

NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: August 22, 2023	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: Opening Conference: 08:30 am-10:30 am Site Review: 3:28 pm-4:02 pm	NPDES ID Number: NDG589402
NAICS Code: 221320	Inspection ID: 202308_NDG5890402
Lead inspector and affiliation: Brit Rustad / EPA Region 8	
Inspector and affiliation: Akash Johnson / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: East Dunseith Wastewater Treatment Facility Lat/Long: 48° 48' 41.93" N, 100° 2' 10.05" W Rolette County, ND 58329	Email Report to: Kenny Azure, Director, TMPUC puckenny@utma.com

Contact Information	
	Name(s)/Title
Facility Contacts:	Kenny Azure / Director / TMPUC / present for part of opening conference
	Eric Thomas / Operator / TMPUC / present during opening and closing conferences as well as the inspections
	Harold Bruce / Operator / TMPUC / present during opening and closing conferences as well as the inspections
	Tyler Timmons / Tribal Utility Consultant / IHS / present during the opening and closing conferences as well as the inspections
Person/Company meeting definition of “Operator”	Turtle Mountain Public Utilities Commission (TMPUC)
Authorized Official(s) (Per NOI?)	Kenny Azure / Director / TMPUC / present for part of opening conference

Permit Information		
Is the permit on site and available? No	Lagoon Category: Discharge	Monitoring Frequency: Semi Annual for effluent and receiving stream with quarterly influent monitoring
Effective Date: 11/1/2022	Expiration Date: 3/31/2027	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? Yes		Indicate correct contact information: N/A
Receiving Water(s): Flat, undeveloped area immediately south of the lagoon (based on inspection observations), which may eventually drain into wetlands 1.3 miles southeast of lagoon cells.		

Regulatory Inspector's source of information: Notice of Intent for the permit, ICIS, ECHO, and facility representatives

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
<u>Effluent/Receiving Waters</u>	<u>Operations and Maintenance</u>	Combined Sewer Overflow
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature

Drafter Name	Address/Phone Number	Date
BRIT RUSTAD Digitally signed by BRIT RUSTAD Date: 2023.11.14 07:58:46 -07'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6885	09/06/2023
Reviewer Name	Address/Phone Number	Date
Akash Johnson	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6067	09/08/2023
Supervisor Signature/Name	Address/Phone Number	Date
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2023.11.13 17:01:47 -07'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6407	09/15/2023
	Emilio Llamozas	

Inspection Narrative and Site Description

1.0 Introduction

The inspection was conducted at the East Dunseith wastewater treatment facility (facility) located in Rolette County, North Dakota, to evaluate compliance with the facility's National Pollutant Discharge Elimination System (NPDES) permit. The EPA is responsible for implementing the NPDES program in Indian Country within the State of North Dakota. The inspection was announced approximately one month prior to the inspection to coordinate logistics for the inspection.

On the morning of August 22, 2023, U.S Environmental Protection Agency (EPA) inspectors Brit Rustad and Akash Johnson (collectively, "we") met with Turtle Mountain Public Utilities Commission (TMPUC) representatives Kenny Azure, Director, and with Harold Bruce and Eric Thomas, Operators. We were also joined by Indian Health Service (IHS) representative Tyler Timmons, Tribal Utility Consultant. We presented our credentials and had an opening conference where we explained the purpose of the inspection and discussed the design, operation, and CWA and NPDES compliance of multiple WWTFs operated by the TMPUC, including the subject facility. After the opening conference, we proceeded to conduct site reviews of the WWTFs operating by the TMPUC, including the subject facility, for the remainder of August 22, 2023 and part of August 23, 2023. Throughout the inspection, we noted our observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

2.0 TMPUC Operations

During the opening conference when discussing all facilities, representatives indicated that daily checks on all lift stations are performed but that lagoon cells are only inspected when there is time. They also stated that weekly inspection logs are not being kept. Facility representatives stated that jetting of lines is done on an as needed basis rather than per a set schedule. Lastly, there has not been any sludge removal or depth testing done recently at any of the lagoons operated by TMPUC.

