UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8 Montana

SENT VIA EMAIL
DIGITAL READ RECIEPT REQUESTED

Alvin Yellow Owl Jr.
Manager
Two Medicine Water Company
(b) (6)

Re: Inspection Report for Two Medicine Water Company/Browning Wastewater Treatment Lagoons, NPDES Permit No. MTG589104

Dear Mr. Yellow Owl Jr.:

On July 20, 2022, a representative of the U.S. Environmental Protection Agency inspected the Two Medicine Water Company/Browning Wastewater Treatment Lagoons in Browning, Montana, to evaluate compliance with the site's National Pollutant Discharge Elimination System Lagoon General Permit for Discharging Facilities. 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

Gerald Wagner
Blackfeet Environmental Director
Beo.director@gmail.com

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

Sincerely,
Prideaux, LisaKay
Digitally signed by Prideaux, LisaKay
Date: 2022.09.23 11:13:06 -06'00'

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

Enclosures:

1) NPDES Inspection Report
2) Photo Log

cc: The Honorable Illif 'Scott' Kipp Sr, Chairperson, Blackfeet Tribe (electronic)
Gerald Wagner, Environmental Director, Blackfeet Tribe (electronic)
Barry Adams, Water Quality Coordinator, Blackfeet Tribe (electronic)
Milton Rutherford, Wastewater Operator, Two Medicine Water Company (electronic)
Mike Racine, Tribal Utility Consultant, Indian Health Services (electronic)

NPDES Wastewater Lagoon Inspection Report – Discharging

National Database Information	
Inspection Date: July 20, 2022	Inspection Type: Wastewater Treatment Lagoon-Discharging
Entry/Exit Time: 13:15 / 15:30	NPDES ID Number: MTG589104
NAICS Code: 221320	Inspection ID: 202207_MTG589104
Lead inspector and affiliation: Lisa-kay Prideaux / EPA Region 8 Montana Operations Office	

Facility Location Information	
Site/Facility Name & Location: **Browning Wastewater Treatment Lagoons** **End of Young Brother Road** **Browning, Montana 59417** **48.552469°N; -112.998822°W**	Mail Report to: **Alvin Yellow Owl Jr., Manager** **Two Medicine Water Company** (b) (6)

Contact Information	
	Name(s)/Title
Facility Contacts:	Milton Rutherford / Wastewater Operator / Two Medicine Water Company / present during the inspection
Person/Company meeting definition of "Operator"	Two Medicine Water Company
Authorized Official	Alvin Yellow Owl Jr. / Manager / Two Medicine Water Company (not present)
Indian Health Service Representative(s)	Mike Racine / Tribal Utility Consultant / Indian Health Services (not present)

Permit Information		
Is the permit on site and available? yes	Lagoon Category: Discharging, subcategory A	Monitoring Frequency: monthly
Effective Date: January 1, 2016	Expiration Date: December 31, 2020	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): Depot Creek		
Discharge point location (longitude, latitude): 48.552537°N; -112.991345°W		
Regulatory Inspector's source of information: General Permit for Lagoon Dischargers, Statement of basis for the General Permit, Integrated Compliance Information System (ICIS), Enforcement & Compliance History Online (ECHO), facility representatives and facility observations.		

Areas Evaluated During Inspection		
Permit	***Effluent/Receiving Waters***	*Compliance Schedule*
Records/Reports	*Flow Measurement*	***Discharge Monitoring Reports***
Facility Site Review	***Monitoring Program***	*Lift Station Operation and Maintenance*
Collection System Review	***Lagoon Self- Inspections***	***Preventive and Emergency Operation and Maintenance***

Report Review and Signature		
Drafter Signature/Name	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2022.09.23 11:13:28 -06'00'	**U.S. EPA Region 8, Montana Operations Office** **10 West 15th Street, Suite 3200** **Helena, Montana 59626**	**09.19.2022**
Lisa-kay Prideaux	**406-457-5022**	
Reviewer Name	Address/Phone Number	Date
Emilio Llamozas	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202**	**09/21/2022**
	303-312-6407	
Management Signature/Name	Address/Phone Number	Date
MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2022.09.23 10:54:53 -06'00'	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NP** **Denver, Colorado 80202**	**09/23/2022**
Michael Boeglin	**303-312-6250**	

Inspection Narrative and Site Description

The U.S. Environmental Protection Agency (EPA) conducted an announced inspection at the Browning Wastewater Lagoons (facility) to evaluate the facility's compliance with the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) permit MTG589104.

