NPDES Wastewater Lagoon Inspection Report

National Database Information	
Inspection Date: July 25, 2024	Inspection Type: CEI
Entry/Exit Time: 0830/0940	NPDES ID Number: MTU000708
NAICS Code: 221300 Sewage Treatment Facility	Inspection ID: 202407_MTU000708
Lead inspector and affiliation: Lisa-kay Prideaux / EPA Region 8 Montana Operations Office	

Facility Location Information	
Site/Facility Name & Location: **Town of Fort Kipp Wastewater Lagoons** BIA Route 1 48.148437°N; 104.724330°W	Email Report to: Mitchell Youngman Director, Enterprise Tribal Utilities (b) (6) [redacted]

Contact Information	
	Name(s)/Title
Facility Contacts:	Maurice Bighorn Jr. – Wastewater Operator, Enterprise Tribal Utilities (present)
Person/Company meeting definition of "Operator"	Enterprise Tribal Utilities
Authorized Official(s)	Mitchell Youngman - Director, Enterprise Tribal Utilities (not present)
Tribe Representative(s)	Bill McDonald – Assiniboine and Sioux Tribes, Office of Environmental Protection (present)
Indian Health Service Representative(s)	None present

Permit Information		
Is the permit on site and available? Unpermitted	Lagoon Category: N/A	Monitoring Frequency: N/A
Effective Date: Unpermitted	Expiration Date: Unpermitted	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? N/A	Indicate correct contact information: Authorized Official: Mitchell Youngman – Director of Enterprise Tribal Utilities	
Receiving Water(s): No Discharge		
Discharge point location (longitude, latitude): No Discharge		
Regulatory Inspector's source of information: Clean Water Act, NPDES regulations, Integrated Compliance Information System (ICIS), Enforcement & Compliance History Online (ECHO), previous inspection report and correspondence, facility representatives and facility observations.		

Areas Evaluated During Inspection		
Permit	*Effluent/Receiving Waters*	*Compliance Schedule*
Records/Reports	*Flow Measurement*	*Discharge Monitoring Reports*
Facility Site Review	*Monitoring Program*	*Lift Station Operation and Maintenance*
Collection System Review	*Lagoon Self- Inspections*	*Preventive and Emergency Operation and Maintenance*

Report Review and Signature		
Drafter Signature/Name: Lisa-kay Prideaux	Date	Address/Phone Number
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2025.01.31 13:18:48 -07'00'	**01.27.2025**	U.S. EPA Region 8 Helena, Montana Prideaux.lisakay@epa.gov 406-457-5022
Reviewer Name	Date	Address/Phone Number
Althea Wilson	**01/28/2025**	U.S. EPA Region 8 Denver, Colorado Wilson.althea@epa.gov 410-305-6026
Management Signature/Name	Date	Address/Phone Number
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2025.01.29 15:48:29 -07'00'	**01/29/2025**	U.S. EPA Region 8 Denver, Colorado Llamozas.emilio@epa.gov 303-312-6407
Emilio Llamozas, NPDES and Wetlands Enforcement Section Supervisor		

Inspection Narrative and Site Description

The Town of Fort Kipp (an unincorporated community) Wastewater Treatment Facility (Facility) is located off BIA Route 1 in Fort Kipp, Montana, and is located within the boundaries of the Fort Peck Indian Reservation, which is home to the Assiniboine and Sioux Tribes (Tribes). The Tribes were granted treatment in a manner similar to a state on August 29, 1996, for Water Quality Standards. The U.S. Environmental Protection Agency (EPA) has not approved the Tribes to implement the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program in Indian Country within the state of Montana. The EPA directly implements the CWA NPDES program on Indian Country lands within the state of Montana.