The TMPUC operates a regional water treatment plant and distribution system which provides water to multiple communities and users across the region. At the time of the inspection, the TMPUC employed eight operators and various managerial and administrative support staff. The majority of TMPUC operations are dedicated to the provision of potable water, but all operators perform both water and wastewater duties as needed.

TMPUC customers, rates, and finances were briefly discussed during the opening conference. Water and wastewater fees were collected separately, and different flat fees were assessed for regular residential, Tribal elder residential, and commercial users. Kenny indicated a portion of TMPUC's annual budget was subsidized by federal and/or Tribal sources.

3.0 Facility Description and Site Review

According to the Notice of Intent (NOI) for Permit coverage, the facility serves a community of roughly 405 people in the East Dunseith Housing development. The facility is permitted as a discharge facility, under the EPA Region 8 Lagoon General Permit (Permit) for North Dakota. Additionally, the NOI

stated that the lagoon system was originally built in 1968 and additional cells were added in 1983. The average design flow to the facility is 0.0237 million gallons per day (MGD) and the peak design flow is 0.0296 MGD. The average design organic treatment capacity is 57 lbs BOD₅ per day and the peak design organic treatment capacity is 71 lbs BOD₅ per day.

The facility is a three-cell lagoon system. The table below has the operating volume for all three cells as indicated in the NOI.

Cell ID	Area (acres)	Operating Volume (MG)
Cell 1	1.9	2.2
Cell 2	1.35	1.3
Cell 3	0.8	0.8
Total	4.05	4.3

Between the opening conference and inspection of the subject facility, we inspected several other WWTFs operated by the TMPUC. Just before arriving at the lagoon, we drove past the East Dunseith Housing Lift Station located inside of a small building (photo 476). Facility representatives indicated that the Tribal Housing Authority is responsible for maintaining the lift station and that TMPUC does not have access to the building. Upon arriving at the facility, we noted that the gate was missing and that much of the perimeter fence was damaged or missing (photos 478 and 480). A new splash pad had recently been constructed at the NE corner of cell 1 to accommodate hauled septic waste to the system (photo 479). We proceeded to walk around the lagoon to evaluate berm integrity and the facility's discharge status. Vegetation and cattails had reached a height greater than six inches in and on the berms which made it difficult to locate the outfall (photos 480-481). All three cells were very full and while trying to locate the outfall at the NW corner of cell 3, we noticed a location where the lagoon had possibly been overflowing (photo 482). Upon further investigation we found evidence of more potential overflows at the NE corner of cell 3 (photo 483). While discussing the state of the lagoon, IHS indicated that there may be an IHS Sanitary Deficiencies System (SDS) project already in process for redesigning the lagoon and creating more capacity. After the inspection, EPA also identified an IHS SDS project underway for improvements to the East Dunseith Housing Lift Station. A detailed discussion, and confirmation, of these improvement projects is not included in this report; relevant records and additional information may be obtained from the IHS.

At the end of our inspections on August 23, 2023, we held a brief closing conference with Eric Thomas, Harold Bruce and Tyler Timmons where preliminary findings were discussed. Later in the day on August 23, 2023, the EPA sent an email to Kenny Azure with the preliminary findings from the inspection and some resources for using NetDMR.

Findings, Corrective Actions and Recommendations

Finding #1: Weekly lagoon inspections were not being conducted.

Weekly lagoon inspections were not being conducted. The inspectors provided the facility representatives with a lagoon inspection report template form (Appendix D of the Permit) that the facility representatives could use to document the weekly lagoon inspections.

Permit requirement:

Part 6.5.1 of the Permit 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 need 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;
- 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.”

Part 5.9 of the permit 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:

Ensure that lagoon inspections are conducted on a weekly basis and documented in accordance with the permit. Ensure that inspection reports are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.

Finding #2: No O&M manuals were available.

The permittee did not have copies of operations and maintenance (O&M) manuals for the lagoon and were not properly tracking O&M activities.

Permit requirement:

Part 6.6.1 of the Permit 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 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.

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;

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."

