



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

Ref: 8 Montana

**SENT VIA EMAIL**  
**DIGITAL READ RECEIPT REQUESTED**

Kasey Hastheegle  
Director of Prairie Mountain Utilities  
[Kasey.hastheegle@ftbelknap.org](mailto:Kasey.hastheegle@ftbelknap.org)

Re: Inspection Report for Fort Belknap Hays Wastewater Lagoons, MTU000037

Dear Kasey Hastheegle:

On July 19, 2023, representatives of the U.S. Environmental Protection Agency conducted a compliance evaluation of the Fort Belknap Hays (formerly known as Pine Grove) wastewater lagoon in Hays, Montana, to evaluate compliance with the Clean Water Act and EPA regulations. The inspection was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Inspection findings are summarized within the enclosed inspection report in a table titled "Findings, Corrective Actions and Recommendations." Within thirty (30) days of receipt of this report, please provide the EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings or content of the report. This summary should be sent to:

Lisa-kay Prideaux  
U.S. EPA Region 8  
[Prideaux.Lisakay@epa.gov](mailto:Prideaux.Lisakay@epa.gov)

Ina Nez Perce, Environmental Director  
Fort Belknap Indian Community of the Fort Belknap Indian Reservation  
[Inperce@ftbelknap.org](mailto:Inperce@ftbelknap.org)

Please contact me at 406-457-5022 or [Prideaux.Lisakay@epa.gov](mailto:Prideaux.Lisakay@epa.gov) if you have any questions regarding this letter or the enclosed report.

Sincerely,

**Prideaux,  
LisaKay**

Lisa-kay Prideaux  
NPDES and Wetlands Enforcement Section  
Enforcement and Compliance Assurance Division

 Digitally signed by Prideaux,  
LisaKay  
Date: 2023.08.24 13:05:51  
-06'00'

Enclosures:

- 1) NPDES Wastewater Lagoon Inspection Report
- 2) Photo Log

cc: Jeffrey Stiffarm, President, Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation (email)  
Ina Nez Perce, Environmental Director, Fort Belknap (email)  
Gene Talks Different, Water Plant Manager (email)  
Rob Adams, Indian Health Services (email)

## NPDES Wastewater Lagoon Inspection Report

| National Database Information                                                              |                                 |
|--------------------------------------------------------------------------------------------|---------------------------------|
| Inspection Date: July 19, 2023                                                             | Inspection Type: CEI            |
| Entry/Exit Time: 11:40/12:10                                                               | NPDES ID Number: MTU000037      |
| NAICS Code: 221300 Sewage Treatment Facility                                               | Inspection ID: 202307_MTU000037 |
| Lead inspector and affiliation: Lisa-kay Prideaux / EPA Region 8 Montana Operations Office |                                 |

| Facility Location Information                                                                                 |                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Site/Facility Name & Location:<br><b>Fort Belknap Hays (Pine Grove) Lagoons</b><br>48.000541°N; -108.690138°W | Email Report to:<br>Kasey Hastheeagle<br>Director of Prairie Mountain Utilities<br>Kasey.hastheeagle@ftbelknap.org |

| Contact Information                             |                                                                      |
|-------------------------------------------------|----------------------------------------------------------------------|
|                                                 | Name(s)/Title                                                        |
| Facility Contacts:                              | Kasey Hastheeagle – Director of Prairie Mountain Utilities (present) |
|                                                 | Gene Talks Different – Water Plant Manager (present)                 |
|                                                 | Tyus Hammett – Water/Wastewater Operator in Training (present)       |
| Person/Company meeting definition of “Operator” | Jeffrey Stiffarm – President (not present)                           |
| Authorized Official(s)                          | Kasey Hastheeagle – Director of Prairie Mountain Utilities (present) |
| Tribe Representative(s)                         |                                                                      |
| Indian Health Service Representative(s)         | Rob Adams – Indian Health Services, Engineer (present)               |

