at Townsend and then prepare for the district meet in Bozeman on May 13.

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Ledger Perspective

EDITORIAL

Wastewater project needed for Whitehall

On Monday night Whitehall town councilors unanimously agreed to move forward and begin the application process for grant and loan funds that will defray costs for an estimated \$3.4 million wastewater project.

To make it as easy as possible on city residents, a number of town employees, councilors and the project engineer himself gathered the remaining income surveys needed to lower the cost to about \$22 per sewer user. Residents currently pay \$6.90 for sewer and an average of around \$25 per month for water.

If the town were to stall with the project, it's probably safe to say that it would sooner or later be forced to do something about the toxic discharge of wastewater into Big Pipestone Creek and leaking at the present lagoon site. The current system also allows for no population growth in Whitehall.

And, as one of the councilors mentioned at Monday's

meeting, construction costs will only climb.

The project is scheduled to be completed in 2008 and will probably include some repair work on the older sections of sewer line in Whitehall that dates back to 1915.

This new system also will utilize and irrigation system, eliminating the need to discharge wastewater into Big Pipestone.

Although I haven't covered all the town meetings leading up to the decision Monday to proceed with the project, it does appear that the town is doing the right thing at the lowest cost. A lot of small community residents in Montana are paying considerably more for water and sewer. Once the project gets under way, residents will pay another \$13 a month for sewer services, but it seems like a pretty small price to pay for an upgraded sewer system.

Greg Corr

Letters to the Editor

Skateboarding park dream coming true

"I can't believe our dream is coming true," that is what you can hear skateboarders and their parents saying around Whitehall. It all began with a few kids boarding where they could around town, building their own ramps. They formed a group called the Skaters Union and went to the City council and asked if they could start a skatepark. One young man also wrote a letter to the editor of this paper about our town needing a place for kids to skateboard. Those dreams are now becoming a reality!!

We would like to thank a few of the folks who have started the dirty work of making this dream come true. Davis excavation-Joe Davis, Baker excavation-Neil Yoder, Smith Ranch- Paul Smith, Smith Contracting INC- Will Worthan and John Edmisten, Williams Plumbing and Heating Civil Division- Ronny Sanders, James Keener, Dale

Robertson, Mike Freeman, Jerad Dorval, Dr.'s Gayle and Steve Sacry, Conda Gravel and Wanda Freeman and Debbie Woods for organizing lunches for the volunteer earth movers as well as the other moms that cooked.

Some of us do not have the expertise in earth moving that these folks do, but you too can help make the kids' dream of a skatepark come true. We are selling tickets for a mother's day basket and a 4 wheeler; ask at Whitehall Drug for details. We need help with many projects and you are invited to come to our meeting at Whitehall Clinic on Tuesday at 7pm. We hope to have a cement pad done by June and the kids are working on the design for the ramps so we will have an excellent skate park. Thank you Whitehall for making our kids dreams come true!!

Kelly Weber
Boulder MT

The 'Boy is Back in Town'

by Glenn Marx

UPS driver Tim Rowe, who was ill for several months, is back driving his infamous brown truck in Whitehall. The community of Whitehall held a fundraiser for Rowe on Nov. 5 of last year, helping to offset Tim's medical costs and hoping Tim would someday be back in the brown UPS truck driving in Whitehall.

Tim returned to "active duty" last week, and to help commemorate his return, here is Thin Lizzy's song "The Boys Are Back in Town" with special lyrics for Tim and Whitehall.

Tim Rowe's Back in Town

Guess who just got back today?

