



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: 8ENF-W-NW

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

Scott Gates  
Maintenance Director  
Grand River Casino  
[sgates@grandrivercasino.com](mailto:sgates@grandrivercasino.com)

Re: Inspection Report for Grand River Casino Wastewater Treatment Facility, NPDES Permit  
No. SD0034752

Dear Mr. Gates:

On July 14, 2022, representatives of the U.S. Environmental Protection Agency inspected the Grand River Casino Wastewater Treatment Facility located in Mobridge, South Dakota to evaluate compliance with the facility's National Pollutant Discharge Elimination System permit for wastewater. 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 and Standing Rock Sioux Tribe Environmental Program 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:

Emilio Llamozas  
[llamozas.emilio@epa.gov](mailto:llamozas.emilio@epa.gov)

Jake Luger  
[jluger@standingrock.org](mailto:jluger@standingrock.org)

Please contact me at 303-312-6407 or [llamozas.emilio@epa.gov](mailto:llamozas.emilio@epa.gov) if you have any questions regarding this letter or the enclosed report.

Sincerely,

EMILIO LLAMOZAS

Digitally signed by EMILIO LLAMOZAS  
Date: 2022.08.25 08:08:40 -06'00'

Emilio Llamozas  
NPDES and Wetlands Enforcement Section  
Enforcement and Compliance Assurance Division

Enclosures:

- 1) Grand River Casino WWTF NPDES Inspection Report – Wastewater Treatment Facility
- 2) Grand River Casino WWTF Photo Log
- 3) Grand River Casino WWTF Schematic

cc: The Honorable Janet Alkire, Chairwoman, Standing Rock Sioux Tribe (via email)  
Jake Luger, Acting Environmental Director, Standing Rock Sioux Tribe (via email)

## NPDES Inspection Report – Wastewater Treatment Facility

| National Database Information                                  |                                                      |
|----------------------------------------------------------------|------------------------------------------------------|
| Inspection Date: July 14, 2022                                 | Inspection Type: CEI - Wastewater Treatment Facility |
| Entry/Exit Time: 11:34 am / 1:52 pm                            | NPDES ID Number: SD0034752                           |
| NAICS Code: 721120                                             | Inspection ID: 202207 SD0034752                      |
| Lead inspector and affiliation: Emilio Llamozas / EPA Region 8 |                                                      |
| Inspector and affiliation: Stephanie Meyers / EPA Region 8     |                                                      |

| Facility Location Information (Name/Location/ Mailing Address)                                                                     |                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site/Facility Name & Location:<br>Grand River Casino Wastewater Treatment Facility<br>27903 Hwy 12<br>Mobridge, South Dakota 57601 | Email Report to:<br>Mr. Scott Gates<br>Maintenance Director<br>Grand River Casino<br><a href="mailto:sgates@grandrivercasino.com">sgates@grandrivercasino.com</a> |

| Contact Information                                                                |                                                                                                     |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|                                                                                    | Name(s)/Title                                                                                       |
| Facility Contacts:<br><i>(indicate primary lead and present during inspection)</i> | Scott Gates / Maintenance Director / Grand River Casino / primary lead during the inspection        |
|                                                                                    | Tyler Timmons / Tribal Utility Consultant / Indian Health Service (IHS) / present during inspection |
| Person/Company meeting definition of “Operator”                                    | Grand River Casino                                                                                  |
| Authorized Official(s)<br>(Per NOI?)                                               | Scott Gates / Maintenance Director / Grand River Casino                                             |

| Permit Information                                                                                                                                                                                               |                                    |                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------|
| Is the permit on site and available? Yes                                                                                                                                                                         | Lagoon Category: Individual Permit | Monitoring Frequency: Every Discharge. DMRs are submitted on a quarterly basis. |
| Effective Date: February 1, 2019                                                                                                                                                                                 | Expiration Date: January 31, 2024  | 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): Unnamed tributary of Claymore Creek, which discharges into an inlet to Lake Oahe from Outfall 001 from the northwest berm of cell 3 located near Latitude 45.561105°, Longitude -100.508972° |                                    |                                                                                 |
| Regulatory Inspector’s source of information: Statement of basis for the permit, permit, facility representatives and facility observations.                                                                     |                                    |                                                                                 |

