

U.S. EPA Region 8 NPDES Inspection Report

National Database Information	
Inspection Date: September 18-19, 2024	Inspection Type: Compliance Evaluation Inspection
Entry / Exit Time: September 18, 2024: 13:30 PM-16:15 PM MT September 19, 2024: 12:10 PM-12:30 PM MT	NPDES ID: UTG589404
Major / Non-Major Facility: Non-Major	NPDES Program Sector(s): POTW
NAICS Code: 2213 (Water, Sewage, and Other Systems)	Inspection ID: 202409_UTG589404
Lead inspector and affiliation: Akash Johnson / U.S. EPA Region 8 (opening conference lead)	
Inspector and affiliation: Althea Wilson / U.S. EPA Region 8 (onsite lead)	
Inspector and affiliation: Jennifer Ferrando / U.S. EPA Region 8	

Site/Facility Location Information	
Site/Facility Name & Location: Hilltop Subdivision WWTF 40.285164, -109.900228 Uintah County, Utah Uintah and Ouray Reservation	Send Report to: Felecia Pike-Cuch, Acting Director Ute Tribe Water Systems feleciac@utetribes.com

Inspection/Site Contacts	
	Name(s)/Title
Site/Facility Contacts	Felecia Pike-Cuch / Acting Director / UTWS (present)
	Tracy Warrick / Environmental Health Foreman, Wastewater Operator / UTWS (present)
	Eli Chapoose / Water and Wastewater Operator / UTWS (present)
Indian Health Service Contacts	Mike O'Shea / Tribal Utility Consultant / IHS, Phoenix Area, Reno District OEHE SFC (present)
Other Tribal Government Contacts	Alrita Murray / Environmental GAP Coordinator / Ute Tribe (present for opening conference only)
	CeeJay Rebsom / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Darrel Ningealook / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Devonte Smith / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Bart Powaukee / Water Quality Coordinator / Ute Tribe (not present)

Other Contacts	Matthew Peacock / Senior Engineer / Natural Resource Consulting Engineers, Inc. (consultant to UTWS engaged by Ute Tribe Business Committee)
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Permit/Site Information	
Permit on site and available: Yes – EPA emailed before inspection and left hard-copy onsite	Permit Application Date: Did not evaluate
Effective Date: November 1, 2022	Expiration Date: March 31, 2027
Latitude: 40.285164	Longitude: -109.900228
Receiving Water(s): N/A - Non-discharging lagoon. Multiple irrigation canals and unnamed tributaries to Montes Creek and the Uinta River in the vicinity	
Weather Conditions: During inspection: Sunny/partly cloudy, no precipitation	
Inspector's source of information: Facility personnel, IHS personnel, IHS records, EPA records and databases, Google Earth Pro, inspection observations	

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

Report Review and Signature		
Lead Inspector and Report Writer Name/Signature/Final Date		Contact Information
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Reviewer Name	Review Date	Contact Information
Akash Johnson	December 5, 2024	U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067
Reviewer Name	Review Date	Contact Information
Jennifer Ferrando	November 26, 2024	U.S. EPA Region 8 Denver, Colorado ferrando.jennifer@epa.gov (303) 312-6601
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2024.12.09 14:00:05 -07'00'		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

1.0 Introduction

On Wednesday September 18, 2024, and Thursday September 19, 2024, I, U.S. Environmental Protection Agency (EPA) inspector Althea Wilson, along with EPA inspectors Akash Johnson and Jennifer Ferrando (collectively, “we”), conducted a compliance evaluation inspection of the Hilltop Subdivision Wastewater Treatment Facility (WWTF; facility), located in Uintah County, Utah, within the exterior boundaries of the Uintah and Ouray (Reservation). The facility was operated by the Ute Tribe Water Systems (UTWS), a department of the Ute Tribe (Tribe) government. Ownership of the facility or underlying lands was not evaluated during the inspection.

