

NPDES Wastewater Lagoon Inspection Report

National Database Information	
Inspection Date: July 25, 2024	Inspection Type: CEI
Entry/Exit Time: 1200/1230	NPDES ID Number: MTU000097
NAICS Code: 221300 Sewage Treatment Facility	Inspection ID: 202407_MTU000097
Lead inspector and affiliation: Lisa-kay Prideaux / EPA Region 8 Montana Operations Office	

Facility Location Information	
Site/Facility Name & Location: Town of Oswego Wastewater Lagoons Indian Highway 48.057576°N; 105.867621°W	Email Report to: Mitchell Youngman Director, Enterprise Tribal Utilities (b) (6)

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)
Other Representatives	Ray Ostey – Wolf Point Maintenance Department (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

<u>Permit</u>	<u>Effluent/Receiving Waters</u>	<u>Compliance Schedule</u>
<u>Records/Reports</u>	<u>Flow Measurement</u>	<u>Discharge Monitoring Reports</u>
<u>Facility Site Review</u>	<u>Monitoring Program</u>	<u>Lift Station Operation and Maintenance</u>
<u>Collection System Review</u>	<u>Lagoon Self- Inspections</u>	<u>Preventive and Emergency Operation and Maintenance</u>

Report Review and Signature

Drafter Signature/Name: Lisa-kay Prideaux	Date	Address/Phone Number
 Digitally signed by Prideaux, LisaKay Date: 2025.01.31 09:14:05 -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
 Digitally signed by EMILIO LLAMOZAS Date: 2025.01.29 16:09:52 -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 Oswego (an unincorporated community) Wastewater Treatment Facility (Facility) is located off Indian Highway in Oswego, 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. In an effort to coordinate the inspection, the inspector asked the Tribal Environmental Director about the responsible party to the system, and he stated the Tribe does not operate or maintain the system. The inspector called Enterprise and spoke with a wastewater operator, Maurice Bighorn Jr., who stated Enterprise does not maintain the Facility and thought either the Wolf Point Maintenance Department or the Fort Peck Housing Authority were responsible for the maintenance of the lagoon. The inspector placed several phone calls to the Wolf Point Maintenance Department and the Fort Peck Housing Authority, to have a representative present who may have knowledge regarding the wastewater lagoon.

The inspection commenced at approximately 1200, when the inspector and tribal representative arrived at the lagoon site, and met with Maurice Bighorn Jr. representing Enterprise, and Ray Ostey of Wolf Point Maintenance Department, who also joined the inspection. The inspector presented credentials to Mr. Ostey (all others were presented at a previous inspection the same day) 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. and/or Mr. Ostey during the inspection and has not been independently verified by the EPA.

Once at the Facility, the inspector gathered information from Mr. Bighorn Jr. and Mr. Ostey regarding the history and status of the wastewater facility, collection system, and contributing community. The Facility is an unpermitted single-cell facultative lagoon that receives wastewater from the Town of Oswego less than one mile to the northwest. All wastewater flows via gravity to the Facility except one lift station serving three homes. The collection system or lift station was not evaluated during the inspection. The facility receives domestic waste only and does not receive trucked in or dumped RV waste. Mr. Ostey stated that there are some homes hooked up to the lagoon that are part of the Fort Peck Housing Authority, including the three homes served by the lift station (currently inoperable). He

stated that he cleans out the septic tanks at the homes and the lift station, however, does not operate or maintain the rest of the wastewater system. Mr. Ostey currently pumps the tanks and lift station and transports the waste to Glasgow. He asked the inspector of the possibility of dumping the waste into the lagoon since it was closer and already part of the system. The inspector advised that this would not be an ideal situation as there is little flow into the lagoon and the dumping of concentrated septic tank waste may shock the system and induce the entire lagoon to go septic; however, it is permissible as long as the owner of the lagoon allows it. The inspector stated that he should speak to the Tribe to determine who is responsible for the operations and maintenance of the system, and ultimately it would be that entity's decision to accept the waste.

We began the site review by walking around lagoon Cell 1 (photos 88, 90, and 91) to evaluate berm integrity and the Facility's discharge status. The inspector observed vegetation and small shrub 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. The inspector also observed algae creating a mat on the top of most of the cell. During the walk around the cell, it was noted the fencing was not intact in many areas (photos 89 and 93). The inspector also noted on the south side of the lagoon, where the influent pipe enters the lagoon was caved in (photo 92), with no indication if it was the pipe that was collapsed or if it was due to rodent damage. Through conversation with Mr. Bighorn Jr. and the inspector not observing a discharge pipe, the facility appeared to be non-discharging.

Facility diagram:



A closing conference was held at the facility with all present, during which the inspector discussed preliminary findings, as well as the process for completing and providing the inspection report. For the purposes of this report, the inspector stated it would be sent to Enterprise, since EPA's current records state they operate the Facility. A copy will be issued to the Tribe, as well as to the Fort Peck Housing Authority. The inspection concluded at approximately 1230.

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>

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 the lagoon cell.

Specifically, the Facility’s lagoon dike walls were covered in unmaintained vegetation as well as vegetation growing within the water line of the lagoon cell (photos 88, 90, and 91). Excessive vegetation/grasses, shrub growth, and woody vegetation are starting to take root. 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 cell 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 cell, as it creates leaks and erosion and can be a food source for rodents.

Finding #3: Failure to maintain perimeter fence.

Specifically, the perimeter fence was noted to have large holes or downed areas along the eastern and southern perimeters.

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 2.8.2 of this guidance manual indicates the following:

"All of the criteria specify that some type of fencing be put in place to limit access and discourage trespassing. Some states require only a fence with a few strands of barbed wire to prevent animals from entering the site. Others are more conservative and specify that a chain-link fence with barbed wire strands at the top be installed to discourage access. Gates should be of sufficient width to allow maintenance vehicles to enter the facility and should be provided with a lock."

Recommendation:

The EPA recommends ensuring the fences are maintained to prevent unauthorized access and entrance. Posting of warning signs at the lagoon are also highly encouraged.