

NPDES Tribal Wastewater Lagoon Inspection Report – Non-Discharging

National Database Information	
Inspection Date: July 25, 2024	Inspection Type: CEI-Lagoon General Permit
Entry/Exit Time: 0950 – 1100	NPDES ID Number: MTG589502
SIC Code: 22132–Sewage Treatment Facility	Inspection ID: 202407_MTG589502
Lead inspector and affiliation: Lisa-kay Prideaux, U.S. EPA Region 8, Montana Office	

Facility Location Information	
Site/Facility Name & Location: Brockton Wastewater Treatment Facility Town of Brockton Fort Peck Reservation, Montana 48.149290°N, 104.909018°W	Email Report to: Douglas Marottek, County Commissioner Town of Brockton commissioner@rooseveltcountry.org

Contact Information	
	Name(s)/Title
Facility Contacts:	Sam Boyd, Wastewater Operator, Town of Brockton (present)
Tribal Representative(s):	Bill McDonald, Assiniboine and Sioux Tribes, Office of Environmental Protection (present)
	Tyler Smith – Assiniboine and Sioux Tribes, Office of Environmental Protection (present)
	Maurice Bighorn Jr., Enterprise Tribal Utilities (present)
Person/Company meeting definition of “Operator”	Town of Brockton
Responsible Official(s)	Douglas Marottek, County Commissioner, Roosevelt County (not present)
Other Contacts:	Ryan Kopp, Project Manager, Interstate Engineering (present)
IHS Contacts:	Richard Racine / Tribal Utility Consultant / Indian Health Service (not present)

Permit Information	
Is the permit on site and available? Yes	Individual or General Permit: General
Effective Date: October 1, 2022	Expiration Date: March 21, 2027
Latitude: 48.149290°N	Longitude: 104.909018°W

Receiving Water(s): No Discharge. If there was an emergency discharge it would flow to the Missouri River.

Weather Conditions: Partly cloudy, 94°F

Regulatory Inspector's source of information: General permit for Lagoon Discharges, Statement of Basis for Lagoon Discharges, authorization letter, previous inspection report, Integrated Compliance Information Systems (ICIS), Enforcement & Compliance History Online (ECHO), U.S. Census, facility representatives and field 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>Pollution Prevention</i>
<u>Facility Site Review</u>	<i>Self-Monitoring Program</i>	<i>Laboratory</i>
Report Review and Signature		
Drafter	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2025.01.17 11:16:31 -07'00'	U.S. EPA Region 8, Montana Operations Office Prideaux.Lisakay@epa.gov 406-457-5022	01.02.2025
Reviewer Name	Address/Phone Number	Date
Jennifer Ferrando	U.S. EPA Region 8 Ferrando.Jennifer@epa.gov 303-312-6601	January 2, 2025
Management Signature/Name	Address/Phone Number	Date
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2025.01.17 11:02:14 -07'00'	Emilio Llamozas, NPDES and Wetlands Enforcement Section Supervisor U.S. EPA Region 8 303-312-6407 Llamozas.Emilio@epa.gov	01/16/2025