The facility is owned by the Blackfeet Tribe and is operated by Two Medicine Water Company. The facility is located on the Blackfeet Reservation, in Browning, Montana. The EPA directly implements the Clean Water Act and NPDES requirements at the facility. The facility is permitted under the 2016 NPDES Lagoon General Permit (2016 General Permit) as a "discharge" facility. The 2016 General Permit expired on December 31, 2020; however, the facility's authorization was administratively continued because a new General Permit had not been issued at the time the 2016 General Permit expired. The EPA Region 8 issued a new General Permit (2022 General Permit) which became effective on April 1, 2022 and will expire on March 31, 2027. The facility has not submitted a Notice of Intent to comply with the 2022 General Permit as of the date of this report.

On July 20, 2022, I, EPA inspector Lisa-kay Prideaux, conducted an announced inspection at the facility. The inspection commenced at approximately 13:15, when I arrived at the Two Medicine Water Company office at 109 North Public Square in Browning, Montana. After arriving at the office, I presented my inspector credentials to Milton Rutherford, wastewater operator, and had an opening conference to explain the purpose of the inspection. I asked a series of questions of the facility representative to help evaluate the facility operations and compliance. Throughout the inspection, observations and photograph descriptions were documented in a field logbook. All photographs taken during the inspection are included in the attached photo log.

The Browning facility is a five-celled, facultative lagoon system with Ultraviolet (UV) disinfection. The western most cell is off-line due to problems with the influent lines; it currently contains stormwater only. The facility does not have plans to bring this cell back on-line. The UV unit was also not operational at the time of the inspection. The facility was constructed in the 1940's and was upgraded in 1968, 1982, and 2010. The facility currently serves the residents and businesses of Browning, North Browning, and South Browning, with a population of approximately 5,000. The design peak flow is 400 gallons per minute (gpm), with an average of approximately 150 gpm. The facility has approximately 0.00144 MGD of industrial waste entering the wastewater system from restaurants, hospital, casino, and automotive shops.

The facility has two lift stations (East Glacier and Browning) which pump all wastewater to the facility for treatment. All influent enters lagoon cell 1 in the northwest corner. Cell 1 has one aerator located in the northwest corner of the cell. Wastewater leaves cell 1 in the southeast edge through an overflow pipe into cell 2, wastewater then flows out of cell 2 in the east center of the cell and moves to cell 3, where it then transfers to cell 4 in the northeast corner. Wastewater is continuously drawn from cell 4 in the southwest corner and flows into the UV building, located in the southwest corner of cell 4, for treatment prior to discharging into Depot Creek. At the time of the inspection, the UV system was not operating, and the facility was discharging.

After a background description of the facility, I began an on-site review of facility records. Mr. Rutherford indicated he is one three certified wastewater operators. I requested to review records (July through December 2021) which included a copy of the general permit, authorization letter, monitoring records (sample collection logs, raw data bench sheets for in-house analysis, laboratory reports, chain of custody forms, discharge monitoring reports (DMR), and calibration records), facility operating records (operations and maintenance manuals, standard operating procedures, equipment maintenance records, Material Safety Data Sheets (MSDS) (for on-site chemicals)), and permit required compliance schedules (24-hour noncompliance records, weekly inspections, and operations and maintenance program required records).

After the facility representative interviews and records review, Mr. Rutherford and I drove to the facility system. We started by observing the unused lagoon cell (photos 593, 594 and 595) which had stormwater within the lagoon

and was not used for treatment. Then we observed lagoon cell 1 with an aerator on the west edge of the lagoon cell wall and an aerator in the northwest corner of the cell tipped and mostly submerged; both in inoperable condition (photos 595, 596, and 611-613). We then observed lagoon cell 2 (photos 598, 599, 610, and 612) and lagoon cell 3 (photos 599, 600, and 601). The water level for lagoon cell 3 was at capacity. We then observed lagoon cell 4 (photos 602, 607, 608, 609) with the effluent overflow structure (photo 608), which flows to the UV building, sampling location (last point of control prior to outfall), and discharge outfall (photos 603, 604, and 605). Effluent discharges into Depot Creek which runs along the southern edge of the cells 1 and 2 (photo 597) prior to the outfall structure (photo 606). Vegetation was noted to be mowed only along the top of the dike walls, but not along the outside and inside of the walls, it was also noted that vegetation was starting to grow within the cells below the water line (photos 596, 598, 599, 600, 607, 609, 610 and 612).