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

| Report Review and Signature                                                                                                                                                              |                                                                                                             |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------|
| Drafter Name                                                                                                                                                                             | Address/Phone Number                                                                                        | Date              |
| <b>EMILIO LLAMOZAS</b><br> Digitally signed by EMILIO LLAMOZAS<br>Date: 2022.08.25 08:07:47 -06'00'     | <b>U.S. EPA Region 8</b><br><b>1595 Wynkoop Street</b><br><b>8ENF-W-NW</b><br><b>Denver, Colorado 80202</b> | <b>08/24/2022</b> |
| <b>Emilio Llamozas</b>                                                                                                                                                                   | <b>303-312-6407</b>                                                                                         |                   |
| Reviewer Name                                                                                                                                                                            | Address/Phone Number                                                                                        | Date              |
| <b>Stephanie Meyers</b>                                                                                                                                                                  | <b>U.S. EPA Region 8</b><br><b>1595 Wynkoop Street</b><br><b>8ENF-W-NW</b><br><b>Denver, Colorado 80202</b> | <b>08/24/2022</b> |
|                                                                                                                                                                                          | <b>303-312-6938</b>                                                                                         |                   |
| Supervisor Signature/Name                                                                                                                                                                | Address/Phone Number                                                                                        | Date              |
| <b>Boeglin, Michael</b><br> Digitally signed by Boeglin, Michael<br>Date: 2022.08.25 07:27:09 -06'00' | <b>U.S. EPA Region 8</b><br><b>1595 Wynkoop Street</b><br><b>8ENF-W-NW</b><br><b>Denver, Colorado 80202</b> | <b>08/25/2022</b> |
| <b>Michael Boeglin</b>                                                                                                                                                                   | <b>303-312-6250</b>                                                                                         |                   |

## Inspection Narrative and Site Description

The inspection was conducted at the Grand River Casino Wastewater Treatment Facility (WWTF or facility) located in Mobridge, South Dakota to evaluate compliance with their National Pollutant Discharge Elimination System (NPDES) permit. The EPA is responsible for implementing the NPDES program in Indian Country within the State of South Dakota. The inspection was announced approximately one month prior to the inspection to coordinate logistics for the inspection. On July 14, 2022, U.S Environmental Protection Agency (EPA) inspectors Emilio Llamozas and Stephanie Meyers met with Scott Gates, the Maintenance Director for Grand River Casino. The EPA inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. The inspectors proceeded to review records on site, inspect the facility, and asked questions to the facility representative to help the inspectors evaluate compliance with the facility's permit. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

The Grand River Casino and Resort was previously covered under the EPA NPDES Lagoon General Permit (LGP), previous permit number NDG589306. The change from LGP coverage to individual coverage was made on February 1, 2019 to provide more specific and inclusive information on casino and resort characteristics; such as: a detailed fact sheet regarding casino configuration; language specific to the flows from the casino and resort which may include industrial laundry, golf courses, swimming pools, restaurants, gas stations, car washes, RV parks; language on grease trap controls and/or lift station controls; and the ability to include compliance schedules or make modifications, which were not possible under the LGP.

The Grand River Casino and Resort is owned and operated by the Standing Rock Sioux Tribe and is located west of Mobridge, South Dakota. The Grand River Casino and Resort is a 40-room hotel, restaurant, casino, conference and event facility. There is a small grease interceptor at the restaurant, which is pumped out once a quarter. The wastewater generated by the Grand River Casino and Resort is treated onsite in a three-cell facultative wastewater lagoon system. There are no lift stations at the facility. The cells operate in series (see enclosed schematic). However, cell 1 can be bypassed, if maintenance is necessary. Cells 1 (2.25 acres) and 3 (0.85 acres) were constructed in 2003, cell 2 (1 acre) was constructed in 2004. All three cells have a polyethylene liner below a bentonite liner. Mr. Gates indicated that treatment chemicals (Double Strength Super-Zyme and Bacterial Booster manufactured by Marc) are added to cells 1 and 2 to aid in the treatment process. A pump (photo 144) and sprinkler system (photo 142) are used to disperse the treatment chemicals through cells 1 and 2.