Inspection Narrative and Site Description

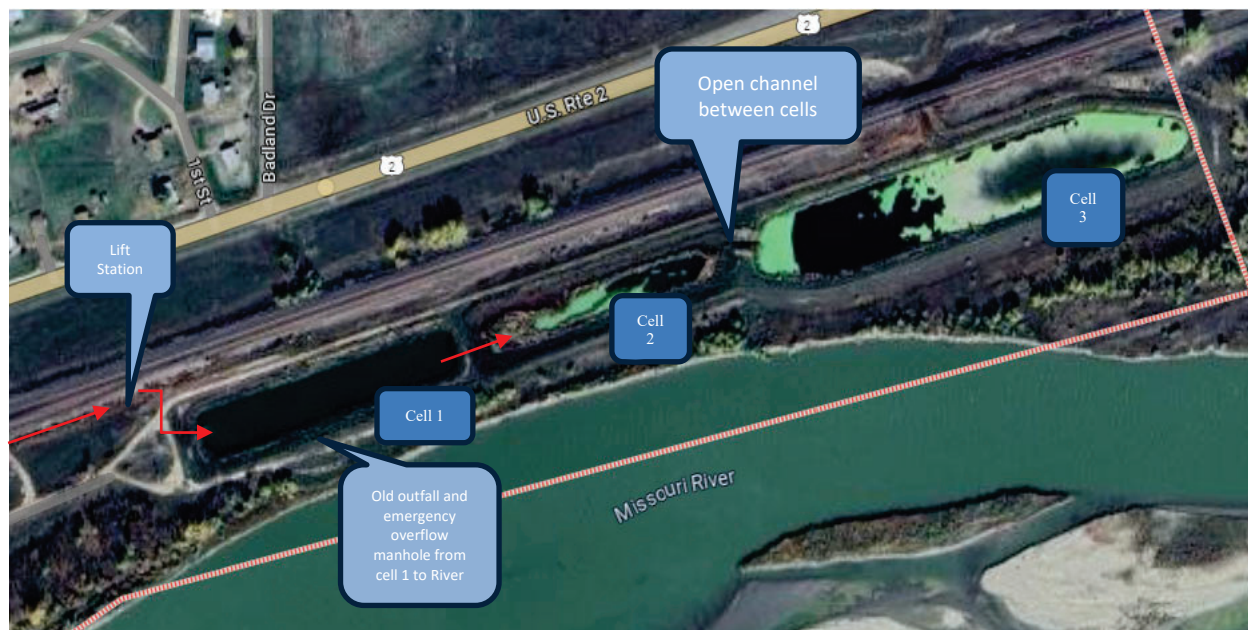
The Town of Brockton's wastewater treatment facility and its discharge are located within the boundaries of the Fort Peck Indian Reservation, which is home to the Assiniboine and Sioux Tribes (Tribes). The Tribes were granted treatment in a manner similar to a state (TAS) on August 29, 1996, for Water Quality Standards (WQS). The U.S. Environmental Protection Agency (EPA) has not approved the Tribes to implement the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program in Indian country within the state of Montana. The EPA directly implements the CWA NPDES program on Indian country lands within the state of Montana.

On Thursday, July 25, 2024, EPA inspector Lisa-kay Prideaux, along with Bill MacDonald of the Tribes, conducted a compliance evaluation inspection of the Brockton wastewater treatment facility (facility), located in the Town of Brockton (Town), Montana. The facility is currently owned and operated by the County of Roosevelt. The purpose of the inspection was to evaluate the facility's compliance with the CWA and NPDES permit number MTG589502. The facility is permitted under the 2022 NPDES Lagoon General Permit for Wastewater Lagoon Systems in Indian Country (2022 General Permit) as a "no discharge" facility. EPA Region 8 issued the 2022 General Permit, which became effective on April 1, 2022, and will expire on March 31, 2027. The EPA notified the Tribes of the inspection in a letter sent July 1, 2024, and the inspector coordinated the inspection with the wastewater operator, Sam Boyd, several weeks in advance.

The inspection commenced at approximately 0950, when the inspector arrived at the facility and presented credentials to Sam Boyd, Brockton Wastewater Operator; Ryan Kopp, project manager, Interstate Engineering; Bill MacDonald and Tyler Smith representing the Fort Peck Tribes Office of Environmental Protection; and Maurice Bighorn Jr., representing Enterprise Tribal Utilities. The inspector held an opening conference to explain the purpose of the inspection. Throughout the inspection, observations were noted in bound notebooks and checklists which reflected conditions of the 2022 General Permit, and photograph descriptions were documented. All photographs taken during the inspection are included in the attached photo log and are maintained by EPA in accordance with the Quality Assurance Field Activities Procedure and Standard Operating Procedure.

The facility was originally constructed in 1950 as a one-cell lagoon. Mr. Boyd was not sure when the other two cells were constructed. The facility consists of a collection system with one lift station and three facultative lagoon cells serving a population of approximately 260 (2020 census). The three cells typically run in series by gravity with no pumps for aeration or flow. Cell 1 is approximately 2 acres, cell 2 is approximately 2.18 acres, and cell 3 is approximately 5.12 acres. The lift station is located just outside the entrance to the lagoon cells and is designed to move all influent into cell 1. Effluent discharge from cell 3 would be through a valved pipe located in the southeastern end of cell 3 and exiting in the Missouri River. Mr. Boyd stated the valve is rusted shut and could not discharge. See the facility map below.

Facility map:



