NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: August 22, 2023	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: 2:28 pm-2:35 pm	NPDES ID Number: NDG589409
NAICS Code: 221320	Inspection ID: 202308_NDG589409
Lead inspector and affiliation: Akash Johnson / EPA Region 8	
Inspector and affiliation: Brit Rustad / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Dunseith North Head Start WWTF Lat/Long: 48.872244, -100.050453 Rolette County, ND 58329	Email Report to: Monte Poitra, Director Turtle Mountain Head Start (b) (6)

Contact Information	
	Name(s)/Title
Facility Contacts:	Monte Poitra / Director / Turtle Mountain Head Start / not present
Other Contacts:	Kenny Azure / Director / TMPUC / not present
	Eric Thomas / Operator / TMPUC / present
	Harold Bruce / Operator / TMPUC / present
	Tyler Timmons / Tribal Utility Consultant / IHS / present
Person/Company meeting definition of "Operator"	As of the NOI dated December 15, 2015 and the EPA's September 22, 2016 inspection, Turtle Mountain Chippewa Head Start was the facility Operator; however, the facility has since been abandoned. See inspection report narrative for additional information.
Authorized Official(s) (Per NOI?)	On the 2015 NOI, Marie LaFontaine, School Director, was identified as the authorized official. Monte Poitra is the current Turtle Mountain Head Start Director.

Permit Information		
Is the permit on site and available? N/A – unpermitted	Lagoon Category: No Discharge (per 2015 NOI)	Monitoring Frequency: N/A
Effective Date: 02/08/2016	Expiration Date: 12/31/2020 (expired at time of inspection)	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? Unclear; see inspection narrative	Indicate correct contact information: Unclear; see inspection narrative	
Receiving Water(s): Indian Creek (per 2015 NOI)		

Regulatory Inspector's source of information: EPA records, 2015 Notice of Intent for the permit, ICIS, ECHO, facility site review, and Turtle Mountain Head Start, TMPUC, and IHS 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/Final Date	Draft Date	Contact Information
BRIT RUSTAD Digitally signed by BRIT RUSTAD Date: 2023.12.12 07:12:47 -07'00'	**September 19, 2023**	**U.S. EPA Region 8 Denver, Colorado rustad.brit@epa.gov (303) 312-6885**
Reviewer Name	Review Date	Contact Information
Akash Johnson	**November 22, 2023**	**U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067**
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2023.12.11 16:43:33 -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 August 22, 2023, U.S Environmental Protection Agency (EPA) inspectors Brit Rustad and Akash Johnson (collectively, "we") conducted an inspection at the Dunseith North Head Start school (school) wastewater treatment facility (WWTF; facility) located in Rolette County, North Dakota, to evaluate compliance with applicable Clean Water Act and National Pollutant Discharge Elimination System (NPDES) requirements. The EPA is responsible for implementing the NPDES program in Indian Country within the State of North Dakota. The inspection was announced to the Tribe approximately one month in advance. In the weeks prior to the inspection, we attempted to contact school representatives to coordinate the inspection, but were not able to reach any school personnel. After the inspection, Akash Johnson contacted Turtle Mountain Head Start personnel via phone, discussed in Section 4.0.

2.0 Background

From February 8, 2016 through December 31, 2020, the facility was permitted under the EPA Region 8 Lagoon General Permit (permit) as a "no-discharge" facility, assigned facility-specific NPDES ID NDG5890409. Based on information provided by school representatives in the December 21, 2015 Notice of Intent (NOI) for permit coverage and during the EPA's previous September 22, 2016 inspection of the facility, the facility was operated by the school. The permit expired after December 31, 2020 and permit coverage for the facility was not renewed.

We were not able to contact any representatives of the school to coordinate the inspection; however, during the course of unrelated inspections of Turtle Mountain Public Utilities (TMPUC)-operated WWTFs earlier in the day, TMPUC Operators Harold Bruce and Eric Thomas indicated they were familiar with the location of school and agreed to take us there. We were also joined by Indian Health Service (IHS) representative Tyler Timmons, Tribal Utility Consultant.

3.0 Facility Description and Site Review

The school building, grounds, and facility appeared generally abandoned. TMPUC Operators stated water had been shut off to the school approximately 3 years prior (circa 2020). Presumably, the lagoon stopped receiving wastewater when water was shut off.

The facility comprises a single-cell lagoon (photo 468). The lagoon fence, gate and sign were intact when we arrived (photos 468-469). Vegetation and cattails had reached a height greater than six inches inside the enclosure (photos 468-469). Some liquid was observed inside the cell; TMPUC operators surmised that this was accumulated precipitation. TMPUC operators indicated they were not aware of whether sludge had been removed from the lagoon upon abandonment.