The Facility is situated on the bluff, at approximately 100 feet in elevation above the shore of Lake Oahe. The Facility discharges treated effluent, downhill via an 8-inch PVC pipe, to an unnamed dry tributary which discharges into Claymore Creek, an inlet of Lake Oahe. The distance to Claymore Creek is approximately 0.33 miles. Due to the Covid restrictions and limited guests staying at the Casino, the facility has not discharged since August 13, 2019.

Previously the Facility's discharge traveled downhill from the third cell to a culvert under Hwy 12, to an unnamed tributary on the northside of the highway. Concerns about the culvert's integrity were noted by the South Dakota Department of Transportation (SDDOT), and in 2017 the facility made

modifications to the discharge pipe and flow. The discharge now travels on the southside of Hwy 12 and does not cross the SDDOT right of way until the confluence with Claymore Creek.

The Grand River Casino and Resort is adjacent to the Bay at Grand River, a 70-site campground with showers, RV dump station, convenience store, and fish cleaning station. While the Bay at Grand River is not connected by any service linkages to the Grand River Casino, the Grand River Casino does accept septage from pumper trucks via a manhole (photo 140) located near treatment cell 1 (see enclosed schematic). Septic from the campgrounds is usually pumped twice per year and brought to the WWTF.

Inspectors first conducted a records review of sampling and laboratory records for the monitoring period from April 1, 2019 to March 31, 2022 to evaluate the facility's compliance with effluent limits and use of EPA approved sampling and analysis methods. After the records review, the inspectors drove around the cells to evaluate berm integrity and the facility's discharge status. Cells 2 and 3 had cattails growing inside of the cells' berms (photos 143-145). There was erosion on the eastern bank of cell 1 (photo 141). The cells don't have riprap on the berms. Inspectors then observed the facility's discharge location and sampling point (photo 147). The facility was not discharging at the time of the inspection.

At the end of the inspection, the inspectors held a closing conference with Mr. Gates where they discussed preliminary findings. On July 21, 2022, the EPA sent an email to Mr. Gates with the preliminary findings from the inspection.

## Findings, Corrective Actions and Recommendations

### Finding #1: Weekly lagoon inspections were not being conducted.

Weekly lagoon inspections were not being conducted. The inspectors provided the facility representative with a lagoon inspection report template form that the facility representative could use to document the weekly lagoon inspections.

#### **Permit requirement:**

Part 3.5 of the permit states, “On at least a weekly basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its wastewater treatment facility, at a minimum, for the following:

- 3.5.1.1. 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 Parts 1.3.2 and 2.4 of this Permit if not already done.);
- 3.5.1.2. Check to see if there is any leakage through the dikes;
- 3.5.1.3. Check to see if there are any animal burrows in the dike;
- 3.5.1.4. Check to see if there has been any excessive erosion of the dikes;
- 3.5.1.5. Check to see if there are any rooted plants, including weeds growing in the water;
- 3.5.1.6. Check to see if vegetation growth on the dikes needs mowing; and,
- 3.5.1.7. Determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility.”

Part 3.5.2 of the permit states, “The Permittee shall maintain a weekly log in either paper or electronic format recording information obtained during the inspection. At a minimum, the log shall include the following:

- 3.5.2.1. Date and time of the inspection;
- 3.5.2.2. Name of the inspector(s);
- 3.5.2.3. The facility's discharge status;
- 3.5.2.4. The flow rate of the discharge if occurring;
- 3.5.2.5. Identification of operational problems and/or maintenance problems;
- 3.5.2.6. Recommendations, as appropriate, to remedy identified problems;
- 3.5.2.7. A brief description of any actions taken with regard to problems identified; and,
- 3.5.2.8. Other information, as appropriate.”

