

NPDES Wastewater Lagoon Inspection Report – Non-discharging

National Database Information		
Inspection Date: July 20, 2022	Inspection Type: Wastewater Treatment Lagoons	
Entry/Exit Time: 08:00 / 10:45	NPDES ID Number: MTG589101(administratively continued)	
NAICS Code: 221320	Inspection ID: 202207 MTG589101	
Lead inspector and affiliation: Lisa-kay Prideaux / EPA Region 8 Montana Operations Office		

Facility Location Information	
Site/Facility Name & Location: Starr School Wastewater Treatment Lagoons Starr School Airport Road Browning, Montana 59417 48.594770°N; -113.127137°W	Mail Report to: Gerald Wagner, Environmental Director Blackfeet Tribe Beo.director@gmail.com

Contact Information	
	Name(s)/Title
Facility Contacts:	Wilby Fish / Wastewater Operator / Blackfeet Tribe / present during the inspection
Person/Company meeting definition of “Operator”	Blackfeet Tribe
Authorized Official(s)	Gerald Wagner / Environmental Director / Blackfeet Tribe (not present)
Tribe Representative(s)	Wilby Fish / Wastewater Operator / Blackfeet Tribe
Indian Health Service Representative(s)	None present during inspection

Permit Information		
Is the permit on site and available? yes	Lagoon Category: Potential to Discharge (NODIS)	Monitoring Frequency: No Discharge
Effective Date: December 6, 2016	Expiration Date: December 7, 2020 (administratively Continued)	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? No	Indicate correct contact information: Mailing address has been updated to <u>62 Hospital Drive</u>	
Receiving Water(s): None – No Discharge		
Discharge point location (longitude, latitude): None – No Discharge		
Regulatory Inspector’s source of information: General permit for Lagoon Dischargers, Statement of Basis for the general permit, Integrated Compliance Information System (ICIS), Enforcement & Compliance History Online (ECHO), facility representatives and facility observations.		

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

Report Review and Signature		
Drafter Signature/Name	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2022.09.23 07:31:16 -06'00'	U.S. EPA Region 8, Montana Operations Office 10 West 15th Street, Suite 3200 Helena, Montana 59626	09.15.2022
Lisa-kay Prideaux	406-457-5022	
Reviewer Name	Address/Phone Number	Date
Evan Smith	Confederated Salish & Kootenai Tribe 301 Main Street Polson, Montana 59860 406-675-2700 Ext: 7203	9/20/2022
Management Signature/Name	Address/Phone Number	Date
MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2022.09.23 06:37:47 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NP Denver, Colorado 80202	09/23/2022
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

The U.S. Environmental Protection Agency (EPA) conducted an announced inspection at the Starr School Wastewater Lagoons (facility) to evaluate the facility's compliance with the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) permit MTG589101.

The Blackfeet Tribe owns and operates the facility, located on the Blackfeet Reservation, in Browning, Montana. The EPA directly implements the Clean Water Act and NPDES requirements at the facility. The facility is permitted under the 2016 NPDES Lagoon General Permit (2016 General Permit) as a "no discharge" facility. The 2016 General Permit expired on December 31, 2020; however, the facility's authorization was administratively continued because a new General Permit had not been issued at the time the 2016 General Permit expired. The EPA Region 8 issued a new General Permit (2022 General Permit) which became effective on April 1, 2022 and will expire on March 31, 2027. The facility has not submitted a Notice of Intent to comply with the 2022 General Permit as of the date of this report.

On July 20, 2022, I, EPA inspector Lisa-kay Prideaux, conducted an announced inspection at the facility. The inspection commenced at approximately 08:00, when I arrived at the Blackfeet Environmental Office at 62 Hospital Drive in Browning, Montana. After arriving at the office, I presented my inspector credentials to Wilby Fish, wastewater operator, and had an opening conference to explain the purpose of the inspection. I asked a series of questions of the facility representative to help evaluate the facility operations and compliance. Throughout the inspection, observations and photograph descriptions were documented in a field logbook. All photographs taken during the inspection are included in the attached photo log.

The Starr School facility is a two-celled, facultative lagoon system with a wind mixer in lagoon cell #1. The facility was constructed approximately 25 years ago. The facility currently serves 86 homes and Starr School, including Head Start. There is a 125-RV park being developed further north on Starr School Road which indicates its wastewater will be hauled to a 'nearby' wastewater treatment facility; however, Mr. Fish did not know of the RV park or the treatment system receiving any additional waste.

Wastewater collected from the school and community flows via gravity to the lagoon system. All influent enters lagoon cell 1 in the southwest corner. Cell 1 has one wind mixer located in the center of the cell. Wastewater leaves cell 1 in the northeast corner through an overflow pipe into cell 2 in the northwest corner; cell 2 is a facultative cell. Wastewater can be discharged out of the southeast corner, into a draw which drains to Cut Bank Creek. The discharge point is a PVC pipe opening to the head of the draw; however, the status and current operational configuration is as a no discharge facility.