Corrective Action:

Implement an operations and maintenance program including developing an O&M Manual in accordance with the permit. Ensure that maintenance logs are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding as well as relevant O&M documents from sections 6.6.1.1. through 6.6.1.4.

Finding #3: There was vegetation growing inside and around the cells.

Vegetation and cattails had reached greater than six inches in height on the inside of the berms that needed to be cut (photos 479-481).

Permit requirement:

Part 6.6 of the Permit 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.

The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility...

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...”

Corrective Action:

Remove the overgrown vegetation on the inside and around the berms in all cells in accordance with Part 6.6 and relevant subparts of the Permit. Submit to the EPA and IHS a description of the corrective actions taken as well as photos of the cells after the vegetation has been removed.

Finding #4: The gate was missing and parts of the perimeter fence were down.

Portions of the fence were damaged around the perimeter of the cells (photo 480). The gate was missing as well (photo 478).

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>

This guidance manual indicates on page 9-20 that:

“To discourage use of the ponds for recreation, the entire area should be fenced and warning signs displayed.”

Permit requirement:

Part 6.6 of the Permit 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.”

Recommendation:

Ensure the fences and gate are maintained to prevent unauthorized access and entrance. No response is requested pursuant to this recommendation.

Finding #5: Facility representatives indicated that they do not maintain or have access to the East Dunseith Housing Lift Station.

Inspectors did not inspect the East Dunseith Housing Lift Station as it was in a locked building and TMPUC representatives stated that it is not their lift station to maintain and did not have access. TMPUC representatives indicated the Tribal Housing Authority maintains this lift station.

Permit requirement:

Part 6.6 of the Permit 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.

The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:

6.6.1. 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 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:

Coordinate with the Tribal Housing Authority to ensure the lift station is being operated and maintained in accordance with Permit requirements. It is recommended the TMPUC enter into a written agreement with the Housing Authority to clarify ownership/operatorship responsibilities for this lift station and evaluate whether the TMPUC should have access to the lift station. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.

Finding #6: DMRs have not been submitted for several reporting periods.

The DMRs for effluent monitoring periods listed below have not been submitted and as a result the permit is in SNC for failing to submit DMRs for two consecutive quarters. Eric Thomas and Harold Bruce indicated that it has been at least 2 years since they last discharged from the lagoon.

The following DMRs were missing:

1. The DMR for outfall 001-C for the monitoring period from January 1, 2022 to June 30, 2022, which was due on July 28, 2022.
2. The DMR for outfall 001-C for the monitoring period from July 1, 2022 to December 31, 2022, which is due on January 28, 2023.

3. The DMR for outfall 001-C for the monitoring period from January 1, 2023 to June 30, 2023, which was due on July 28, 2023.

Permit requirement:

Part 5.4.1 of the Permit states, “For discharge facilities, the effluent monitoring results obtained during the previous month, calendar quarter, or semi-annual period, shall be summarized and reported via the NetDMR reporting system by the DMR by no later than the 28th day of the month following the completed reporting period, or on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period (see example schedules in table below). If no discharge occurs during the reporting period, it shall be reported as “no discharge” in the NetDMR reporting system. If there is no discharge, no flow or access was impeded by snow, ice, flooding, other unsafe conditions, etc.; the information shall be reported on the DMR using the applicable NetDMR no data indicator code (i.e., NODI code), to identify the circumstances of the situation. If the DMR Form (EPA No. 3320-1) is used, “no discharge” shall be indicated on the form if no discharge occurs. See example reporting schedules in Table 9, below.”

Table 9. Reporting Requirements

Sub-Category	Frequency of Discharge	Reporting Period	DMR Due Date
A	Continuous discharge or frequency of at least once a month	Monthly (e.g. January)	28 th day of the following month (February 28 th)
B	Less frequently than monthly but at least once a quarter	Quarterly (e.g. April – June)	28 th day following the end of the quarter (July 28 th)
C	Less than quarterly	Semi-annually (e.g. July – December)	28 th day following the end of 6 th month period (January 28 th)

Corrective Action:

Submit all DMRs that are past due. Ensure that all DMRs are submitted in a timely manner in accordance with Part 5.4.1 of the Permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding and an explanation of how DMRs will be submitted in the future in accordance with the Permit.

