

U.S. EPA Region 8 NPDES Inspection Report

National Database Information	
Inspection Date: May 14, 2024	Inspection Type: Compliance Evaluation and Assistance Inspection
Entry / Exit Time: 16:40 / 17:09	NPDES ID: MTU000073
Major / Non-Major Facility: Non-Major	NPDES Program Sector(s): Stormwater Industrial
NAICS Code: 212321 (Construction Sand and Gravel Mining)	Inspection ID: 202405_MTU000073
Lead inspector and affiliation: Akash Johnson / U.S. EPA Region 8	
Inspector and affiliation: Lisa-kay Prideaux / U.S. EPA Region 8	

Site/Facility Location Information	
Site/Facility Name & Location: Schaff Sand and Gravel Mine 45.637826, -107.6744 Big Horn County, Montana	Email Report to: Stacy Hill, Environmental Administrator Riverside Contracting, Inc. sjhill@riversidecontracting.com

Contact Information	
	Name(s)/Title
Site/Facility Contacts	Stacy Hill / Environmental Administrator / Riverside Contracting, Inc. (not present)
Indian Health Service Contacts	N/A
Tribal Government Contacts	Marvin (Wes) Stops, Jr. / Environmental Director / Crow Tribe (not present)

Permit/Site/Facility Information	
Permit on site and available: N/A – no NPDES permit	Permit Application Date: N/A – no NPDES permit
Effective Date: N/A – no NPDES permit	Expiration Date: N/A – no NPDES permit
Latitude: 45.637826	Longitude: -107.6744
Receiving Water(s): Potentially: drainages to the Bighorn River and/or Two Leggins Canal	
Weather Conditions: During inspection: overcast; no precipitation	
Inspector's source of information: Facility representatives, MDT representatives, MTDEQ records, Montana Cadastral, EPA records and databases, Google Earth Pro, and inspection observations	

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

Report Review and Signature		
Lead Inspector Name/Signature/Final Date	Draft Date	Contact Information
AKASH JOHNSON Digitally signed by AKASH JOHNSON Date: 2024.08.30 10:17:39 -06'00'	July 2, 2024	U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067
Reviewer Name	Review Date	Contact Information
Lisa-kay Prideaux	July 3, 2024	U.S. EPA Region 8 Helena, Montana prideaux.lisakay@epa.gov (406) 457-5022
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS Digitally signed by EMILIO LLAMOZAS Date: 2024.08.30 09:38:55 -06'00'		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 Facility Description

1.0 Introduction

On Tuesday, May 14, 2024, I, U.S. Environmental Protection Agency (EPA) inspector Akash Johnson, accompanied by EPA inspector Lisa-kay Prideaux (collectively, “we”), conducted a compliance evaluation and assistance inspection of the Schaff Sand and Gravel mine (mine; site), located in Big Horn County, Montana, within the exterior boundaries of the Crow Reservation (Reservation). The inspection was conducted under the authority of Section 308 of the Clean Water Act (CWA). The purpose of the inspection was to evaluate compliance with and provide compliance assistance related to applicable CWA and National Pollutant Discharge Elimination System (NPDES) requirements. A Montana Department of Environmental Quality (MTDEQ) Opencut Mining Permit, Opencut #: 3277 (Opencut Mining Permit) for the site identifies Riverside Contracting, Inc. (Riverside) as the mine operator. Site ownership and any contracts or other agreements that may exist between property owner(s) and Riverside were not evaluated during the inspection. A letter notifying the Crow Tribe of the EPA’s inspection presence on the Reservation was sent on April 14, 2024. The inspection was not announced to the site owner or operator in advance; notice of the inspection was provided to Riverside after the inspection, discussed in Section 4. Throughout the inspection, we took notes on our discussions and observations in bound logbooks. Photographs taken during the inspection are included in the enclosed photo log.

2.0 Site History, Permitting History, and Mining Operations

A 2023 aerial image of the site is shown in Figure 1. Based on estimates made using the “Polygon” measurement tool and aerial imagery available in Google Earth Pro, approximately 30-35 acres have been disturbed at the site. Based on a cursory review of limited historical aerial imagery, the site appears to have been generally undeveloped prior to the commencement of mining activities, which appear to have begun sometime between April 2019 and August 2022.

The MTDEQ Opencut Mining Permit for the site was issued to Riverside on January 5, 2021, set to expire on December 31, 2030. Applicability of and compliance with any MTDEQ permits were not evaluated during the inspection.

Prior to the inspection, I performed cursory searches of the EPA’s internal Integrated Compliance Information System (ICIS) database and public Enforcement and Compliance History Online (ECHO) database and did not identify any NPDES permits associated with the site.

Based on a cursory review of limited historical aerial imagery and inspection observations, it appears mining operations at the site have primarily comprised sand and gravel mining, operation of an asphalt batch plant, and equipment fueling.