#### **Corrective Action 1:**

Ensure that lagoon inspections are conducted on a weekly basis and documented in accordance with the permit. Provide the EPA and the Standing Rock Sioux Tribe Environmental Program (Tribe) with the lagoon inspections performed after the EPA’s July 14, 2022 inspection and a description of the corrective actions taken to address this finding.

### Finding #2: There was no Operation and Maintenance (O&M) Manual for the Lagoon.

There was no O&M Manual for the Lagoon. O&M activities at the lagoon include but are not limited to transfer of wastewaters between the different cells, frequency and addition of chemical treatments to the cells, mowing schedule for the berms, procedures for removing animal burrows from the berms, procedures for removal of cattails from the cells and discharge and sampling procedures.

**Permit requirement:**

Part 3.6.1 of the permit states, “The Permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this Permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:

- 3.6.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
- 3.6.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;
- 3.6.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
- 3.6.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).”

**Corrective Action 2:**

Develop an O&M Manual for the proper operational procedures and maintenance requirements of the wastewater treatment facility. Provide the EPA and Tribe with the O&M Manual and a description of the corrective actions taken to address this finding.

**Finding #3: The operation and maintenance performed at the lagoons was not being documented.**

The operation and maintenance performed at the lagoon was not documented on the O&M logs. O&M activities at the lagoon include but are not limited to transfer of wastewaters between the different cells, frequency and addition of chemical treatments to the cells, mowing schedule for the berms, procedures for removing animal burrows from the berms, procedures for removal of cattails from the cells and discharge and sampling procedures.

**Permit Requirement:**

Part 3.6.2 of the permit states, “The Permittee shall maintain a weekly log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the log shall include the following information:

- 3.6.2.1. Date and time;
- 3.6.2.2. Name and title of person(s) making the log entry;
- 3.6.2.3. Name of the persons(s) performing the activity;
- 3.6.2.4. A brief description of the activity; and,
- 3.6.2.5. Other information, as appropriate.

The Permittee shall maintain the daily log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Standing Rock Sioux Tribe.”

Part 3.6.3 of the permit states, “The Permittee shall maintain the daily log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Standing Rock Sioux Tribe.

**Corrective Action 3:**

Ensure that operation and maintenance activities are documented as required by the permit. Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.

Finding #4: Cells 2 and 3 had cattails growing inside of the cells' berms.

Cells 2 and 3 had cattails growing inside of the cells' berms (photos 143-145). On July 19, 2022, Mr. Gates indicated that he had ordered some aquatic weed picker to remove the cattails.

**Permit Requirement:**

Part 3.6 of the 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 includes 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."

**Corrective Action 4:**

Remove the cattails growing on the inside berms of cells 2 and 3. Submit to the EPA and Tribe photos of the cells after the cattails have been removed.

Finding #5: There was evidence of erosion on the eastern bank of cell 1.

There was erosion on the eastern bank of cell 1 (photo 141). Mr. Gates indicated that the erosion is caused by the prevailing western winds creating waves in cell 1. The cells don't have riprap on the berms.

**Permit Requirement:**

Part 3.6 of the 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 includes 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."

**Corrective Action 5:**

Mitigate the erosion on the eastern banks of cell 1 by installing riprap on the berms. Provide the EPA and Tribe with photos and a description of the corrective actions taken to address this finding.

Finding #6: The Total Suspended Solids (TSS) 30-day average and the 7-day average for the monitoring period from April 1, 2019 to June 30, 2019 were misreported in NetDMR. The facility also exceeded its TSS 30-day average and 7-day average effluent limits.

There was one discharge for the monitoring periods from April 1, 2019 to June 30, 2019, which occurred on April 15, 2019 for one day. There were three samples collected for TSS on April 15, 2019. The results were: 69 mg/L, 52 mg/L and 52 mg/L. For the monitoring period from April 1, 2019 to June 30, 2019, the facility reported 69 mg/L for the 30-day average for TSS and no data indicator (NODI) code X "Parameter/Value not reported" for the TSS 7-day average in NetDMR. The 30-day average and the 7-day average for TSS should have been reported as 57.6 mg/L, which is the average of the three

samples collected on April 15, 2019. These were permit exceedances since the 30-day TSS limit is 30 mg/L and the TSS 7-day average limit is 45 mg/L.

