



April 22, 2022

Ron Edwards  
Big Sky Water & Sewer District 363  
PO Box 160670  
Big Sky, MT 59716

VIA EMAIL: ron@wsd363.com

**RE: Complaint Closure (CVID #23450)**

Dear Mr. Edwards:

As you are aware, the Enforcement Program (ENF) of the Department of Environmental Quality (DEQ) received a complaint regarding the Big Sky Water and Sewer District #363 (Big Sky) wastewater treatment facility ponds (Ponds) leaking into the West Fork Gallatin River (West Fork).

The complaint submitted to DEQ stated:

“Cottonwood Environmental Law Center has filed a Clean Water Act lawsuit against the Big Sky Water and Sewer District. Flouroscein (sic) testing by both Big Sky and Plaintiffs verifies that the holding ponds are discharging into the West Fork. Cottonwood's expert has determined the holding ponds are leaking 21.12 million gallons/year. The Montana DEQ's predecessor issued a moratorium on new sewer connections in the past. Please investigate and do so again”.

The complainant provided a copy of the 1993 compliance order (Order) issued by DEQs predecessor the Department of Health and Environmental Science (DHES). I reviewed the order; DHES issued the Order due to a violation of the Montana Water Quality Act for “the placement of wastes in locations likely to cause, and causing pollution of state waters, in violation of Section 75-5-605(1), MCA.” The Order had several actions that were required; however, it did not place a blanket moratorium on new sewer connections, but provided that a proposed facility could only be connected to the existing Big Sky Sewage System if (paraphrased): Big Sky could show to the satisfaction of DHES that such a connection would not result in an exceedance of the Maximum Annual Load for BOD<sub>5</sub>, and DHES approves the connection in writing. The Order was terminated upon completion and certification of the required actions.

I requested information from both the complainant and Big Sky. From that information I determined nitrate plus nitrite as nitrogen (N) is the pollutant of concern; I used the data provided to evaluate this complaint.

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75-5-103(28)(a)(i) MCA defines pollution as an exceedance of a standard, ARM 17.30.623 defines the general standard for N as 10 mg/L as indicated in Circular DEQ-7. The evidence provided does not show that standard was exceeded or that pollution occurred.

Based on the information above, I am closing this complaint.

However, the complainant has also expressed concern about gross leakage from the Ponds; having requested and reviewed documents from both the complainant and Big Sky, DEQ has concluded the information currently available cannot determine if the leakage from the Ponds is in excess of that allowable by Circular DEQ-2. Therefore, ENF has referred this concern to our Engineering Bureau for appropriate follow up with Big Sky.

If you have any questions, please contact me.

Sincerely,



Susan Bawden  
Environmental Enforcement Specialist  
Enforcement Program  
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cc via email: Aaron Pettis, DEQ Legal  
Terry Campbell, DEQ Engineering  
Darryl Barton, DEQ CTTA  
John Meyer, Cottonwood Law