| Permit Information                                                                                                                                                                                                                                                                        |                                                                              |                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------|
| Is the permit on site and available? N/A                                                                                                                                                                                                                                                  | 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? No                                                                                                                                                                                                                                      | Indicate correct contact information: Authorized Official: Kasey Hastheeagle |                                                 |
| Receiving Water(s): Drainfield; intermittent drainage to Little Peoples Creek                                                                                                                                                                                                             |                                                                              |                                                 |
| Discharge point location (longitude, latitude): Discharge to a constructed drainfield                                                                                                                                                                                                     |                                                                              |                                                 |
| Regulatory Inspector’s source of information: Clean Water Act regulation, Integrated Compliance Information System (ICIS), Enforcement & Compliance History Online (ECHO), previous inspection report and correspondence, ariel maps, 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> |

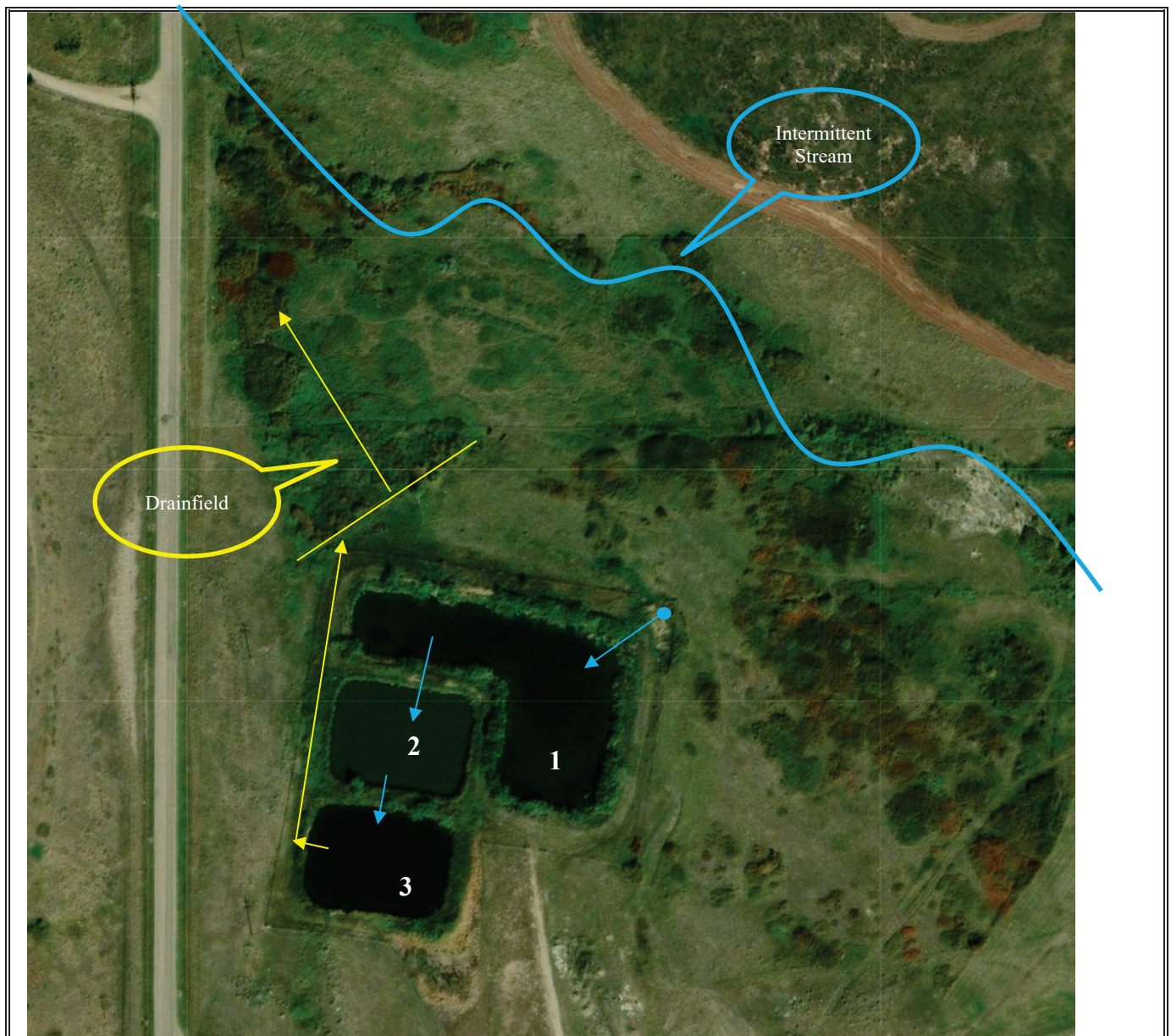
| Report Review and Signature                                                                                                                                        |            |                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Drafter Signature/Name: Lisa-kay Prideaux                                                                                                                          | Date       | Address/Phone Number                                                                                                                    |
|  Digitally signed by<br>Prideaux, LisaKay<br>Date: 2023.08.24<br>13:07:24 -06'00' | 08.22.2023 | U.S. EPA Region 8, Montana<br>Operations Office<br>10 West 15 <sup>th</sup> Street, Suite 3200<br>Helena, Montana 59626<br>406-457-5022 |
| Management Signature/Name                                                                                                                                          | Date       | Address/Phone Number                                                                                                                    |
|  Digitally signed by<br>EMILIO LLAMOZAS<br>Date: 2023.08.24<br>15:25:18 -06'00'   | 8/23/2023  | U.S. EPA Region 8<br>1595 Wynkoop Street<br>8ENF-W-NW<br>Denver, Colorado 80202<br>303-312-6407                                         |
| Emilio Llamozas, NPDES and Wetlands Enforcement Section Supervisor                                                                                                 |            |                                                                                                                                         |