Finding #7: Influent and receiving stream monitoring were not being conducted.

The required influent and receiving stream monitoring was not being conducted per the permit. The EPA understands the receiving stream monitoring location may be dry. No Data Indicator (NODI) codes (accessible at <https://echo.epa.gov/help/npdes-dmr-non-receipt-search-help#NODI> and via NetDMR) may be appropriate in these scenarios.

Permit requirement:

Part 3.1.2 of the Permit states, “...

Table 4. Baseline Influent Monitoring Requirements

Table 4. Baseline Influent Monitoring Requirements Influent Characteristic	Sub-category A Frequency b/	Sub-category B Frequency b/	Sub-category C Frequency b/	Sample Type a/
BOD5, mg/L	Monthly	Twice per Quarter c/	Quarterly, d/	Grab
TSS, mg/L	Monthly	Twice per Quarter c/	Quarterly, d/	Grab

a/ See Definitions, Section 1.1. of this Permit, for definition of terms.

b/ See Section VI. Monitoring Requirements of the Fact Sheet and Section 3.1.4. of this Permit, for additional information on the discharging sub-categories. A Permittee’s sub-category will be clearly identified in the authorization of coverage letter.

c/ At least two samples will be taken each calendar quarter and will be used in the calculation for the 30-day averages for the month in which they are performed. Samples are to be taken during different months within the quarter to provide information for possible variations in influent that may occur during the quarter. Additional samples may be taken at the Permittee’s discretion if a large amount of variability is anticipated in the influent within a quarter. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which it is performed. If only one sample is taken within a month, that result will be the 30-average for the month.

d/ A sample will be taken at least once each calendar quarter and will be used in the calculation for the 30-day averages for the month in which they are performed. Additional samples may be taken at the Permittee’s discretion if a large amount of variability is anticipated in the influent within a quarter. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which it is performed. If only one sample is taken within a month, that result will be the 30-average for the month.

Part 3.1.3 of the Permit states, “...

Table 6. Supplemental Ammonia **Receiving Stream** Monitoring

Receiving Stream Characteristic	Frequency	Sample Type a/
pH, standard units, c/	b/	Grab
Temperature, °C, c/	b/	Grab
Total Ammonia Nitrogen (as N), mg/L, c/	b/	Grab

a/ See Definitions, Section 1.1. of this Permit, for definition of terms.

b/ Frequency will be determined in alignment with the sub-category monitoring requirements outlined in Section 3 of this Permit. A Permittee’s sub-category and monitoring schedule will be clearly identified in the authorization of coverage letter.

- c/ Temperature and pH samples shall be collected at the same time as sampling for the total ammonia. Temperature and pH measurements must be analyzed within fifteen (15) minutes of sampling. Where TAS and tribal CWA-approved WQS have not been approved by EPA, EPA R8 will require ammonia and concurrent pH and temperature monitoring of receiving waters in all discharge permits to continue to establish baseline data for determining reasonable potential in future permitting actions.”

Part 3.1.4.3 of the Permit states, “Receiving stream monitoring, if required, will occur at the time of the discharge and will consist of a single grab sample taken at a location immediately upstream of where the discharge is anticipated to meet the receiving stream, unless otherwise indicated in the facility’s permit coverage letter.

Influent monitoring sampling will consist of a single grab sample at a location representative of the influent flow entering the wastewater lagoon treatment system prior to treatment (e.g. an influent structure, upstream manhole that contains flow from the entire service area, or any other representative location), unless otherwise indicated in the facility’s permit coverage letter. Influent sample monitoring shall be required quarterly to allow characterization of influent flow with regard to BOD5, TSS, and flow, and calculation of BOD5 and TSS percent removal values.”

Corrective Action:

Ensure that the facility is monitoring the influent and receiving stream for appropriate characteristics, frequency, and sample type specified in the Permit, or report the appropriate NODI codes (accessible at <https://echo.epa.gov/help/npdes-dmr-non-receipt-search-help#NODI> and via NetDMR) in NetDMR. Submit corrected DMRs for all monitoring periods since the permit effective date and provide a copy of these DMRs in response to this report. Provide the EPA and IHS with a response indicating how the Facility will implement future influent and receiving stream monitoring and reporting as required by the Permit.