The purpose of the inspection was to evaluate compliance with applicable Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) requirements. A letter notifying the Tribe of the EPA’s inspection presence on the Reservation was sent on August 19, 2024. We were joined by the individuals identified as present on pages 1-2 of this report for respective portions of the inspection. Throughout the inspection, we took notes on our discussions and observations in bound checklists. Photographs taken during the inspection are included in the enclosed photo log.

2.0 UTWS Wastewater Operations

Some of the information in this section was provided by UTWS representatives during and after the inspection and has not been independently verified by the EPA.

The UTWS operated six WWTFs, including the subject facility. The UTWS also operated several public water systems (PWSs). PWSs were not evaluated during the inspection and are not discussed at-length in this report. UTWS staffing comprised five operators, three of whom worked primarily in PWS operations, one of whom, Tracy Warrick, worked primarily in wastewater operations, and one of whom, Eli Chapoose, worked in both wastewater and PWS operations. No UTWS staff held wastewater operator licenses. During the inspection, UTWS representatives indicated they were trying to recruit additional wastewater operators, either by providing wastewater training to existing UTWS PWS operators or hiring and training new staff. The UTWS coordinated regularly with IHS, consultants, and technical assistance providers on matters of infrastructure funding, technical assistance, and training related to wastewater operations.

The UTWS was managed by a Director position which jointly-managed the Ute Tribe Environmental Health Program (UTEHP). At the time of the inspection, the UTWS/UTEHP Director position had been filled in an acting capacity for several months by Felecia Pike-Cuch, who was also the Ute Tribe Emergency Management Director. The UTWS, along with approximately fifty-one other Tribal departments, was overseen by the Tribe’s Executive Director position, which coordinated between Tribal departments and the Tribal Council.

The majority of UTWS funding was provided by the Tribal government. The UTWS Director was responsible for coordinating the UTWS budget and special purchase requests with the Executive Director, who was in-turn responsible for coordinating any such requests with the Tribal Council. The UTWS also periodically applied for grants to support equipment purchases.

Potable water from UTWS PWSs was sold commercially to some nearby non-Tribal water systems, with associated revenue directed into the Tribe’s General Fund. The UTWS provided septic pumping services across the Reservation at no-cost for Tribal members. UTWS representatives indicated they

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were in the process of clarifying septic pumping charges for non-Tribal members and had temporarily ceased offering septic services to non-Tribal members until the matter was determined. UTWS representatives indicated all septage they collected was hauled to the Fort Duchesne WWTF (NPDES ID UTG589401).

The UTWS did not assess or collect any residential or commercial water or wastewater fees. UTWS representatives indicated Tribal members did not currently pay for residential water or sewer services provided by the UTWS. UTWS representatives were not sure whether any other customers (e.g. non-Tribal residential users, commercial users) were being assessed water or sewer fees and, if so, which other Tribal department(s) may have been collecting such fees and where associated revenue may have been directed. UTWS representatives indicated, in recent memory, they had not received instruction from any other Tribal departments to conduct water shut offs in response to any delinquent water or sewer payments. IHS records contain some additional information on water and wastewater fees supplementing the information provided by UTWS representatives during the inspection.

Each of the WWTFs operated by the UTWS comprised a collection system and lagoon. The UTWS provided collection system services into homes for Tribal members and up to property lines for non-Tribal members. The UTWS maintained and operated a sewer jetter and pump truck to support collection system and septic pumping operations. UTWS representatives indicated they did not implement any routine preventative maintenance procedures for any collection systems or lagoons; rather, they generally performed wastewater maintenance and repairs on an as-needed basis. UTWS representatives indicated, at the time of the inspection, work orders were tracked in hard-copy form, but they had historically been tracked through various mechanisms.

UTWS representatives indicated they spent considerable time over several months preceding the inspection clearing overgrown vegetation from around the lagoons associated with the WWTFs under their purview. UTWS representatives indicated they had made significant progress clearing vegetation from around the lagoons but still intended to complete additional vegetation removal at several lagoons.