**Permit requirement:**

Part 2.4 of the permit states, “With the effective date of this Permit, the Permittee must electronically report DMRs quarterly using NetDMR. Electronic submissions by permittees must be submitted quarterly to the EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the requirements of section 4.7 of this Permit (“Signatory Requirements”). NetDMR is accessed from the internet at <https://netdmr.zendesk.com/home>.”

Table 2 of the permit establishes effluent limitations for Outfall 001:

| Effluent Characteristic                                                             | Effluent Limitation         |                            |                            |
|-------------------------------------------------------------------------------------|-----------------------------|----------------------------|----------------------------|
|                                                                                     | 30-Day<br>Average <u>a/</u> | 7-Day<br>Average <u>a/</u> | Daily<br>Maximum <u>a/</u> |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L                                 | 30                          | 45                         | N/A                        |
| Total Suspended Solids (TSS), mg/L                                                  | 30                          | 45                         | N/A                        |
| <i>Escherichia coli</i> , no./100 mL                                                | 126                         | N/A                        | 410                        |
| Oil and Grease (O&G), mg/L                                                          | N/A                         | N/A                        | 10                         |
| The pH of the discharge shall not be less than 6.5 or greater than 9.0 at any time. |                             |                            |                            |

**Corrective Action 6:**

Ensure that the TSS 7-day average and the 30-day average discharge limits are met. Update NetDMR with the correct values for TSS for the 7-day average and the 30-day average for the April 1, 2019 to June 30, 2019 period. Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.

**Finding #7: The pH sampling for the April 15, 2019 and August 13, 2019 discharge events did not meet the holding times**

The facility currently does not have a pH meter. The April 15, 2019 and August 13, 2019 discharge samples for pH were analyzed by the laboratory; therefore, they did not meet the 15 minute holding time for pH samples.

**Permit Requirement:**

Table 3 of the permit establishes the monitoring requirements for Outfall 001.

Table 3 – Monitoring Requirements

| Effluent Characteristic                                | Frequency       | Sample Type <u>a/</u>   |
|--------------------------------------------------------|-----------------|-------------------------|
| Total Flow, mgd <u>b/</u>                              | Every Discharge | Instantaneous           |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L    | Every Discharge | Grab                    |
| Total Suspended Solids (TSS), mg/L                     | Every Discharge | Grab                    |
| <i>Escherichia coli</i> ( <i>E. coli</i> ), no./100 mL | Every Discharge | Grab                    |
| Ammonia as N, mg/L <u>d/</u>                           | Every Discharge | Grab                    |
| Total Kjeldahl Nitrogen, mg/L <u>d/</u>                | Every Discharge | Grab                    |
| Total Phosphorus, mg/L <u>d/</u>                       | Every Discharge | Grab                    |
| pH, units                                              | Every Discharge | Instantaneous <u>c/</u> |
| Oil and grease                                         | Every Discharge | Grab                    |

a/ See Definitions, section 1.1, for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in million gallons per day (mgd) during any discharge and the maximum flow rate observed, in mgd, shall be reported.

c/ Analysis of pH must be taken in the field within 15 minutes of grab.

d/ Monitoring for ammonia, nitrogen and phosphorus shall be performed only during the high production season of July through September.

Part 2.2 of the permit states, “Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this Permit.”

40 C.F.R. Part 136 require pH samples to be analyzed within 15 minutes of sample collection.

#### **Corrective Action 7:**

Purchase or borrow a pH meter so that the pH sampling meets the 15 minute holding time. Ensure that pH samples are analyzed within 15 minutes of being collected. Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.

**Finding #8: The facility did not sample for all required parameters during the April 15, 2019 and August 13, 2019 discharge events.**

The facility did not collect *E. coli* samples during the April 15, 2019 discharge event. Note that ammonia, TKN and total phosphorus are only required during the high production season of July through September. The facility did not collect *E. coli*, ammonia, TKN and total phosphorus samples during the August 13, 2019 discharge event.

**Permit requirement:**

Table 3 of the permit establishes the monitoring requirements for Outfall 001.

