

NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: August 19, 2024	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: Opening Conference: 9:15 a.m. - 1:30 p.m. Site Review: 4:35 p.m.-4:58 p.m.	NPDES ID Number: SDG589511
NAICS Code: 221320	Inspection ID: 202408_SDG589511
Lead inspector and affiliation: Brit Rustad / EPA Region 8	
Inspector and affiliation: Jennifer Ferrando / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Wakpamni Wastewater Treatment Facility Lat/Long: 43° 2'17.57"N, 102° 9'1.64"W (lagoon) BIA 62, Batesland, SD 57716	Email Report to: Ernie Abold, Director, Oglala Sioux Tribe (OST) Water & Sewer h2osewer@gwtc.net

Contact Information	
	Name(s)/Title
Facility Contacts:	Ernie Abold / Director / OST Water & Sewer / present during the opening and closing conferences as well as the inspection
	James Begeman / Tribal Utility Consultant / Indian Health Service (IHS) / present during the opening and closing conferences as well as the inspection
Person/Company meeting definition of "Operator"	Oglala Sioux Tribe, Water and Sewer (OST Water & Sewer)
Authorized Official(s)	Ernie Abold / Director / OST Water & Sewer

Permit Information		
Is the permit on site and available? Yes, digitally	Lagoon Category: Potential to discharge but no discharge authorized	Monitoring Frequency: N/A
Effective Date: 04/05/2016	Expiration Date: 12/31/2020 (administratively continued)	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 to Feather on Head Lake (according to facility representatives)		
Regulatory Inspector's source of information: Notice of Intent for the permit, ICIS, ECHO and facility representatives		

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Self-Monitoring Program</u>	Pretreatment

Records	Compliance Schedule	Pollution Prevention
Facility Site Review	Laboratory	Stormwater
Effluent/Receiving Waters	Operations and Maintenance	Combined Sewer Overflow
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature		
Drafter Name	Draft Date	Contact Information
Brit Rustad BRIT RUSTAD  Digitally signed by BRIT RUSTAD Date: 2024.10.23 13:31:15 -06'00'	9/11/2024	U.S. EPA Region 8 Denver, Colorado rustad.brit@epa.gov (303) 312-6885
Reviewer Name	Draft Date	Contact Information
Jennifer Ferrando	9/27/2024	U.S. EPA Region 8 Denver, Colorado ferrando.jennifer@epa.gov (303) 312-6601
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2024.10.23 08:40:24 -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 Site Description
<u>1.0 Introduction</u> The inspection was conducted at the Wakpamni wastewater treatment facility (facility; WWTF) located near Batesland, South Dakota, to evaluate compliance with the facility's 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 the morning of August 19, 2024, U.S. Environmental Protection Agency (EPA) inspectors Brit Rustad and Jennifer Ferrando (collectively, "we") met with Oglala Sioux Tribe Water & Sewer (OST Water & Sewer) Director, Ernie Abold. We were also joined by Indian Health Service (IHS) representative James Begeman, Tribal Utility Consultant. We presented our credentials and had an opening conference in the OST Water & Sewer office where we explained the purpose of the inspection and discussed the design, operation, and Clean Water Act and NPDES compliance of multiple WWTFs operated by the OST Water & Sewer, including the subject facility. After the opening

conference, we proceeded to conduct site reviews of the WWTFs operated by OST Water & Sewer, including the subject facility, for the remainder of August 19, 2024, through August 22, 2024. Throughout the inspection, we noted our observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

2.0 OST Water & Sewer Operations

During the opening conference when discussing all facilities, Ernie Abold indicated that over the course of a week all WWTFs, including four lift stations, are checked. OST Water & Sewer is not keeping weekly inspection logs for these checks or any operations or maintenance logs. Only two of the four lift stations currently have Supervisory Control and Data Acquisition (SCADA) capabilities, which creates a burden for the limited staff to physically go check the two remaining lift stations several times per week to ensure they are operating properly. Ernie Abold stated that OST Water & Sewer performs jetting of the collection system for all WWTFs twice a year, in the spring and fall. Lastly, sludge has not been removed from any WWTFs; according to the tribal utility consultant, sludge accumulation has not been an issue with any of the lagoons on Pine Ridge based on previous depth testing and observations.