3.0 Facility Information

At the time of the inspection, NPDES permit coverage for the facility was effective under the EPA Region 8 General Permit for Wastewater Lagoons in Indian Country (Permit) (general NPDES ID UTG589####; facility specific NPDES ID UTG589404), under the “Potential to Discharge but No Discharge (NODIS) Authorized” requirements of the Permit.

The facility comprised a collection system and two-cell facultative lagoon serving primarily residential users from the Hilltop community subdivision. UTWS representatives indicated all wastewater was conveyed by gravity and there were no lift stations in the collection system. UTWS representatives indicated the collection system exhibited elevated levels of fats, oils, and grease buildup (compared to other UTWS-operated collection systems) and had historically experienced interference resulting from debris being intentionally placed in manholes by unknown persons; but they indicated there were no recent (i.e. within the last few months) incidents of concern. The collection system and facility users were not evaluated during the inspection. All possible configurations of flow through the lagoon cells (i.e. series, parallel, isolated) were not known to UTWS operators or apparent during the inspection, discussed further in Section 4.

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4.0 Inspection Narrative

On the afternoon of Wednesday, September 18, 2024, we conducted an opening conference in a conference room of the Ute Tribe Emergency Management Department office. During the opening conference, we asked questions pertaining to wastewater operations and implementation of Permit requirements at the WWTFs operated by the UTWS, including the subject facility. On Thursday, September 19, 2024, we conducted onsite inspections of each of the WWTFs operated by the UTWS, including the subject facility.

We arrived at the lagoon at approximately 12:10 PM, after inspecting several other WWTFs earlier in the day. The lagoon enclosure was fenced and locked upon our arrival and the gate was opened by UTWS representatives. UTWS representatives indicated the lagoon enclosure had been overgrown with trees and other dense vegetation prior to the aforementioned vegetation removal activities conducted several months earlier. Mike O'Shea provided an IHS construction drawing of the lagoon which we referenced throughout the inspection (Photograph 65); the accuracy of the drawing has not been verified by the EPA.

Throughout the course of the inspection, we walked around the entire perimeter of both cells. We began the facility walk-through on the northwest corner of the Cell 1. Some wastewater was present in Cell 1 and cattails were growing around the interior of the berm of Cell 1 (Photograph 63). On the northern end of Cell 1, we observed the interior of the influent/splitter manhole (Photograph 64). It appeared all influent was being conveyed to Cell 1. Based on observations in the influent manhole and the IHS construction drawing (Photograph 65), it appeared influent could potentially be split between Cell 1 and Cell 2 or entirely conveyed into Cell 2; however, debris was blocking the pathway into Cell 2 from the manhole (Photograph 64).

On the northwest side of Cell 1, southwest of (after) the influent/splitter manhole, we observed what may have been a valve that could control influent flow into Cell 2 (Photograph 66). The presence or configuration of a valve at this location was not confirmed during the inspection. The IHS construction drawing does not appear to reflect any valves at this location.

Based on inspection observations and the IHS construction drawing, there appeared to be a transfer structure in the berm between Cell 1 and Cell 2. UTWS representatives indicated they were unsure whether any associated transfer valves may have been open or closed. All vegetation had been cleared from Cell 2 and the berms were intact. Some wastewater was present in Cell 2 (Photograph 67). No external discharge structures from either cell were identified during the inspection and neither cell appeared to be discharging to the environment.

The inspection concluded when we left the lagoon at approximately 12:30 PM.

Later in the day, we reconvened in the conference room of the Ute Tribe Emergency Management Department office and discussed preliminary findings for each of the WWTFs inspected that day, including the subject facility.

5.0 Post-Inspection Activities and Conclusion

On October 11, 2024, EPA inspector Akash Johnson emailed Felecia Pike-Cuch preliminary findings from the inspection.

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Findings, requested corrective actions, and recommendations identified pursuant to the inspection are identified in the section below.

Findings, Corrective Actions, and Recommendations

Finding 1:

Weekly facility inspections were not being conducted or documented.