After a background description of the facility, I began an on-site review of facility records. A copy of the permit and authorization letter were on-site. Mr. Fish is not a certified wastewater operator, but an operator-in-training, waiting to take the exam. Mr. Fish stated he inspects the facility weekly but does not document inspections (since February 2022) because the computer system crashed, and no paper copies are available. I reviewed the inspection requirements and Mr. Fish stated the dike walls have not been mowed as the mower available is a push mower, and the site is just over 4-acres in size. I inquired about maintenance activities and documentation; Mr. Fish stated maintenance activities are not currently documented.

After the facility representative interviews and records review, Mr. Fish and I drove to the facility system. We started by observing the influent manhole, lagoon cell 1 (photos 575, 579 and 585) with the mixer currently on the west edge of the lagoon cell in inoperable condition (photo 578), lagoon cell 2 (photos 576 and 582) along with the divider between cells where the overflow pipe exists (photos 577 and 584). Mr. Fish stated the overflow pipe between the lagoon cells is stuck in the closed position, so there is a hose to transfer water from cell 1 to cell 2 via suction. We then walked around cell 2 to identify the outfall pipe (photo 580). The outlet to the discharge pipe was

not observed as it was outside of the fencing, and there were cows grazing in the area. As we walked around the lagoon cells it was noted there is vegetative growth within the cells at water level (photos 579, 580, 582, 584, and 585), the outside of the dike walls was not mowed and there was damage caused by rodents. There were also cows within the fenced area (see photo 576), as they move through several areas in which the fencing is down (photos 581 and 583). On the northern edge of cell 1, a burned area was noted (photo 586). Mr. Fish stated septic haulers will drive on the outside of the fence and pump truck contents over the fence. Mr. Fish stated that he has not been able to observe the action taking place.

After returning to the environmental office, a closing conference was held on-site with Mr. Fish, during which I discussed preliminary findings and recommendations, as well as the process for the inspection report. The inspection concluded at approximately 10:45. Preliminary findings were summarized in an email I sent to Mr. Wagner and Mr. Fish on July 29, 2022.

Findings, Corrective Actions and Recommendations

Finding #1: Failure to perform and/or document lagoon self-inspections.

Specifically, Mr. Fish indicated he has not performed self-inspections since February of 2022 due to a computer system crash, and no paper copies were available. NOTE: this finding was also identified in the EPA inspection conducted on May 17, 2017.

Permit requirement:

Part 4.3.1 of the 2016 General Permit states, "On at least a weekly basis, unless otherwise modified by written approval from the EPA, the permittee shall inspect its wastewater treatment facility. The permittee shall maintain a notebook recording all information obtained during the inspection. At a minimum, the notebook shall include the following:

- 4.3.1.1. Name of facility and permit number;
- 4.3.1.2. Date and time of the inspection;
- 4.3.1.3. Name of the inspector(s);
- 4.3.1.4. The facility's discharge status;
- 4.3.1.5. The flow rate of the discharge if occurring;
- 4.3.1.6. If a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection.
- 4.3.1.7. Is there is any leakage through the dikes;
- 4.3.1.8. Are there are any animal burrows in the dike;
- 4.3.1.9. Is there any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
- 4.3.1.10. Are there are any rooted plants, including weeds growing in the water;
- 4.3.1.11. Does the vegetation growth on the dikes needs mowing (e.g. greater than 6" tall);
- 4.3.1.12. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
- 4.3.1.13. Identification of operational problems and/or maintenance problems;
- 4.3.1.14. Recommendations, as appropriate, to remedy identified problems;
- 4.3.1.15. A brief description of any actions taken with regard to problems identified; and,
- 4.3.1.16. Other information, as appropriate.

Part 4.3.2 of the 2016 General Permit states the permittee shall maintain the notebook in accordance with required record-keeping items and shall make the log available for inspection, upon request, by authorized representatives of the EPA or the applicable Tribe.

Part 4.3.3 of the 2016 General Permit states, any problems identified during the inspection shall be listed with corrective action and a time frame to correct the issue. Example: repair cracks in North berm, remove animal and

repair burrow, within 7 days.

Part 6.1 of the 2016 general permit states the permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

Corrective Action:

Ensure inspections are conducted and reports are written to document observations against all required permit elements. Implement corrective actions identified during inspections within the required timeframe. In the response to this report, provide EPA with a description of the corrective actions taken to address this finding.

Finding #2: Failure to maintain equipment.

Specifically, the mixer for lagoon cell 1, and the valve within the overflow pipe between lagoon cells 1 and 2 were not in operational condition. NOTE: this finding was also identified in the EPA inspection conducted on May 17, 2017.