OST Water & Sewer operates both the water distribution as well as sewer collections systems across the Pine Ridge Reservation, which encompasses just over 2 million acres. According to Ernie Abold there are approximately 48,000 tribal members with half of these being served by the sewer collections system and the other half being primarily on septic systems. Septage from the majority of these septic systems is pumped and hauled to OST Water & Sewer's WWTFs throughout the reservation. At the time of the inspection, OST Water & Sewer employed 3 operators, in addition to the Director, and various managerial and administrative support staff. Only one of the three operators held any certifications.

OST Water & Sewer customers, rates, and finances were briefly discussed during the opening conference. Users are billed a single, monthly water and wastewater fee. Ernie Abold stated that OST Water & Sewer's budget is not supplemented by any other resources. OST Water & Sewer recently began a 5-year rate increase, as the last rate increase was in 2009. Additionally, according to the OST Water & Sewer representative, the utility is owed over \$1 million in outstanding user fees. This is in part a result of OST Water & Sewer's limited ability to discontinue service for customers who do not pay their bill.

3.0 Facility Description and Site Review

The facility is permitted as a "No Discharge" facility under the EPA Region 8 General Permit for Wastewater Lagoon Systems in Indian Country in South Dakota (Permit) issued in 2016. An NOI was submitted on September 30, 2024, for coverage under the 2022 LGP. The NPDES Permits Section is currently processing the NOI. According to the facility representatives the facility serves roughly 70 people in the Wakpamni community. The facility currently does not accept hauled waste. The system consists of a single cell which was dry at the time of the inspection. James Begeman suspects that the

water level in the lagoon fluctuates with the ground water level and based on the age of the lagoon, the facility may not have been lined when it was originally constructed.

When we arrived at the lagoon, the gate was closed and locked (photo 1). Signs were posted around the perimeter. The lagoon had recently been mowed but vegetation was greater than 6 inches inside the cell, below where the mower could safely reach (photos 1-2). The lagoon was dry at the time of the inspection. The remnants of several trees that had been cut down were still in the ground on the inside slope of the berm (photo 3). The outfall could not be located on the south side of the lagoon where the plans indicated.

At the end of our inspections of OST Water & Sewer-operated WWTFs on August 22, 2024, we held a brief closing conference with Ernie Abold and James Begeman where we discussed preliminary findings. The following week on August 29, 2024, the EPA sent an email to Ernie Abold with the preliminary findings from the inspection and resources for documenting inspections, a lagoon troubleshooting guide, and a lift station standard operating procedures template.

Findings, Corrective Actions and Recommendations

Finding #1: The Permittee was not documenting weekly lagoon inspections.

The facility representative stated that OST Water & Sewer staff visit each lagoon and lift station weekly but did not maintain records of the inspections. The inspectors provided the facility representatives with a lagoon inspection report template form (Appendix D of the 2022 Lagoon General Permit) that the facility representatives could use to document the weekly lagoon inspections.

Permit Requirement:

Section 3.3.1 of the 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. The permittee shall maintain a notebook recording all information obtained during the inspection. At a minimum, the notebook shall include the following:

- 3.3.1.1. Name of facility and permit number;
- 3.3.1.2. Date and time of the inspection;
- 3.3.1.3. Name of the inspector(s);
- 3.3.1.4. The facility's discharge status;
- 3.3.1.5. The flow rate of the discharge if occurring;
- 3.3.1.6. 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 3.2 and 5.4 of this permit if not already done.);
- 3.3.1.7. Is there is any leakage through the dikes;
- 3.3.1.8. Are there are any animal burrows in the dike;
- 3.3.1.9. Is there any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
- 3.3.1.10. Are there are any rooted plants, including weeds growing in the water;

- 3.3.1.11. Does the vegetation growth on the dikes needs mowing (e.g. greater than 6" tall);
- 3.3.1.12. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
- 3.3.1.13. Identification of operational problems and/or maintenance problems;
- 3.3.1.14. Recommendations, as appropriate, to remedy identified problems;
- 3.3.1.15. A brief description of any actions taken with regard to problems identified; and,
- 3.3.1.16. Other information, as appropriate.