A closing conference was held on-site with Mr. Rutherford, during which I discussed preliminary findings, as well as the process for the inspection report. The inspection concluded at approximately 15:30. On July 29, 2022, the EPA sent an email to Mr. Yellow Owl and Mr. Rutherford with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1: Improper operations and maintenance - facility grounds are partially mowed.
The facility's lagoon dike walls were partially covered in unmaintained vegetation as well as vegetation beginning to grow along the water line within the lagoon cells (photos 596, 598, 599, 600, 607, 609, 610 and 612). 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 integrity and greatly inhibit or degrade the dike walls.

Permit requirements:
Part 6.5 of the 2016 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… In addition to the operation and maintenance items in the manual for the lagoon system, the permittee shall do the following maintenance:

6.5.1. Take necessary action to promptly correct the problem of leakage through the dikes;
6.5.2. Take necessary action to promptly remove burrowing animals from the dikes;
6.5.3. Promptly repair damage to dikes caused by burrowing animals and/or erosion;
6.5.4. Remove rooted plants, including weeds, from the water on a regular basis or as needed; and
6.5.5. Keep the dikes mowed on a regular basis during the growing season or as needed (e.g., keep growth below 6" in height)."

Part 6.1 of the 2016 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 inside/outside lagoon dike walls and remove vegetation growing within the lagoon cells. In the response to this report, provide the EPA and the Blackfeet Tribe with a description of the corrective actions taken to address this finding. Provide photographic evidence that documents the correction of each finding.

Finding #2: Failure to properly operate and maintain equipment.
Specifically, the aerators for lagoon cell 1 (photos 595, 596 and 611), and the UV disinfection unit (photos 603-605) were not in operational condition.

Permit requirement:
Part 6.5 of the 2016 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. Proper operation and maintenance also include 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 the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Part 6.1 of the 2016 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:
Repair equipment including the aerators and UV disinfection unit to operational status. In the response to this report, provide the EPA and the Blackfeet Tribe with a description of the corrective actions taken to address this finding or a schedule with timeframes to complete the required maintenance on the aerators and UV disinfection unit.

Finding #3: Application for coverage under the 2022 Lagoon General Permit has not been submitted
The facility is permitted under the 2016 General Permit as a "discharge" facility. The 2016 General Permit expired on December 31, 2020; however, the facility's authorization was administratively continued because a new General Permit had not been issued at the time the 2016 General Permit expired. The EPA Region 8 issued a new General Permit (2022 General Permit) which became effective on April 1, 2022 and will expire on March 31, 2027. On March 18, 2022, the EPA issued an email to all currently covered facilities, with a copy of the application (Notice of Intent (NOI)) for coverage under the 2022 General Permit, and a copy of the NOI submission instructions. The EPA email stated "the application period to reapply for coverage under the [2022 General Permit] is April 1, 2022, through June 30, 2022. Failure to submit an NOI by the deadline may result in a gap in permit coverage". Browning wastewater facility has not submitted an NOI.

Permit Requirement:
Part 7.4 of the 2016 General Permit states, "If a permittee wants to retain coverage under the continued permit until a new general permit is issued, the permittee must submit a letter containing the following:

7.4.1. Name, address, and telephone number of the operator of the facility;
7.4.2. The existing permit number for the facility; and,
7.4.3. A request that the facility be proved coverage under the continued permit until a new general permit is issued.

The letter must be signed in accordance with Part 7.7, Signatory Requirements"

Part 6.1 of the 2016 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:
Submit an NOI to the EPA for coverage under the 2022 General Permit. Instruction for how to submit an NOI can be found at: https://www.epa.gov/system/files/documents/2022-03/lgp-2022-noi-submission-instructions_0.pdf
In the response to this report, provide the EPA and the Blackfeet Tribe with the date in which the NOI was submitted.