Table 3 – Monitoring Requirements

| Effluent Characteristic                                | Frequency       | Sample Type <u>a/</u>   |
|--------------------------------------------------------|-----------------|-------------------------|
| Total Flow, mgd <u>b/</u>                              | Every Discharge | Instantaneous           |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L    | Every Discharge | Grab                    |
| Total Suspended Solids (TSS), mg/L                     | Every Discharge | Grab                    |
| <i>Escherichia coli</i> ( <i>E. coli</i> ), no./100 mL | Every Discharge | Grab                    |
| Ammonia as N, mg/L <u>d/</u>                           | Every Discharge | Grab                    |
| Total Kjeldahl Nitrogen, mg/L <u>d/</u>                | Every Discharge | Grab                    |
| Total Phosphorus, mg/L <u>d/</u>                       | Every Discharge | Grab                    |
| pH, units                                              | Every Discharge | Instantaneous <u>c/</u> |
| Oil and grease                                         | Every Discharge | Grab                    |

a/ See Definitions, section 1.1, for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in million gallons per day (mgd) during any discharge and the maximum flow rate observed, in mgd, shall be reported.

c/ Analysis of pH must be taken in the field within 15 minutes of grab.

d/ Monitoring for ammonia, nitrogen and phosphorus shall be performed only during the high production season of July through September.

**Corrective Action 8:**

Ensure that all required parameters are sampled during discharge events including *E. coli*, ammonia, TKN and total phosphorus samples. Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.

Finding #9: The facility incorrectly reported NODI code C “No discharge” in NetDMR when in fact it had a discharge during the July 1, 2019 to September 30, 2019 monitoring period.

The DMR for the monitoring period from July 1, 2019 to September 30, 2019 was reported as NODI code C “No discharge.” However, the facility had a discharge on August 13, 2019. The BOD 7-day average and the BOD 30-day average was 4.23 mg/L, the TSS 7-day average and the BOD 30-day average was 10 mg/L and the pH was 9.2 (the pH sample did not meet the 15-minute holding time because it was sampled by the laboratory). The facility needs to update their DMR submittal to account for the discharge.

**Permit requirement:**

Part 2.4 of the permit states, “With the effective date of this Permit, the Permittee must electronically report DMRs quarterly using NetDMR. Electronic submissions by permittees must be submitted quarterly to the EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the requirements of section 4.7 of this Permit (“Signatory Requirements”). NetDMR is accessed from the internet at <https://netdmr.zendesk.com/home>.”

Below are the NODI codes and a description of each:

| Code | Description                                       |   |                                    |
|------|---------------------------------------------------|---|------------------------------------|
|      |                                                   | A | General Permit Exemption           |
| 1    | Wrong Flow                                        | B | Below Detection Limit/No Detection |
| 2    | Operation Shutdown                                | C | No Discharge                       |
| 3    | Special Report Attached                           | D | Lost Sample/Data Not Available     |
| 4    | Discharge to Lagoon/Groundwater                   | E | Analysis Not Conducted/No Sample   |
| 5    | Frozen Conditions                                 | F | Insufficient Flow for Sampling     |
| 6    | State-Specific No Data Indicator - Valid          | G | Sampling Equipment Failure         |
| 7    | No Influent                                       | H | Invalid Test                       |
| 8    | Other (See Comments)                              | I | Land Applied                       |
| 9    | Conditional Monitoring - Not Required This Period | J | Recycled - Water-Closed System     |

|   |                                  |   |                                                    |
|---|----------------------------------|---|----------------------------------------------------|
| K | Natural Disaster                 | T | Environmental Conditions - Monitoring Not Possible |
| L | DMR Received but not Entered     | V | Weather Related                                    |
| M | Laboratory Error                 | W | Dry Lysimeter/Well                                 |
| N | Not Constructed                  | Q | Not Quantifiable                                   |
| P | Laboratory Error or Invalid Test | X | Parameter/Value Not Reported                       |
| Q | Not Quantifiable                 | Y | State-Specific No Data Indicator - Valid           |
| R | Administratively Resolved        | Z | COVID19 valid Mar-Aug 2020 monitoring              |
| S | Fire Conditions                  |   |                                                    |

**Corrective Action 9:**

Update NetDMR to indicate that the facility discharged during the July 1, 2019 to September 30, 2019 monitoring period. The BOD 7-day average and the BOD 30-day average was 4.23 mg/L, the TSS 7-day average and the BOD 30-day average was 10 mg/L and the pH was 9.2 (the pH sample did not meet

the 15-minute holding time because it was sampled by the laboratory). Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.