The permittee shall maintain the notebook 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 (see Part 5.10 of this permit)."

Section 3.3.3 of the Permit states, "Problems identified during the inspection shall be listed with corrective action and a time frame to correct the issue. Example: repair cracks in North berm, remove animal and repair burrow, within 7 days. (See Part 6.5 of this permit.)"

Section 5.7 of the 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 this permit, inspection records, notifications to the EPA per this permit, and DMRs, for a period of at least five years from the date of the sample, measurement, report, application or submittal. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 C.F.R. Part 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, a copy of this NPDES permit, and the notice of intent for permit coverage, must be maintained on site."

Corrective Action:

Ensure that lagoon inspections are conducted on a weekly basis and documented in accordance with the Permit. Ensure that weekly lagoon inspection reports are retained in accordance with the recordkeeping requirements of the Permit. Provide the EPA and the Oglala Sioux Tribe Environmental Department with 1 month's worth of weekly inspection reports.

Finding #2: Overgrown vegetation and trees were evident in the lagoon.

Vegetation and cattails had reached greater than six inches in height on the inside slopes and throughout the interior of the cell (photos 1-2). Stumps of recently removed trees remained on the inside slope of the berms (photo 3).

Permit Requirement:

Section 6.5 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.

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)."

Corrective Action:

Remove the overgrown vegetation and trees from the inside slopes and interior of the cell, in accordance with Section 6.5 and relevant subparts of the Permit. Submit to the EPA and the Oglala Sioux Tribe Environmental Department photos once the vegetation and trees have been removed.

Finding #3: Facility does not have enough staff or funding.

During the opening conference, staffing and funding resources were discussed. The facility representatives estimated that six operators would be needed, in addition to the Director, to operate the WWTFs in compliance with the permit requirements; however, at the time of the inspection, only three operators were employed by OST Water & Sewer. In addition, the utility does not have sufficient revenue and is not able to collect unpaid user fees to fund necessary operation and maintenance activities. It is apparent based on that conversation as well as field observations that this facility does not have adequate staff or funding to fully comply with the permit.

Permit Requirement:

Section 6.1 of the 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. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions."

Recommendation:

EPA recommends developing a staffing and funding plan (plan) that includes the number of staff needed to comply with the permit, staff retention plan (competitive pay and proper training), SOPs for collection of outstanding fees, and evaluation of alternative funding sources. EPA also recommends that the plan should include deadlines for accomplishing each of the items listed in the plan.

Finding #4: Outfall could not be located.

During the facility inspection, inspectors and facility representatives could not locate the outfall pipe despite searching for it in the location that the drawings indicated.

Permit Requirement:

Section 6.5 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:

Locate the outfall pipe. In a response to the EPA and the Oglala Sioux Tribe Environmental Department, provide photos showing the location of the outfall cleared of any debris or obstructions.

Finding #5: Lagoon may have been leaking.

The lagoon was dry at the time of the inspection and James Begeman conveyed his suspicion that the water level in the lagoon fluctuates with the ground water level, based on the proximity of the lagoon to a marshy area. Additionally, because of the age of the lagoon, the original installation may not have included a liner. A lagoon that doesn't hold the wastewater may not be providing any treatment and may be a risk to human health and the environment.

Permit Requirement:

Section 6.5 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:

Evaluate if the seepage rate of the lagoon exceeds current engineering standards. In a response to the EPA and the Oglala Sioux Tribe Environmental Department, develop a plan to determine if the lagoon is seeping into the ground at a higher than acceptable rate, and if so, OST Water and Sewer plans to resolve this issue.