## Inspection Narrative and Site Description

On Wednesday July 18, 2023, at approximately 14:30, U.S. Environmental Protection Agency (EPA) inspector Lisa-kay Prideaux arrived at the Fort Belknap Water Treatment Plant located at 164 Agency Main Street in Harlem, Montana. After arriving, I presented my inspector credentials to the following representatives from Prairie Mountain Utilities: Kasey Hastheeagle, Director, Gene Talks Different, Water Treatment Plant Manager, and Tyus Hamnett, Operator in Training, James Labbull, Wastewater Operator, and Zeke Kackson, summer intern. During this time, we had a conversation regarding the overall state of the Tribal offices, Tribal utilities, complaints, problem areas within the Reservation facilities, future growth and upgrades, capacity of current systems, equipment needs and funding.

On July 19, 2023, I conducted an announced onsite inspection of the Hays (formerly known as Pine Grove) Wastewater Lagoons (facility), owned by the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, and operated by Prairie Mountain Utilities. The inspection was conducted to evaluate the facility's discharge status and compliance with the Clean Water Act and EPA regulations. The EPA directly implements the Clean Water Act and NPDES program in Indian Country within the State of Montana. The inspection was announced several weeks prior to the inspection to coordinate logistics and ensure a facility representative would be on site. I presented credentials to Rob Adams of the Indian Health Services, who joined the inspection. I held an opening conference to explain the purpose of the inspection. I then proceeded to ask questions of to help me evaluate the facility's discharge status, and to obtain facility information for NPDES permit coverage evaluation. Throughout the inspection, I noted my observations in a field notebook. Photographs taken during the inspection are included in the attached photo log.