Permit requirement:

Part 6.5 of the 2016 General 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 include 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 the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

Part 6.1 of the 2016 general permit states the permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

Corrective Action:

Repair equipment to operational status. In the response to this report, provide EPA with a description of the corrective actions taken to address this finding or a schedule with timeframes to complete the required maintenance.

Finding #3: Unmaintained vegetation.

The facility's lagoon dike walls were covered in unmaintained vegetation as well as vegetation beginning to grow along the water line within the lagoon cells. Heavy thick roots from the wrong type of flora can compromise the integrity and greatly inhibit or degrade the dike walls. Planting grasses or other shallow-rooted vegetation for ground cover with a maintenance schedule is required. NOTE: this finding was also identified in the EPA inspection conducted on May 17, 2017.

Permit requirements:

Part 6.5 of the 2016 General 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. In addition to the operation and maintenance items in the manual for the lagoon system, the permittee shall do the following maintenance:

- 6.5.1. Take necessary action to promptly correct the problem of leakage through the dikes;
- 6.5.2. Take necessary action to promptly remove burrowing animals from the dikes;
- 6.5.3. Promptly repair damage to dikes caused by burrowing animals and/or erosion;
- 6.5.4. Remove rooted plants, including weeds, from the water on a regular basis or as needed; and
- 6.5.5. Keep the dikes mowed on a regular basis during the growing season or as needed (e.g., keep growth below 6" in height)."

Part 6.1 of the 2016 general permit states the permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

Corrective Action:

Mow all vegetation on the top and outside lagoon dike walls and remove vegetation growing within the lagoon cells. In the response to this report, provide EPA with a description of the corrective actions taken to address this finding. Provide photographic evidence that documents the correction of each deficiency.

Finding #4: Failure to maintain perimeter fence.

Specifically, the chain link fence was noted to have large holes or downed areas along the northern and eastern perimeters. Cattle were noted within the boundaries of the lagoon fencing.

Permit requirements:

Part 6.5 of the 2016 General 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.

Part 6.1 of the 2016 general permit states the permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

Corrective Action:

Repair the fence. In the response to this report, provide EPA with a description of the corrective actions taken to address this finding or a schedule with timeframes to complete the required maintenance. Provide photographic evidence that documents the correction of each deficiency.

Finding #5: Failure to prevent trucked or hauled pollutants from entering the lagoon other than designated location. Specifically, there is an area of burnt and void vegetation on the northwestern edge of lagoon cell 1 (photo 586) where Mr. Fish alleged septic dumping over the fence is occurring without consent.

Permit requirements:

Part 6.9.2 of the 2016 general permit under Industrial Waste Management, states the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source...

Part 6.9.2.9 – Any trucked or hauled pollutants, except at discharge points designated by the POTW

Part 6.1 of the 2016 general permit states the permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

Corrective Action:

Install a control measure to prevent trucked or hauled pollutants from being deposited within lagoon boundaries. An example of control measures may be, but are not limited to, prohibited signage, double fencing, or installation of camera. In the response to this report, provide EPA with a description of the corrective actions taken to address this finding or a schedule with timeframes to complete the required maintenance. Provide photographic evidence that documents the correction of each deficiency.

Finding #6: Application for coverage under the 2022 Lagoon General Permit has not been submitted.

The facility is permitted under the 2016 General Permit as a “no discharge” facility. The 2016 General Permit expired on December 31, 2020; however, the facility’s authorization was administratively continued because a new General Permit had not been issued at the time the 2016 General Permit expired. The EPA Region 8 issued a new General Permit (2022 General Permit) which became effective on April 1, 2022 and will expire on March 31, 2027. On March 18, 2022, the EPA issued an email to all currently covered facilities, with a copy of the application (Notice of Intent (NOI)) for coverage under the 2022 General Permit, and a copy of the NOI submission instructions. The EPA email stated “the application period to reapply for coverage under the [2022 General Permit] is April 1, 2022, through June 30, 2022. Failure to submit an NOI by the deadline may result in a gap in permit coverage”. Starr School wastewater facility has not submitted an NOI.

Permit Requirement:

Part 7.4 of the 2016 General Permit states if a permittee wants to retain coverage under the continued permit until a new general permit is issued, the permittee must submit a letter containing the following:

- 7.4.1. Name, address, and telephone number of the operator of the facility;
- 7.4.2. The existing permit number for the facility; and,
- 7.4.3. A request that the facility be provided coverage under the continued permit until a new general permit is issued.

The letter must be signed in accordance with Part 7.7, Signatory Requirements

Corrective Action:

Submit an NOI to the EPA for coverage under the 2022 General Permit. In the response to this report, provide EPA with the date on which the NOI was submitted.