On Thursday, July 25, 2024, EPA inspector Lisa-kay Prideaux, along with Bill MacDonald of the Assiniboine and Sioux Tribes Office of Environmental Protection, conducted a compliance evaluation inspection to evaluate compliance with the CWA and EPA regulations. According to the previous inspection report, the Facility is owned by the Tribes and operated by Fort Peck Enterprise Tribal Utilities (Enterprise). The EPA notified the Tribes of the inspection in a letter sent July 1, 2024, and the inspector coordinated the inspection with the wastewater operator, Maurice Bighorn Jr. several weeks in advance.

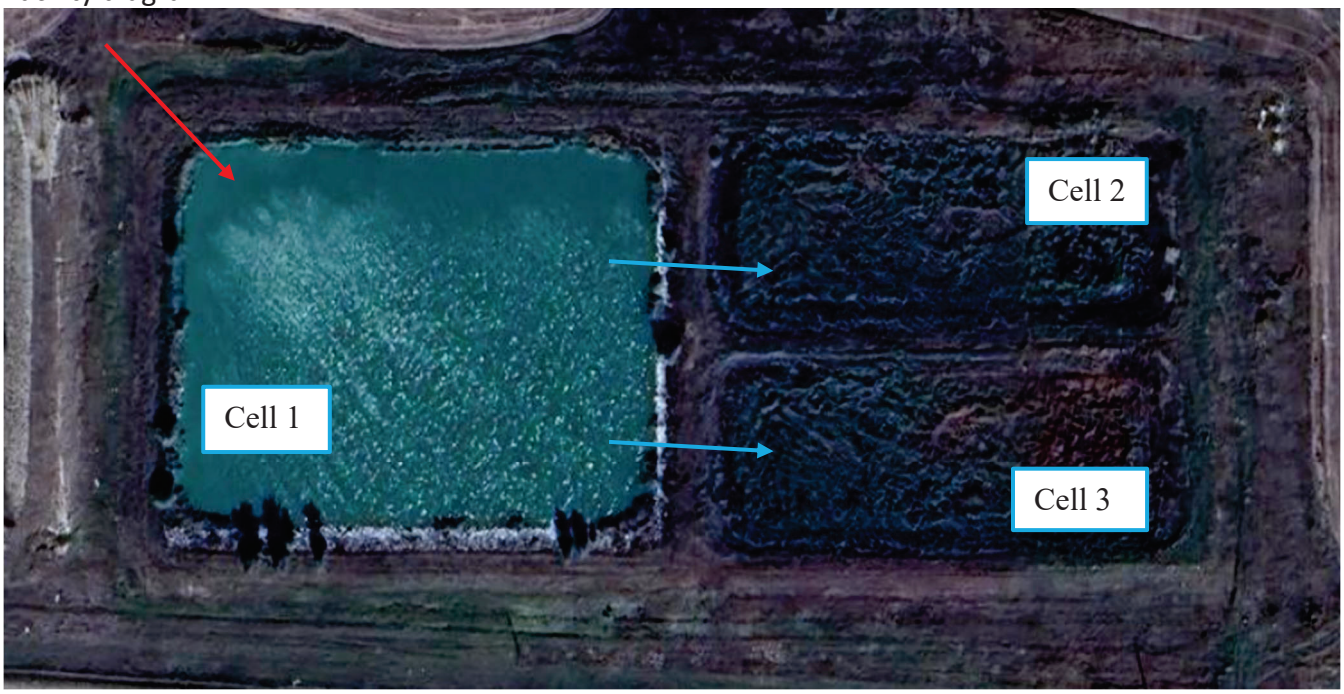
The inspection commenced at approximately 0830, when the inspector and tribal representative arrived at the lagoon site and met with Maurice Bighorn Jr. representing Enterprise. The inspector presented credentials to Mr. Bighorn Jr. and held an opening conference to explain the purpose of the inspection. The inspector then proceeded to ask questions to evaluate the Facility's discharge status, and to obtain facility information. Throughout the inspection, observations were noted in a bound notebook and checklist, and photograph descriptions were documented. All photographs taken during the inspection are included in the attached photo log and are maintained by EPA in accordance with the Quality Assurance Field Activities Procedure and Standard Operating Procedure. Some of the information in this report was provided by Mr. Bighorn, Jr. during the inspection and has not been independently verified by the EPA.