Figure 1. Aerial image of the site and surroundings
 Imagery Date: September 17, 2023
 Source: Google Earth Pro

4.0 Inspection Narrative and Site Description

The inspection began when we arrived onsite at approximately 16:40 and parked our vehicles in the central portion of the site. As reflected in Section 1, advance notice of the inspection had not been provided to any mine representatives. We encountered two individuals preparing to leave the site who identified themselves as representatives of the Montana Department of Transportation (MDT). We introduced ourselves as EPA inspectors, explained our intent to conduct an inspection, and inquired as to the whereabouts of any appropriate mine representatives whom we could inform of the inspection. The MDT representatives indicated they were not affiliated or familiar with mining operations at the site and were only present to conduct materials testing, as some of the materials generated at the site were to be used in a MDT project. They indicated site operations had been rained-out earlier in the day and no one else was currently present at the site. The MDT representatives then left the site. Access to the site was unrestricted, doors to several trailers storing equipment remained open, and several pieces of equipment appeared to be running or idling, so we surmised a site representative might return to the site to close-up before the end of the day and proceeded to observe the site. We observed only outdoor conditions at the site; we did not enter any structures, collect any samples, or touch or evaluate any machinery or equipment.

Based on aerial imagery and inspection observations, natural drainages and outward slopes exist along the northern and eastern site boundaries, draining towards Two Leggin Creek and the Bighorn River, respectively. The area immediately beyond the southern and western site boundaries appears generally flat and undisturbed. A map included in the application for the site's MTDEQ Opencut Mining Permit

Inspection Narrative and Facility Description

identifies a natural spring in the north-central portion of the site and indicates area around the spring is not to be disturbed. We did not observe this spring or the area around it during the inspection, but it appears to be located in the undisturbed area along the north side of the site, between the site access road (to the west) and northeastern extent of disturbed area (to the east), seen in Figure 1. During the inspection, the site appeared to drain generally east towards constructed basins, cuts, and berms comprising the entirety of the eastern site boundary, discussed further below. An asphalt batch plant, tank trailers, equipment storage trailers, office trailers, miscellaneous equipment, and a portable toilet were present in the central portion of the site.

We began our site observations by walking from the central portion of the site (Photograph 44) east towards the constructed basins along the eastern site boundary (Photographs 45-48). In the basin nearest to the center of the site, some discolored (white-yellow) water was present in the western portion of the basin and approximately several inches to a foot of opaque standing water was present in the basin (Photographs 45 and 48). The source of the discolored water was not discernable. It was also not discernable whether water in this basin primarily comprised precipitation, process water, groundwater, or some mixture of these possible sources.

We walked to the central portion of the eastern site boundary (Photographs 47-49), then walked north along the eastern site boundary to observe the constructed basins in the northeastern portion of the site (Photographs 49-51). We then walked towards the southern end of the eastern site boundary to observe the southernmost constructed basin (Photograph 52). The entire extent of lower-gradient areas along the eastern site boundary comprised constructed basins, cuts, and berms (Photographs 45, 46, and 48-52). Excepting the constructed basin nearest to the center of the site (Photographs 45 and 48), discussed above, the basins were generally dry or contained several inches of generally clear or brown standing water, potentially accumulated precipitation or groundwater (Photographs 49-52). We did not observe any indication of offsite discharge or disturbance of the vegetated slopes and drainages along the eastern property boundary (Photographs 47, 49, and 51).

We then walked back to our vehicle in the central portion of the site and drove clockwise around the interior of the southern, western, and northern extents of the site. Vegetated constructed berms or stockpiles were present around the southern, western, and northern site boundaries, and a fueling station was present in the northern portion of the site (Photograph 53). The only route of vehicle ingress and egress at the site was an access road near the center of the northern site boundary, seen in Figure 1.

The inspection ended when we left the area at approximately 17:09. At no point during the inspection did any mine representatives return to the site.

4.0 Post-Inspection Activities and Conclusion

After the inspection, I corresponded with Riverside Environmental Administrator, Stacy Hill, via email on June 28, 2024 and via phone on July 1, 2024. In my June 28, 2024 email, I provided notification of the inspection and requested confirmation Stacy Hill was an appropriate site contact. During our July 1, 2024 phone call, I confirmed Stacy Hill was an appropriate site contact and provided an overview of inspection activities and preliminary inspection recommendations.

No findings or requested corrective actions were identified pursuant to this inspection. Recommendations identified pursuant to this inspection are included in the section below.

Findings and Recommendations

Recommendation:

Ensure no discharges requiring NPDES permit coverage occur from the site or obtain appropriate NPDES permit coverage before such discharges occur.

Statutory Requirements:

In order to restore and maintain the integrity of the nation's waters, section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the United States, unless authorized by certain other provisions of the CWA, including section 402 of the CWA, 33 U.S.C. § 1342.

Section 402 of the CWA, 33 U.S.C. § 1342, establishes the NPDES program, under which the EPA, and states with authorization from the EPA, may permit discharges of pollutants into navigable waters, subject to specific terms and conditions.

Regulatory Requirements:

40 C.F.R. § 122.26 outlines NPDES permit applicability for discharges of stormwater, including discharges associated with industrial activity, which includes mining and construction.

NPDES Permitting Requirements:

Information on the EPA's Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity can be found online here: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

Information on the EPA's Construction General Permit (CGP) for Stormwater Discharges from Construction Activities can be found online here: <https://www.epa.gov/npdes/2022-construction-general-permit-cgp#2022cgp>

General information on the NPDES permitting program can be found online here: <https://www.epa.gov/npdes/npdes-permit-basics>

Recommendation:

Evaluate the source of the discolored water in the constructed basin nearest to the center of the site and minimize the potential for pollutants to impact soils and groundwater in the vicinity of the site.