We did not have a closing conference with any school, Tribal government, of TMPUC personnel. The inspection concluded when we left the school at approximately 2:35 PM.

4.0 Post-Inspection Activities

After the inspection, Akash Johnson contacted the Turtle Mountain Head Start Belcourt, North Dakota office via phone to discuss the inspection. During this conversation, Turtle Mountain Head Start representatives indicated this report should be directed to Turtle Mountain Head Start Director, Monte Poitra.

Findings and Corrective Actions

Finding #1: The lagoon was no longer in use and sludge management practices were unclear.
The lagoon was no longer receiving wastewater and it was unclear whether sludge had been removed from the lagoon. No active wastewater or sludge treatment was occurring or was planned to occur at the lagoon, so the lagoon cell was serving as de facto biosolids surface disposal or land application site; however, it was unclear whether applicable regulatory requirements for either approach had been met.

Permit Requirements:
Part 5.7 pf the Permit states, "…. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 C.F.R. Part 503)…"

Part 6.6 of the Permit states, "Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503)…"

Regulatory Requirements:
40 CFR Part 503.1 (Purpose and Applicability) states:

(a) Purpose.

(1) This part establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Standards are included in this part for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included in this part are pathogen and alternative vector attraction reduction requirements for sewage sludge applied to the land or placed on a surface disposal site.

(2) In addition, the standards in this part include the frequency of monitoring and recordkeeping requirements when sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator…

(b) Applicability.

(1) This part applies to any person who prepares sewage sludge, applies sewage sludge to the land, or fires sewage sludge in a sewage sludge incinerator and to the owner/operator of a surface disposal site.

(2) This part applies to sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

(3) This part applies to the exit gas from a sewage sludge incinerator stack.

(4) This part applies to land where sewage sludge is applied, to a surface disposal site, and to a sewage sludge incinerator…

The full text of 40 CFR Part 503 can be accessed here: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-O/part-503

EPA Guidance:

A Plain English Guide to the EPA Part 503 Biosolids Rule, Chapter 2 (Land Application of Biosolids), states:

Land application is the application of biosolids to land to either condition the soil or to fertilize crops or other vegetation grown in the soil…

Biosolids applied to the land must meet risk-based pollutant limits specified in Part 503. Operational standards to control disease-causing organisms called pathogens and to reduce the attraction of vectors (e.g., flies, mosquitoes, and other potential disease-carrying organisms) to the biosolids must also be met. In addition, there are general requirements, management practices, and frequency of monitoring, recordkeeping, and reporting requirements that must be met…

A Plain English Guide to the EPA Part 503 Biosolids Rule, Chapter 3 (Surface Disposal of Biosolids), states:

The Part 503 rule defines an activity as surface disposal if [biosolids] are placed on an area of land for final disposal. Some surface disposal sites may be used for beneficial purposes as well as for final disposal. Owners and operators of surface disposal sites and anyone who prepares biosolids for final disposal of only biosolids on a surface disposal site must meet the requirements in Subpart C of the Part 503 rule. These requirements are described in this chapter.

Surface disposal sites include monofills, surface impoundments, lagoons, waste piles, dedicated disposal sites, and dedicated beneficial use sites…

Surface impoundments and lagoons are disposal sites where biosolids with a high water content are placed in an open, excavated area. If lagoons are used for treatment, they are not considered surface disposal sites…

An activity is considered storage if biosolids are placed and remain on land for 2 years or less. If biosolids remain on land for longer than 2 years, this land is considered an active [biosolids] unit and the surface disposal requirements in Part 503 have to be met. An active biosolids unit is the area, trench, waste pile, or lagoon where biosolids are currently being placed. Please note, however, that biosolids can remain on the land for longer than 2 years, but the person who prepares the biosolids must demonstrate that the site is not an active biosolids unit…

The full text of *A Plain English Guide to the EPA Part 503 Biosolids Rule* can be accessed here: https://www.epa.gov/biosolids/plain-english-guide-epa-part-503-biosolids-rule

The EPA's webpage on biosolids can be accessed here: https://www.epa.gov/biosolids

Corrective Action:
Evaluate options for use, disposal, or additional treatment of sludge in the lagoon, determine a desired course of action, and proceed in accordance with the requirements of 40 CFR Part 503 other applicable regulatory requirements. Additionally, evaluate other aspects of decommissioning of the lagoon in accordance with other applicable regulatory requirements and industry best practices. In a response to the EPA, provide a narrative explaining the outcome of this evaluation and a plan, including timeframes for allowable use, disposal, or additional treatment of sludge in the lagoon and overall decommissioning of the lagoon.