**Finding #10:** The facility incorrectly reported NODI code A “General Permit Exemption” in NetDMR for the October 1, 2019 to December 31, 2019 monitoring period; however, the facility explained that there was no discharge during the October 1, 2019 to December 31, 2019 monitoring period.

The DMR for the monitoring period from October 1, 2019 to December 31, 2019 was reported as NODI code A “General Permit Exemption.” The facility representative indicated that a sample was taken on October 22, 2019 of the wastewater in cell 3; however, the facility decided not to discharge. The notes for the DMR for the monitoring period from October 1, 2019 to December 31, 2019 contradict this and indicated that a “Discharge took place on 10/22/19 test results were as follows: Coliform 866.4 MPN/100ml, PH 9.0, E.coli 99.0 MPN/100ml, BOD 10.4 mg/l, Oil and Grease <1.4 mg/l, Total Suspended Solids 76 mg/l. It was a slow trickle discharge and took a couple of days 10/22/19-10/24/2019.” The facility representative indicated that the notes in NetDMR were incorrect and that they decided not to discharge. The facility needs to update their DMR to indicate that the facility did not discharge by entering NODI code C “No discharge.”

**Permit requirement:**

Part 2.4 of the permit states, “With the effective date of this Permit, the Permittee must electronically report DMRs quarterly using NetDMR. Electronic submissions by permittees must be submitted quarterly to the EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the requirements of section 4.7 of this Permit (“Signatory Requirements”). NetDMR is accessed from the internet at <https://netdmr.zendesk.com/home>.”

Below are the NODI codes and a description of each:

| Code | Description                                       |   |                                    |
|------|---------------------------------------------------|---|------------------------------------|
|      |                                                   | A | General Permit Exemption           |
| 1    | Wrong Flow                                        | B | Below Detection Limit/No Detection |
| 2    | Operation Shutdown                                | C | No Discharge                       |
| 3    | Special Report Attached                           | D | Lost Sample/Data Not Available     |
| 4    | Discharge to Lagoon/Groundwater                   | E | Analysis Not Conducted/No Sample   |
| 5    | Frozen Conditions                                 | F | Insufficient Flow for Sampling     |
| 6    | State-Specific No Data Indicator - Valid          | G | Sampling Equipment Failure         |
| 7    | No Influent                                       | H | Invalid Test                       |
| 8    | Other (See Comments)                              | I | Land Applied                       |
| 9    | Conditional Monitoring - Not Required This Period | J | Recycled - Water-Closed System     |

|   |                                  |   |                                                    |
|---|----------------------------------|---|----------------------------------------------------|
| K | Natural Disaster                 | T | Environmental Conditions - Monitoring Not Possible |
| L | DMR Received but not Entered     | V | Weather Related                                    |
| M | Laboratory Error                 | W | Dry Lysimeter/Well                                 |
| N | Not Constructed                  | Q | Not Quantifiable                                   |
| P | Laboratory Error or Invalid Test | X | Parameter/Value Not Reported                       |
| Q | Not Quantifiable                 | Y | State-Specific No Data Indicator - Valid           |
| R | Administratively Resolved        | Z | COVID19 valid Mar-Aug 2020 monitoring              |
| S | Fire Conditions                  |   |                                                    |

**Corrective Action 10:**

Ensure that the correct NODI code is entered for the applicable circumstance when DMRs are submitted. Update NetDMR with NODI code C “No discharge” for the October 1, 2019 to December 31, 2019 monitoring period. Provide the EPA and Tribe with a description of the corrective actions taken to address this finding.