UPS Tim and he's here to stay

Whitehall wants it that way
I mean that cat looks healthy

People said they saw Tim
drivin' around
Steerin' the UPS truck all
around town

I'm telling you, even his
underwear's brown
Driving all the customers
crazy

Tim Rowe's back in town
Tim Rowe's back in town
Tim Rowe's back in town
(Repeat)

You know that truck be
used to drive a lot
He's giving it all he's got
Man, when I tell you he
was cool he's really red hot
I mean he's really cruisin'

And that's him dropping
off a box
On man, he really got lost
But he'd deliver that pack-
age at any cost
If that chick ain't grateful,
forget her

Tim Rowe's bar
Tim Rowe's bar
Tim Rowe's bar
(Repeat)

Friday night Ti
go
Brown's really
show

The truck will
miles will flow
And if Tim's
you better let him

See Big Brow
down the road
Making deliver
we've been told
He thinks he
thinks he's smart
Tim is having

Tim Rowe is b
Tim Rowe is b
Time Rowe is
(Repeat)

Spread the w
Tim's back dr

Goodbye Ledger, hello ranch

by Roselle Hanson

Spend a moment every day thinking of someone to thank. - by Richard Carlson in - "Don't Sweat the Small Stuff"

I began my job at the Ledger in September 2004 when my daughter, Jill, returned to college after spending her summer working as a reporter for the Marxes. At that time, Glenn and Terri needed someone to help part-time with typing, proof reading, subscription renewals and billing - basically office help. Thinking Jill would return to the Ledger the next summer, I thought working in town would be a change of pace for me, so I took the job offer.

Here is where I can empathize with the new Ledger publisher, Greg, when people told him that he had "big shoes to fill." Many people said to me, "So, you are taking your daughter's place. She did such a good job!" To which I would reply, "No, I sure can't take her place. Jill has a natural God-given talent for writing. I'm not taking her place, just sitting at the same computer."

Glenn asked when I took the job if I would want to do some writing and reporting. I didn't have any experience - I was a business major in college - but I'd give it

a try. I'm sure there were times when I was staring at the computer screen with a blank look on my face that he and Terri wondered if any thoughts were actually registering!

And there were times when I felt pretty intimidated, like when Glenn asked me to attend the Montana Legislative session in Helena for a couple of days or a month later taking pictures at the state high school wrestling tournament in Billings.

But it was all a terrific learning experience and an opportunity to meet people I wouldn't have otherwise known. Had it not been for writing assignments, I would not know about hunting Marco Polo sheep in Tajikistan, the oppression of Christians in China or the use of solar panels at the Whitehall fire station.

In the past few months, Glenn asked me to write an occasional editorial and he called my column "Don't Sweat the Small Stuff." It seemed like I always wrote about personal experiences that included my family, our ranch and riding my horses. Since Jill did not return to work at the Ledger and the ranch was calling me home full-time, I decided it was time to give my notice to the Marxes. However, in March

GUE COLL

Terri told me she sold the paper, a the new owner w to stay, I felt it w time for me to be

So now I'd li the Marxes for ti nity to write; to people, to learn business that so well. I have a tion for them an that they spent j top-notch home paper. I also the for coming to or and wanting to provide us with notch paper. Th of you who alw words for me a tion for the Led but certainly no thank my husb who would jugg ranch while I w town.

Although y in Whitehall o more likely tha good horse foll cattle and enjo beauty in this tana, the "last l Thanks, W God bless!

Fred Phillips

From: tomjenkin [jenktandc@bigskyhsd.com]
Sent: Tuesday, May 02, 2006 6:54 PM
To: Fred Phillips
Subject: Wastewater improvement project for Whitehall

Fred Phillips, PE
Great West Engineering, Inc.
P. O. Box 4817
Helena, Mt. 59604

Fred,

I want to express my support for the wastewater improvement project proposed by the Town of Whitehall. The updated sewer system is needed to support residential and business growth in the town. The Project is also important because it will allow the town to stop discharging to Big Pipestone Creek, which has been listed as impaired by the State of Montana. I fully support the town's efforts to update the sewer system as this enhances our potential to encourage growth for the town.

Thank you for the opportunity to express my feelings.