Once at the facility, the inspector gathered information from Mr. Bighorn Jr. regarding the history and status of the wastewater facility, collection system, and contributing community. The Facility is an unpermitted three-cell facultative lagoon that receives wastewater from the Town of Fort Kipp which is located northeast of the system. All wastewater flows to the facility via gravity only. The collection system was not evaluated during the inspection. The facility receives domestic waste only and does not receive trucked in or dumped RV waste. According to Google Earth Pro, the facility started pre 1985 as a two-cell system. The two cells are the same cells as the current Cells 2 and 3 and are both approximately 1-acre in size. Sometime between 1996 and 2005, the facility constructed Cell 1 to the west of the existing cells. Cell 1 is approximately 2.3-acres in size. The facility utilized all three cells until 2021 when Cells 2 and 3 dried up. Mr. Bighorn Jr. indicated the operational status of the cells is to run in parallel from Cell 1 into both Cells 2 and 3 together.

We began the site review by walking around Cell 3 (photo 74), Cell 2 (photo 75 and 79), and Cell 1 (photos 76, 77, and 78). Cells 2 and 3 were devoid of water. The inspector walked the dike walls to

evaluate berm integrity and the Facility's discharge status. The inspector observed cattails, small shrub and tree growth within the slopes inside of the lagoon cell dike walls (noted in the photos). Vegetation on the dike walls were at a height where the health of the dike could not be assessed. Through conversation with Mr. Bighorn Jr. and the inspector not observing a discharge pipe, the facility appeared to be non-discharging. The inspector noted the fencing was intact surrounding the facility.

Facility diagram:



A closing conference was held at the Facility, during which the inspector discussed preliminary findings, as well as the process for completing and providing the inspection report. The inspection concluded at approximately 0940.

Findings and Recommendations

Finding #1: The Facility did not have coverage under the EPA 2022 Lagoon General Permit.

The Facility had not submitted a Notice of Intent (NOI) to obtain coverage as a "No-Discharge" facility under EPA Region 8's General Permit for Wastewater Lagoon Systems in Indian Country, Permit No. MTG589### (the permit).

Permit Requirements:

Section 1.2 of the permit ("Introduction") states: "This Region 8 General Permit for Wastewater Lagoon Systems in Indian Country (Permit) is intended for the permitting of wastewater lagoon systems that treat primarily domestic sewage (an average total influent flow consisting of ~80% or greater domestic sewage) and are located within the boundaries of the specified Region 8 Indian Reservations or otherwise in Indian Country as defined in Section 1.1 Definitions of this permit."

Section 1.5 of the permit (Categories and Subcategories of Coverage) indicates authorization for coverage under this permit will be limited to one of the following two categories of wastewater lagoon systems:

DISCHARGE (DIS) - Authorization to Discharge. This category is used for wastewater treatment lagoon facilities that either discharge on a continuous, periodic, seasonal or other intermittent basis. No prior notification to EPA is required before starting to discharge once notification of Permit coverage from EPA is received, however discharges may require Tribal Environmental Office notifications (specified in the Tribal Environmental Office Notification information in Section 1.6 of the Permit).

POTENTIAL TO DISCHARGE (NODIS) - This category is for those wastewater treatment lagoon facilities that do not anticipate discharge to occur but still have the potential to discharge (e.g. upset or bypass discharges). These wastewater treatment facilities do not have authorization to discharge under regular operating conditions and are required to have no discharge except in accordance with the upset or bypass provisions of the Permit. A discharge may include, but is not limited to, discharge of water from the lower end of the treatment or containment system through a release structure or over or through retention dikes. Should a facility in this category anticipate the need to perform discharges on a regular, periodic or other intermittent basis, or discharges beyond authorized bypasses or upset conditions begin to occur during the Permit terms, EPA may determine that the facility's Permit category and coverage requirements should be changed to "discharge (DIS)."