Hays Lagoon wastewater treatment facility was originally constructed in the 1970s as a 2-cell lagoon system. In the early 1990s the facility expanded to add a lagoon cell (now cell 1). The facility serves a population of approximately 40 homes, Hays-Lodgepole High School, teacher's housing and a clinic. The facility processes primarily domestic waste but includes industrial wastes from the clinic. The facility consists of a collection system and three bentonite floor-lined cells. The cells operate in series by gravity with no pumps for aeration or flow. Lagoon cell 1 is the north "L-shaped" cell and is approximately 2.17-acres in size. Lagoon cell 2 is the middle cell and is approximately 0.71-acres in size, and lagoon cell 3 is the south cell and is approximately 0.89-acres in size. Wastewater from collection system enters a manhole located northeast of lagoon cells and enters cell 1 in the northeast corner. Wastewater flows to cell 2 in the center of 'north leg' at the adjoining dike walls, and to cell 3 in the center of the adjoining dike walls. There is a constructed discharge pipe located in the center of the western dike wall of cell 3. Discharge flows north through the outfall pipe to a constructed drainfield. North of the end of the drainfield (approximately 200 feet) is an intermittent stream which flows north and west approximately 2.6 miles to Little Peoples Creek. Sludge removal has not occurred in this lagoon system.



The site visit included walking along the south and east sides of lagoon cell 1 (photos 761 – 763), east side of cell 2 (photos 765, 766 and 769), and east side of cell 3 (photos 767 and 768). We could not walk to the lagoon edge or around the north side of cell 1, the north side of cell 2 between cells 1 and 2, between cells 2 and 3, or around the west side of any of the three cells due to dense vegetation and shrub/tree growth (photos 761- 764, and 766). I observed excessive cattail and vegetation growth along the edges and growing within the cells 2 and 3 (photos 765 - 769). Due to this excessive growth, the discharge pipe and drainfield were not able to be observed to see if the system was currently discharging, or any indicators of proper operations.

## Findings, Corrective Actions and Recommendations

### **Finding #1: Unmaintained vegetation within lagoon cells.**

Specifically, the facility's lagoon dike walls were covered in unmaintained vegetation. Excessive vegetation/grasses as well as thicker vegetation/shrubs/trees growth were observed along the edges within lagoon cell walls of all three treatment lagoon cells (photos 761-769). When vegetation is unmaintained, it is difficult to assess the health of the lagoon dike walls for erosion, leaks, slumps, and burrowing animal damage.

#### **Permit requirements:**

40 CFR § 122.41(e) requires, at all times, the proper operation and maintenance of all facilities and systems of treatment and control (and related appurtenances) which are installed or used.

EPA has developed guidance manuals on the proper operation and maintenance of lagoons. One of the guidance materials is titled 'Principles of Design and Operations of Wastewater Treatment Pond Systems for Plant Operators, Engineers, and Managers' (August 2011, EOA/600/R-11/088).

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.

#### **Recommended Corrective Action:**

EPA recommends the vegetation in and around the lagoon cells 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. Increased wind action on the lagoon surface also increases evaporation as well as reduces the likelihood of mosquito breeding. Absence of good wave action may create anaerobic conditions.

### **Finding #2: The facility's discharge has the potential to enter surface waters.**

Specifically, the facility has an established point source which discharges pollutants into a drainfield. The drainfield is considered part of the overall treatment of wastewater. The outfall pipe and drainfield were described by the facility representatives, as an observation was not made due to density of vegetation. From ariel photography over several years, the end of the drainfield appears to be approximately 200 feet from an intermittent stream which flows north and west approximately 2.6 miles before connecting to Little Peoples Creek, a perennial stream. Discharging groundwater through a drainfield in an area close or within a riparian zone has the potential to enter the intermittent stream bed and mix with surface waters. Drainfield was not observed due to the excessive vegetative growth.

#### **Regulatory Requirement:**

- The Clean Water Act states it is unlawful to discharge any pollutant from a point source into navigable waters, unless a permit is obtained.
- Section 502 of the Clean Water Act defines the term "point source" as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- Section 502 of the Clean Water Act defines the term "discharge of a pollutant" as any addition of any pollutant to navigable waters from any point source.
- Section 502 of the Clean Water Act defines the term "pollutant" as dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive

materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**Corrective Action:**

Within 30 days of receipt of this report, the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation are required to submit an application for coverage under the National Pollutant Elimination Discharge System (NPDES) permit program, since the facility has the potential for discharged groundwater from the drainfield to enter surface waters. The following website has information for how to submit a notice of intent to be covered under the Region 8 Lagoon General Permit (LGP). <https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit>.