The group then started a tour of the lagoon system. Mr. Boyd showed the inspector the lift station and the maintenance he performs on it when needed. We then walked to the west end of cell 1 where the influent flows into the system (photos 80 and 82). We walked to the south center of cell 1 where an overflow structure exists (photo 81). Mr. Boyd explained that this is the original outfall structure, but it is now used as an emergency overflow, though it has never been used. Cell 1 was full of water with no signs of sludge bulking or algae. We then walked along the north end of the system to the middle cell, cell 2 (photos 83 and 84). Cell 2 had very little water within the cell but was almost full of large mature cattails. Mr. Boyd stated cell 2 has an overflow pipe located at the eastern end with an outlet into cell 3 in the west center of the cell; however, someone (pre-2015) dug a ditch through the dike wall between cells 2 and 3 on the north end (photos 85 and 87). The overflow pipe could not be seen due to the amount of vegetation present. The ditch was very rough grade and showed signs of caving in; however, it was fully vegetated. There is a manhole structure located nearby in the same berm, which has two valves in it. Mr. Boyd stated one valve opens, which is the overflow pipe and lets flow go from cell 2 to cell 3, but the other valve is rusted shut and he was unsure where it went to. Wastewater does not flow through the overflow pipe into cell 3 because the ditch level is lower than the pipe. We then walked to cell 3, the easternmost cell (photos 85 and 86). Cell 3 had more water in it than cell 2. The water in cell 3 appeared clear but had some duckweed on the surface. The inspector did not observe the outfall pipe.

The inspector then had a conversation with Mr. Boyd regarding the permit, wastewater operations, operations and maintenance program, weekly inspections, collection system with problem areas, future growth and upgrades, capacity of the current system, and equipment needs and funding. Mr. Boyd stated the Fort Peck Tribes were moving forward with plans to construct a new lagoon facility across Route 2 away from the Missouri River. Once constructed the Tribes planned to assume operations of the wastewater facility and abandon the use of the existing facility. Mr. Boyd stated he is not a wastewater operator, and only does general maintenance, which includes checking manholes and the lift station, and

mowing and weed cutting around the lagoons, inside and outside the perimeter fence. Mr. Boyd stated he had not been able to mow this summer due to a broken lawn mower. Mr. Boyd stated he visits the facility daily and has maintained a logbook since 2015. We then drove to the fire department building where Mr. Boyd keeps his records. Mr. Boyd showed me a copy of the general permit and authorization letter along with his maintenance records. Mr. Boyd stated he conducts inspections at the facility and records them in his maintenance logbook.

A closing conference was held at the fire station with all present, during which the inspector discussed preliminary findings, as well as the process for completing and providing the inspection report. The inspection concluded at approximately 1100.

Findings, Corrective Actions and Recommendations

Finding #1: Inspections are conducted but not documented as required.

Specifically, the permittee is conducting weekly inspections, but not documenting the required elements listed below in Part 6.5.1 of the 2022 General Permit.

Permit Requirements:

Part 6.5.1 of the 2022 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. 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 shall include the following:

- 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.”

Part 6.5.1 of the 2022 General Permit states, “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).”

Part 6.5.1 of the 2022 General Permit states, “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 2022 General 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...”

Part 6.1 of the 2022 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 on-site inspections are being conducted at the required frequency and are being documented as required. Ensure all required inspection elements are conducted and documented, including inspection of the discharge outfall to identify potential leaks, or inspection for flow at the manhole if the outfall is not accessible. Identify, implement, and document any corrective actions identified during inspections within the required timeframe. Ensure records of inspections and corrective actions are retained as required. In the response to this report, provide EPA and the Tribes with one month of weekly inspection

reports in accordance with permit requirements (email a scanned copy or attach a digital copy). A template inspection report is included as an attachment for use, if preferred.

Finding #2: Excessive vegetation was present within the lagoon cells.

Specifically, the facility's lagoon dike walls were covered in unmaintained vegetation as well as vegetation growing within the water line of the lagoon cells. Excessive vegetative growth was observed along the edges and within cells, as well as thicker vegetation/shrubs/trees growing within lagoon cells 1, 2, and 3 (photos 80, 82-87). When vegetation is unmaintained, it is difficult to assess the health of the lagoon dike walls for erosion, leaks, slumps, and burrowing animal damage. Heavy thick roots from the wrong type of flora can compromise the structural integrity and greatly inhibit or degrade the dike walls as well as puncture liners creating leaking lagoons.

Permit Requirements:

Part 6.6 of the 2022 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 6.6.1 of the 2022 General Permit states "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:

- 6.6.1.9. 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."

Part 6.1 of the 2022 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. Assess the berms and lagoon liners for damage and repair damage as needed. In the response to this report, provide EPA and the Tribes with a description of the corrective actions taken to address this finding. Provide photographic evidence documenting the correction of each deficiency.

Recommendation #1: The facility does not need to submit paper discharge monitoring reports (DMRs).

Specifically, the facility is currently submitting paper DMRs to the EPA each month. The facility is categorized as a No Discharge permit, therefore DMRs are not required to be completed unless there is a discharge. If the facility must discharge, notification is required per Parts 5.4.2, 5.10, and 6.8 of the 2022 General Permit. In addition, the facility is required to monitor all discharges per Part 3.2 of the permit, and report sample analysis results through NetDMR per Part 5.5 of the 2022 General Permit.