Finding #4: Monitoring not conducted.
Discharge Monitoring Reports (DMRs) for the timeframe between July 1, 2021, through December 31, 2021, were reviewed. The facility did not collect and analyze samples at the required frequency. Specifically, for the monitoring periods and parameters in the table below, the facility did not collect and analyze the following samples:

DMR Monitoring period end date & limit set	Parameter	DMR value
July 31, 2021 (DISA-1P)	Oil & Grease	Daily maximum
August 31, 2021 (DISA-1P)	*Escherichia coli* (*E.coli*) bacteria	30-day average; Daily maximum
	Oil & Grease	Daily maximum
September 30, 2021 (RWTR-1)	pH	Daily minimum; Daily maximum
	Temperature	Daily maximum
September 30, 2021 (DISA-1P)	Oil & Grease	Daily maximum
October 31, 2021 (DISA-1P)	Total Residual Chlorine (TRC)	30-day average; Daily maximum
	Oil & Grease	Daily maximum
November 30, 2021 (DISA-1P)	TRC	30-day average; Daily maximum
	Oil & Grease	Daily maximum
December 31, 2021 (DISA-1P)	Oil & Grease	Daily maximum

Permit requirements:
Part 3.2 of the 2016 General Permit requires the facility, at a minimum, to monitor at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge.

Part 3.2.1.1 of the 2016 General Permit has a table for facilities in Subcategory A – Monthly Monitoring. Parameters listed include, but are not limited to weekly pH, monthly TRC, monthly *E. coli* bacteria, and weekly Oil & Grease (observation).

Part 6.1 of the 2016 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:
Collect all required parameters as required in the General Permit and authorization letter for permit #MTG589104.
In the response to this report, provide the EPA and the Blackfeet Tribe with a description of the corrective actions taken to address this finding.

Finding #5: Failure to properly Operate & Maintain facility resulting in Effluent exceedances

Specifically, the facility reported effluent limitation exceedances on the occasions listed in the table below during the monitoring periods ending July 1, 2021, through December 31, 2021:

Outfall	Monitoring Period End Date	Parameter	Permit Limit	Limit Units	Description of Permit Limit	DMR Value	DMR Units	Percent Over the Limit
DISA-1P	08/31/2021	TRC	0.019	mg/L	DAILY MAX	0.07**	mg/L	288%
DISA-1P	08/31/2021	TRC	0.011	mg/L	30D AVG	0.07**	mg/L	536%
DISA-1P	09/30/2021	TRC	0.019	mg/L	DAILY MAX	0.03**	mg/L	58%
DISA-1P	09/30/2021	TRC	0.011	mg/L	30D AVG	0.03**	mg/L	173%
DISA-1P	07/31/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	08/31/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	09/30/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	10/31/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	11/30/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	12/31/2021	O&G	Y/N	mg/L	INST MAX	Y**	mg/L	0%
DISA-1P	07/31/2021	Ammonia	7.15	mg/L	DAILY MAX	8.75	mg/L	22%
DISA-1P	08/31/2021	Ammonia	7.15	mg/L	DAILY MAX	9.51	mg/L	33%
DISA-1P	09/30/2021	Ammonia	7.15	mg/L	DAILY MAX	9.68	mg/L	35%
DISA-1P	10/31/2021	Ammonia	7.15	mg/L	DAILY MAX	12.2**	mg/L	71%
DISA-1P	11/30/2021	Ammonia	7.15	mg/L	DAILY MAX	12.6**	mg/L	76%
DISA-1P	12/31/2021	Ammonia	7.15	mg/L	DAILY MAX	13.2**	mg/L	85%

*Per Part 3.1 and 3.2.1.1 of the 2016 General Permit, if an oil sheen or floating oil is observed, a sample must immediately be collected and analyzed. Oil & Grease sheens were reported as visible, and no sample was collected for analysis (see table in Finding #4).

**Results in significant noncompliance (SNC) (*An exceedance is SNC when the numeric effluent limit violation is in excess of 40% or greater for Group I Pollutants or an exceedance of 20% or greater for Group II Pollutants).* Group I and II Pollutants are defined in 40 C.F.R. 123.45. Oil & Grease visual is SNC due to Category I violations occurring in any two or more months in a six-month period.

Permit requirements:

Part 3.1 and Tables 1 - 4 of the 2016 General Permit indicates the limits set forth for the facility to meet at a minimum.

Part 6.1 of the 2016 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:

Operate and maintain the facility to ensure compliance with the effluent limitations and other permit conditions. In the response to this report, provide the EPA and the Blackfeet Tribe with a description of the corrective actions taken to address this finding.