NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: September 10, 2024	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: Opening Conference: 8:00 a.m. - 9:00 a.m. Site Review: 9:10 a.m. – 10:50 a.m.	NPDES ID Number: SDG589803
NAICS Code: 221320	Inspection ID: 202409_SDG589803
Lead inspector and affiliation: Stephanie Passarelli / EPA Region 8	
Inspector and affiliation: Stephanie Meyers / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Old Agency Village Lake Traverse Reservation, South Dakota Lat/Long: 45° 33' 59.0004'' N, 97° 3' 20.0988'' W	Email Report to: John Cloud, III, Program Manager Lake Traverse Utility Commission johnc@swo-nsn.gov

Contact Information	
	Name(s)/Title
Facility Contacts:	John Cloud, III / Program Manager / Lake Traverse Utility Commission (LTUC) / present during the opening conference
	Enrique Pagan / Operator / LTUC / present during the opening conference
	Jerwyn “JJ” Marks / Operator / LTUC / present during the inspections and closing conference
	Ross Hanson / Environmental Engineer Consultant / Indian Health Service (IHS) / present during the opening conference, inspections and closing conference
	Jon Ireland / Tribal Utility Consultant / Indian Health Service (IHS) / present during inspections and closing conference
Person/Company meeting definition of “Operator”	Sisseton-Wahpeton Oyate Tribe, LTUC
Authorized Official(s)	John Cloud, III / Program Manager / LTUC

Permit Information		
Is the permit on site and available? **Yes, digitally**	Lagoon Category: **No Discharge**	Monitoring Frequency: **N/A**
Effective Date: **01/01/2023**	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): **No-discharge**		
Regulatory Inspector’s source of information: Notice of Intent for the permit, ICIS, ECHO and facility representatives		

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

Report Review and Signature		
Drafter Name	Draft Date	Contact Information
Stephanie Passarelli STEPHANIE PASSARELLI Digitally signed by STEPHANIE PASSARELLI Date: 2024.12.05 17:48:14 -07'00'	**11/14/2024**	**U.S. EPA Region 8** **Denver, Colorado** **passarelli.stephanie@epa.gov** **(303) 312-6803**
Reviewer Name	Draft Date	Contact Information
Stephanie Meyers	**11/25/2024**	**U.S. EPA Region 8** **Denver, Colorado** **meyers.stephanie@epa.gov** **(303) 312-6938**
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2024.12.05 09:27:46 -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 Tuesday, September 10, 2024, Environmental Protection Agency (EPA) inspectors Stephanie Passarelli and Stephanie Meyers (inspectors, we), conducted a compliance evaluation inspection of the Old Agency Village wastewater treatment facility (facility; WWTF) located within the exterior boundaries of the Lake Traverse Reservation in South Dakota. The facility was operated by Sisseton-Wahpeton Oyate Tribe, Lake Traverse Utility Commission (LTUC).

The purpose of the inspection was to evaluate compliance with the Clean Water Act (CWA) and 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 South Dakota. The inspection was coordinated with the EPA several weeks in advance. A letter notifying the Tribe of the EPA's inspection presence on the Reservation was sent on August 29, 2024.

The opening conference was held at the LTUC office with John Cloud, III, LTUC Program Manager, Enrique Pagan, LTUC Operator, and Ross Hanson, IHS Environmental Engineer Consultant. We presented our credentials, explained the purpose of the inspection and discussed NPDES compliance and current operations of the multiple WWTFs operated by LTUC, including the subject facility. LTUC and IHS representatives discussed planned and future upgrades of several of the LTUC facilities, and status on the IHS Sanitary Deficiencies System list. Additionally, LTUC representatives shared that there were six staff responsible for wastewater operations and that staffing levels are not currently sufficient.

After the opening conference, inspectors proceeded to conduct site reviews of the WWTFs operated by LTUC, including the subject facility, for the remainder of the day on September 10, 2024. During the field portion of the inspections, inspectors were joined by Ross Hanson, Jon Ireland, and JJ Marks. Throughout the inspection, inspectors noted observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

2.0 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 SDG589###; facility-specific NPDES ID SDG589803), as Potential to Discharge, but no Discharge (NODIS) authorized.

The facility comprised a collection system, lagoon, and wetland area. LTUC representatives indicated the lagoon was built approximately 40 years ago, and the wetland area added approximately in 2004. The average design flow, peak design flow, average design organic treatment capacity, and peak design organic treatment capacity were unknown to LTUC.

The three-cell lagoon and wetland area services approximately 500 people from the surrounding Agency Village community on Lake Traverse Reservation. Per the Notice of Intent submitted in 2022, and confirmed by LTUC representatives, the facility currently does not accept hauled septic waste, receiving only domestic wastewater from the housing community, and has no planned improvements. The operating volume for all cells is shown in the table below.