Sincerely,

Tom Jenkin
Box 1084
Whitehall, Mt. 59759

Fred Phillips

From: Ken Weber [kweber@jeffco.mt.gov]
Sent: Tuesday, May 02, 2006 1:13 PM
To: Fred Phillips

I am writing this letter in support of the upgrades to the Whitehall sewer treatment facility. I am the Jefferson County Commissioner from the south end of the county, which includes the city of Whitehall. I have seen a tremendous amount of population, and business growth in the Whitehall area, and believe that this trend will continue in the future. For reasons of the public health, safety, and welfare, and also for economic development reasons I feel that these upgrades are vital to the Whitehall area.

Sincerely,

Ken Weber

Jefferson County Commissioner

Mayor Terry Ross
Whitehall, Montana

Dear Mayor Ross,

We would like to express our full support for the Town's efforts to upgrade the sewer system and eliminate the discharge. We recreate extensively on the Upper Jefferson river system and we also hunt on the Briggs Ranch immediately downstream of the lagoon system. We fully support all efforts to meet Clean Water Act standards and fixing the leaking lagoon system and irrigating wastewater instead of dumping it into the creek will be a great improvement. We also understand that the system does not have the capacity for community growth. We have children that we hope will be able to stay in the area and that will hinge on job opportunities and availability of places to live. Please see the sewer project through to completion.

Beckie and Fred Phillips
#5 Patticake Drive
Whitehall





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April 7, 2006

Mayor Terry Ross
Town of Whitehall
PO Box 529
Whitehall, MT 59759

Dear Mayor Ross:

The Jefferson River Watershed Council (JRWC) is writing to you in support of the Town of Whitehall working towards upgrading their sewage lagoon system. The Council has been working with Darrin Kron of DEQ since 2002 to collect data necessary for developing a Total Maximum Daily Load (TMDL) for the Upper Jefferson River and its tributaries. JRWC is committed to working towards water quality improvements in the watershed and feels this project is important for reducing nutrient loading to the river.

JRWC feels that is important for local citizens to be involved in decision-making that will affect their livelihood in the future. TMDL development and implementation is a complicated and lengthy process but local citizens wanted to be sure that the data collected is not biased in any way. In order to make sound management decisions, the data must be scientifically based.

We realize that this project is an expensive undertaking for the Town of Whitehall and its residents. If the Council can assist you in any way with this endeavor, please contact me.

Sincerely,


Roxann Lincoln
JRWC Coordinator

C: JRWC Board of Directors
Fred Phillips, Great Western Engineering

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FEDERAL RELATIONS, ENERGY &
TELECOMMUNICATION

May 3, 2006

Mayor Terry Ross
Town of Whitehall
P. O. Box 529
Whitehall, MT 59759-0529

Dear Mayor Ross:

I write this letter in strong support of the Town of Whitehall's application for a TSEP grant of \$750,000 for improvements of the Town's wastewater facility. Awarding of this very important grant will enable the Town to upgrade in the following ways:

- 1) Allow for future growth, which is rapidly occurring
- 2) Eliminate the toxic discharge of wastewater into Big Pipestone Creek
- 3) Fix the leaking sewage problem at the old lagoon site

I will be available to testify in favor of this project during the hearing in the 2007 Legislative session. If I may be of further assistance, please contact me at 685-3468. I close with the strongest support possible for this very urgent project.

Sincerely,

A handwritten signature in cursive script that reads "Diane J. Rice".

Representative Diane Rice
House District 71

From: Tara Mastel [tmastel@montana.edu]
Sent: Thursday, May 04, 2006 3:30 PM
To: Fred Phillips
Subject: Support for Whitehall wastewater project
Dear Fred,

I want to express our support for the updating of the city sewer system in Whitehall. We are and will continue to see high demand for housing in the Jefferson Valley given demographic trends nationwide. As population and prices increase in Helena, Bozeman and Butte, more people have discovered Whitehall. Expanding capacity and upgrading the sewer system is essential to support current and future growth in the city, which serves as the core commercial center for the valley.

Sincerely,

Tara Mastel
MSU Extension Economic Development Agent, Jefferson County
Manager, Jefferson Local Development Corporation
309 East Legion
P.O. Box 1079
Whitehall MT, 59759
406.287-3282 Office
406.287.3287 Fax
tmastel@montana.edu

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