Section 2.1 of the permit "Obtaining Authorization for Coverage Under this Permit" states:

2.1.1 To obtain authorization under this permit, a facility must:

> Submit a complete and accurate NOI using an EPA notice of intent form for coverage under this Permit. The "NPDES 2020 Lagoon General Permit Notice of Intent Form" is located electronically at: https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit
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> Facilities may also contact EPA's Region 8 Office (EPA contact information is available at the website provided in the following paragraph) and request a hardcopy NOI be mailed to them. Once completed, the form can be submitted to EPA as indicated in Section 2.4 of this Permit.
>
> The NPDES Lagoon General Permit Notice of Intent Form can also be requested from EPA's Region 8 Office. Contacts for Region 8 are listed at the following website: https://www.epa.gov/npdes-permits/forms/contact-us-about-npdes-permits-around-nation

Once completed, the form can be printed out, signed, and submitted to the EPA at the address given in Section 2.4 of the permit:

> Unless otherwise authorized by EPA, the signed Notice of Intent form (hardcopy) must be sent to the address listed below:
>
> U.S. Environmental Protection Agency, Region 8

Wastewater Section (8WD-CWW)
1595 Wynkoop Street Denver, CO 80202-1129

In addition to submitting the signed hardcopy, a copy may be submitted electronically as provided in the submission instructions at: https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit

A relevant EPA contact to address questions regarding submittal of the NOI is Kenley Stone, reachable at stone.kenley@epa.gov or (406) 457-5035, or Alysia Tien at tien.alysia@epa.gov or (303) 312-7021.

Recommendation:
EPA recommends that the facility submit the required Notice of Intent (NOI) form and documentation to obtain coverage under the Region 8 General Permit for Wastewater Lagoon Systems in Indian Country.

Finding #2: Unmaintained vegetation within lagoon cells.
Specifically, the Facility's lagoon dike walls were covered in unmaintained vegetation as well as vegetation growing within the water line of the lagoon cells. Excessive vegetative growth was observed along the edges and within cells, as well as thicker vegetation/shrubs/trees growing within lagoon cells (photos 74-79). When vegetation is unmaintained, it is difficult to assess the health of the lagoon dike walls for erosion, leaks, slumps, and burrowing animal damage. Heavy thick roots from the wrong type of flora can compromise the structural integrity and greatly inhibit or degrade the dike walls as well as puncture liners creating leaking lagoons. Planting grasses or other shallow-rooted vegetation on top and outside the dikes for ground cover are encouraged for stability, with a recommended maintenance schedule of at least annual cutting to ensure the assessment of potential erosion, leaks, slumps, and burrowing animal damage.

EPA Guidance:
EPA has developed guidance manuals on the proper operation and maintenance of lagoons. One of the guidance materials is called "Principles of Design and Operations of Wastewater Treatment Pond Systems for Plant Operators, Engineers, and Managers" (August 2011, EPA/600/R-11/088).
https://www.epa.gov/sites/production/files/2014-09/documents/lagoon-pond-treatment-2011.pdf

Part 9.4.2.3 of this guidance manual indicates the following:

- To maintain wave action, a pond should be free of weeds in the water or tall weeds on the banks.
- Dikes should be well seeded with grasses above the water line. Grass should be mowed regularly to prevent soil erosion and insect problems.

Recommendation:
EPA recommends the vegetation in and around the lagoon cells be reduced and maintained below 6-inches in height such that the berms can be inspected for leakage, animal burrows, and erosion. Proper vegetation height also allows for the wind to naturally generate wave action to mix and aerate the lagoon contents for effective treatment of the wastewater. EPA also recommends removing all heavy thick woody vegetation growing within the lagoon cells, as it creates the potential for leaks and erosion, and can be a food source for rodents.