Cell ID	Area (acres)	Operating Volume (MG)
Cell 1	3.9	7.62
Cell 2	5.5	10.75
Cell 3	3.5	6.84
Wetland	6.0	11.73
Total	18.9	36.94

3.0 Inspection Narrative

The inspection commenced at approximately 9:10 a.m. when the group convened at the facility. Inspectors had presented their credentials and conducted an opening conference earlier in the day. The facility comprised a three-cell lagoon serving the Old Agency Village community, as noted in the Notice of Intent application and reiterated by LTUC representatives.

Inspectors proceeded to walk the lagoon perimeter to observe operations and facility conditions. An overview of Cell 1 is shown in Photograph 1, showing dense vegetation and trees that had reached heights greater than six inches on the berms surrounding Cell 1 and growing inside Cell 1 walls. The inspectors and facility representatives continued to walk the permimeter of the Cell 1 and along the northside of Cell 2 (Photograph 2) where vegetation, shrubs, and cattails were visible along the Cell 2 walls and berm area (Photograph 3). The inspectors progressed between Cells 2 and 3 where animal burrows and a small hole was visible on the outside of Cell 2's east berm wall (Photograph 4). A trickle of water was observed discharging from this area, the source location was identified as a potential animal burrow, and seeping into the dry swale between Cell 2 and Cell 3. The inspectors proceeded with the walk-through observing Cell 3 (Photograph 6), and the gate valve (Photograph 5) which controls transfer of flow between Cell 3 and the wetland area (Photograph 7). During the Opening Conference, Mr. Cloud referenced the lift station "Little Crow" associated with the facility, and responsibilities of LTUC staff to maintain and operate, however we did not inspect the lift station during this site inspection.

The inspection concluded at approximately 10:50 a.m. Following inspection of the facility, inspectors held a brief closing conference with JJ Marks, Ross Hansen, and Jon Ireland where preliminary findings were discussed.

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

Findings, Corrective Actions and Recommendations

Finding #1: The Permittee was not properly conducting nor documenting weekly lagoon inspections.

A facility representative stated that LTUC staff visit each lagoon on a regular basis and maintained inspection logs. However, the inspection logs did not include all required documentation of weekly lagoon inspections, and LTUC staff were not walking the entirety of the lagoons.

Permit requirement:

Section 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."

Section 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 weekly lagoons inspections are conducted and documented in accordance with the permit. Ensure that weekly lagoon inspection reports are retained in accordance with the recordkeeping requirements of the permit. Provide the EPA and IHS with 1 month worth of weekly lagoon inspection reports.

Finding #2: Excessive vegetation and trees were evident throughout the cells, and animal burrows were observed in several locations.
Excessive vegetation exceeding six inches in height and woody vegetation (small shrubs) and mature trees were present on the inside slopes and tops of the berms (photos 1, 2, 3, and 6). Additionally we observed animal burrows along the berms of Cell 2 (photo 4).

Permit requirement:
Section 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…

6.6.1.10. 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..."

Corrective Action:
Remove the overgrown vegetation and trees from inside and around the berms in all cells in accordance with Section 6.6 and relevant subparts of the Permit. In a response to the EPA and IHS, provide photographs indicating this corrective action has been completed and provide the date of completion.

Finding #3: The facility was discharging at the time of the inspection.
Inspectors observed an animal burrow along the outside berm of Cell 2 had resulted in the cell leaking into a dry swale between Cells 2 and 3 (photo 4).

Permit Requirement:
Section 3.2 of the Permit states, "Effective immediately as of the effective date of the permit coverage letter and lasting through the life of this Permit, there shall be no discharge except in accordance with the bypass provisions of this Permit. Facilities covered under the NODIS category are not expected to discharge, and this Permit does not authorize discharges from these facilities, except in accordance with the bypass provisions of this Permit. However, if an upset, bypass or any other unauthorized discharge is discovered or is expected to occur, the discharge is to be monitored and the Permittee must follow the monitoring and reporting requirements outlined in this section and Section 5.4.2 of this Permit."

Sections 6.6.1.10 and 6.6.1.11 of the Permit state, "The Permittee shall ensure that necessary action to promptly remove burrowing animals from the dikes is taken and documented in the maintenance log. 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."

Corrective Action:
Repair the eastern berm along Cell 2 and stop any discharges from occuring due to damage from animal burrows. In a response to the EPA and IHS, provide photographs indicating this corrective action has been completed and provide the date of completion.

Finding #4: The facility does not have enough staff or funding.
During the opening conference, staffing and funding resources were discussed. It is apparent based on that conversation as well as field observations that this facility does not have adequate staff or funding to fully comply with the permit.

Permit requirement:
Section 6.6.2 of the Permit states, "Staffing and Funding: The Permittee shall provide adequate staff and funding to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this Permit. The level of staffing needed, in numbers, training and experience, shall be determined taking into account the work involved in operating the system, conducting maintenance, and complying with this Permit."

Corrective Action:
Develop a staffing and funding plan (plan) that includes the number of staff needed to comply with the permit, staff retention plan (competitive pay and proper training), SOPs for collection of outstanding fees, and evaluation of alternative funding sources. The plan should include deadlines for accomplishing each of the items listed in the plan. Provide the EPA and the IHS with a copy of the plan.