Permit Requirements:

Section 6.5 of the Permit (Inspection Requirements) states:

On at least a weekly basis, unless otherwise modified by written approval from EPA, the Permittee shall inspect its wastewater treatment facility. Permission for less frequent inspections must be requested in writing by the Permittee and may be granted on a case-by-case basis where appropriate (e.g. a lagoon located in a remote area where access is a problem during the winter and compliance issues are not present), at the discretion of EPA. The Permittee shall maintain a notebook/logbook recording all information obtained during the inspection using indelible ink pens (or inspection logs may be kept in electronic format in accordance with proper record-keeping procedures) and in sufficient detail so that decision logic may be traced back, once reviewed. At a minimum, the notebook/logbook shall include the following (see Appendix D of this Permit for an Example Lagoon Inspection Form):

- 6.5.1.1. Name of facility and permit number.
- 6.5.1.2. Date and time of the inspection.
- 6.5.1.3. Name of the inspector(s).
- 6.5.1.4. The facility's discharge status.
- 6.5.1.5. The flow rate of the discharge, if occurring.
- 6.5.1.6. Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in Sections 3 and 5.4 of this Permit if not already done.).
- 6.5.1.7. If there is any leakage through the dikes.
- 6.5.1.8. If there are any animal burrows in the dike.
- 6.5.1.9. If there is any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion).
- 6.5.1.10. If there are any rooted plants, including weeds or trees growing in the water.
- 6.5.1.11. If the vegetative growth on the dikes needs mowing (i.e. no greater than 6" tall or any height that may interfere with monitoring, operation and maintenance of the system).
- 6.5.1.12. Visual observation for visible sheen, floating oil, floating solids and foam.
- 6.5.1.13. Visual observation to check for evidence of illicit septic dumping.
- 6.5.1.14. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
- 6.5.1.15. Identification of operational and/or maintenance problems, and a determination of whether proper operation and maintenance procedures are being undertaken at the frequency necessary to maintain working operations and the overall treatment and collection systems of the wastewater treatment lagoon system.

Findings, Corrective Actions, and Recommendations

- 6.5.1.16. Recommendations, as appropriate, to remedy identified problems.
6.5.1.17. A brief description of any actions taken with regard to problems identified.
6.5.1.18. Overall visual observations to identify potential concerns with the “health” of the lagoon system (e.g., water is cloudy, water coloration concerns (e.g. red, black, grey, dark blue-green and cloudy), etc.); and
6.5.1.19. Other information, problems identified, or observations, as appropriate.

The Permittee shall maintain the notebook/logbook in accordance with required record-keeping items listed above and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe(s) (see Appendix A for list of Tribes).

Problems identified during the inspection (including, but not limited to, those associated with this section of the Permit) shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. Corrective actions to remedy problem(s) shall be in line with (and addressed through) proper operation and maintenance (Section 6.6 of this Permit.). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

Section 5.9 of the Permit (Retention of Records) states:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for the Permit, for a period of at least three years from the date of the sample, measurement, report or application. Records of monitoring required by the Permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the EPA at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

Corrective Action:

Conduct, document, and retain records of weekly facility inspections in accordance with the Permit. In a response to the EPA, provide a record of at least one weekly facility inspection conducted since receipt of this report.

Finding 2:

An Operation and Maintenance (O&M) Manual(s) had not been developed or implemented for the facility.

Permit Requirements:

Section 6.6.1 of the Permit (under “Proper Operation and Maintenance”) states:

For Permittees not previously covered under the Region 8 General Permit for Wastewater Lagoon Systems in Indian Country, the Permittee shall, as soon as reasonable and practicable, but no later than

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six (6) months after the effective date of this Permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:

- 6.6.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility.
- 6.6.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates.
- 6.6.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
- 6.6.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

For Permittees renewing coverage under this Permit, the Permittee is expected to have the above listed items (Sections 6.6.1.1. thru 6.6.1.4., which were part of the requirements under the previous Region 8 General Permit for Wastewater Lagoon Systems in Indian Country) completed prior to the coverage date under this Permit. These Permittees shall ensure that each of the items listed above are updated and maintained as part of the operation and maintenance program for the wastewater treatment facility.