Finding #8: Cell 3 may have been overflowing.

Cell 3 was very full at the time of the inspection and there were several locations on the north end that may have indicated that the cell had overtopped the berm (photos 482-483).

Permit requirement:

Part 5.10 of the Permit states, “...

5.10.1. The Permittee shall report any noncompliance which may endanger health or the environment (including sanitary sewer overflows) as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to EPA, Region 8, Superfund & Emergency Management Division (EPA Region 8 24-hr. Emergency Response line) at (303) 293-1788 and the applicable Tribe(s) (see Appendix A for list of Tribes and telephone numbers).

5.10.2. The following occurrences of noncompliance shall also be included as information which must be reported within 24 hours under this section and shall be reported by telephone to EPA, Region 8 Enforcement and Compliance Assurance Division at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the applicable Tribe(s)(see Appendix A for list of Tribes and telephone numbers) (8:00 a.m. - 4:30 p.m. local time).

5.10.2.1. Any unanticipated bypass which exceeds any effluent limitation in this Permit in accordance with 40 CFR §122.41(g). (See Section 6.8, Bypass of Treatment Facilities of this Permit.);

5.10.2.2. Any upset which exceeds any effluent limitation in the permit (See Section 6.9, Upset Conditions of this Permit.); or,

5.10.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours in accordance with 40 CFR §122.44(g).

5.10.3. For any noncompliance notification required under Sections 5.10.1 or 5.10.2 of this Permit (above), a written submission shall also be provided to EPA Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, and to the applicable Tribe(s) within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall be submitted to the addresses indicated in Section 5.6 of this Permit and contain:

5.10.3.1. A description of the noncompliance and its cause;

5.10.3.2. The period of noncompliance, including exact dates and times;

5.10.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

5.10.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

5.10.3.5. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above as well as the type of event (i.e. combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

5.10.3.6. The signed certification statement required by the Signatory Requirements (see Section 7.7 of this Permit).”

Part 6.5.1 of the Permit states, “On at least a weekly basis, unless otherwise modified by written approval from EPA, the Permittee shall inspect its wastewater treatment facility...

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;”

Part 6.8.2 of the Permit states, “...

6.8.2.2. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required under Section 5.10 of this Permit, Twenty-four Hour Notice of Noncompliance Reporting, to EPA, Region

8, NPDES and Wetlands Enforcement Section Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the applicable Tribe(s)(see Appendix A for list of Tribes and telephone numbers) (8:00 a.m. - 4:30 p.m. local time). As of December 21, 2025 all notices submitted in compliance with this section must be submitted electronically by the Permittee to the EPA or initial recipient, as defined in 40 CFR 127.2(b), unless otherwise indicated in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR Part 127, should electronic reporting not be available by December 21, 2025.”

Part 6.8.3 of the Permit states, “Prohibition of bypass.

6.8.3.1. Bypass is prohibited and the EPA may take enforcement action against a Permittee for a bypass, unless:

6.8.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

6.8.3.1.2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

6.8.3.1.3. The Permittee submitted notices as required under Section 6.8.2 of this Permit.

6.8.3.2. The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in Section 6.8.3.1 of this Permit.

Corrective Action:

Ensure that the lagoons are inspected on a weekly basis. Evaluate if cell 3 needs to be discharged. Ensure that all discharges are conducted in accordance with the monitoring and reporting requirements of the Permit. Provide EPA and IHS with a description of corrective actions taken to address this finding. Additionally, also provide the EPA with the non-compliance notification outlined in section 5.10.3 of the Permit.

Finding #9: SCADA would stop calling operators phones after a certain period of time.

According to TMPUC operators, SCADA call-out functionality from the lift stations timed-out and would stop calling-out to operator’s phones after a limited period of time.

Permit requirement:

Part 6.6 of the Permit 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:

Ensure that the SCADA software is functioning as intended so that any warnings can be addressed as soon as possible. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.