Corrective Action:

Develop and implement an O&M Manual(s) for the facility in accordance with the Permit. In a response to the EPA, provide a copy of the O&M Manual(s) developed for the facility.

Finding 3:

A daily O&M log was not maintained for the facility.

Permit Requirements:

Section 6.6.1 of the Permit (under “Proper Operation and Maintenance”) states:

...In addition to the operation and maintenance items in the manual for the lagoon system, ALL Permittees shall do the following maintenance, at a minimum:

The Permittee shall maintain a log in either paper (e.g. bound notebook) or electronic format containing a summary record of any daily operation and maintenance activities at the wastewater treatment lagoon facility and collection system, that is to be updated on each day operation and maintenance activities are performed. At a minimum, the log shall include the following information:

- 6.6.1.5. Date and time.
- 6.6.1.6. Name and title of person(s) making the log entry.
- 6.6.1.7. Name of the persons(s) performing the activity.
- 6.6.1.8. A brief description of any operations and maintenance activity performed on the wastewater treatment lagoon system.
- 6.6.1.9. The Permittee shall ensure that necessary action to promptly correct the problem of leakage through the dikes is taken and documented in the maintenance log.
- 6.6.1.10. The Permittee shall ensure that necessary action to promptly remove burrowing animals from the dikes is taken and documented in the maintenance log.

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- 6.6.1.11. The Permittee shall ensure prompt repair of damage to dikes caused by burrowing animals and/or erosion and documentation of all actions in the maintenance log.
- 6.6.1.12. The Permittee shall ensure removal of rooted plants, including weeds and trees, from the water on a regular basis or as needed and documentation of all actions in the maintenance log; and
- 6.6.1.13. The Permittee shall ensure that the dikes are kept mowed on a regular basis during the growing season or as needed (i.e., vegetation not greater than 6" tall or any height that may interfere with monitoring, operation and maintenance of the system) and that documentation of all actions taken are recorded in the maintenance log.
- 6.6.1.14. Other information, as appropriate.

The Permittee shall maintain the daily log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe(s) (see Appendix A for list of Tribes).

Corrective Action:

Maintain a daily O&M log for the facility in accordance with the Permit. In a response to the EPA, provide a copy of at least one daily O&M log completed since receipt of this report.

Finding 4:

Operators were not familiar with all components of the facility, notably, the configuration of the transfer structure between Cell 1 and Cell 2, as indicated on the IHS construction drawing (Photograph 65), the presence and configuration of a valve located between the influent/splitter manhole and Cell 2 (Photograph 66), and whether any influent was intended to be configured to Cell 2 (appeared to be blocked by debris during the inspection) (Photograph 64).

Permit Requirements:

Section 6.6 of the Permit (Proper Operation and Maintenance) states:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.

Corrective Action 1 – evaluate transfer structure between Cell 1 and 2:

Evaluate whether the transfer structure between Cell 1 and Cell 2 is open or closed and determine how UTWS would like it to be configured. In a response to the EPA, provide a summary of this evaluation.

Corrective Action 2 – evaluate potential valve located between the manhole and Cell 2:

Evaluate whether there is a valve located between the influent/splitter manhole and Cell 2 (Photograph 66), whether it is open or closed, and determine how UTWS would like it to be configured. In a response to the EPA, provide a summary of this evaluation.

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Corrective Action 3 – evaluate debris in the splitter manhole:
Evaluate whether debris in the splitter manhole is intentionally blocking flow to Cell 2 or whether it should be removed. If the latter, remove debris from the splitter manhole. In a response to the EPA, provide a summary of this evaluation.
Note: Appropriate caution should be taken when turning valves which have not been regularly exercised, as they may be prone to sticking or breaking.