

U.S. EPA Region 8 NPDES Inspection Report

National Database Information	
Inspection Date: September 18-19, 2024	Inspection Type: Compliance Evaluation Inspection
Entry / Exit Time: September 18, 2024: 13:30 PM-16:15 PM MT September 19, 2024: 11:30 AM-11:40 AM MT	NPDES ID: UTG589403
Major / Non-Major Facility: Non-Major	NPDES Program Sector(s): POTW
NAICS Code: 2213 (Water, Sewage, and Other Systems)	Inspection ID: 202409_UTG589403
Lead inspector and affiliation: Akash Johnson / U.S. EPA Region 8 (opening conference lead)	
Inspector and affiliation: Althea Wilson / U.S. EPA Region 8 (onsite lead)	
Inspector and affiliation: Jennifer Ferrando / U.S. EPA Region 8	

Site/Facility Location Information	
Site/Facility Name & Location: Sunshine Subdivision WWTF 40.257661, -109.8567218 Uintah County, Utah Uintah and Ouray Reservation	Send Report to: Felecia Pike-Cuch, Acting Director Ute Tribe Water Systems feleciac@utetribes.com

Inspection/Site Contacts	
	Name(s)/Title
Site/Facility Contacts	Felecia Pike-Cuch / Acting Director / UTWS (present)
	Tracy Warrick / Environmental Health Foreman, Wastewater Operator / UTWS (present)
	Eli Chapoose / Water and Wastewater Operator / UTWS (present)
Indian Health Service Contacts	Mike O'Shea / Tribal Utility Consultant / IHS, Phoenix Area, Reno District OEHE SFC (present)
Other Tribal Government Contacts	Alrita Murray / Environmental GAP Coordinator / Ute Tribe (present for opening conference only)
	CeeJay Rebsom / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Darrel Ningealook / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Devonte Smith / Solid and Hazardous Waste Labor / Ute Tribe Environmental GAP Program (present)
	Bart Powaukee / Water Quality Coordinator / Ute Tribe (not present)

Other Contacts	Matthew Peacock / Senior Engineer / Natural Resource Consulting Engineers, Inc. (consultant to UTWS engaged by Ute Tribe Business Committee)
----------------	---

Permit/Site Information	
Permit on site and available: Yes – EPA emailed before inspection and left hard copy onsite	Permit Application Date: Did not evaluate
Effective Date: N/A	Expiration Date: N/A
Latitude: 40.257661	Longitude: -109.8567218
Receiving Water(s): Non-discharging lagoon. The Uinta River was approximately 155 feet northeast and 135 feet south of the facility at the closest approach. Lagoon did not appear to be discharging at the time of the inspection.	
Weather Conditions: During inspection: Sunny/partly cloudy, no precipitation	
Inspector's source of information: Facility personnel, IHS personnel, IHS records, EPA records and databases, Google Earth Pro, inspection 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
Effluent/Receiving Waters	<u>Operations and Maintenance</u>	Combined Sewer Overflow
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature		
Lead Inspector and Report Writer Name/Signature/Final Date		Contact Information
ALTHEA WILSON  Digitally signed by ALTHEA WILSON Date: 2024.12.17 14:47:09 -07'00'		U.S. EPA Region 8 Denver, Colorado wilson.althea@epa.gov (303) 312-6026
Reviewer Name	Review Date	Contact Information
Akash Johnson	December 10, 2024	U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067
Reviewer Name	Review Date	Contact Information
Jennifer Ferrando	December 6, 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: 2024.12.17 14:38:49 -07'00'		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

1.0 Introduction

On Wednesday September 18, 2024, and Thursday September 19, 2024, I, U.S. Environmental Protection Agency (EPA) inspector Althea Wilson along with EPA inspectors Akash Johnson and Jennifer Ferrando (collectively, “we”), conducted a compliance evaluation inspection of the Sunshine Subdivision (also referred to as “Sunshine Acres” in some records) Wastewater Treatment Facility (WWTF; facility), located in Uintah County, Utah, within the exterior boundaries of the Uintah and Ouray (Reservation). The facility was operated by the Ute Tribe Water Systems (UTWS), a department of the Ute Tribe (Tribe) government. Ownership of the facility or underlying lands was not evaluated during the inspection.

The purpose of the inspection was to evaluate compliance with applicable Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES) requirements. A letter notifying the Tribe of the EPA’s inspection presence on the Reservation was sent on August 19, 2024. We were joined by the individuals identified as present on pages 1-2 of this report for respective portions of the inspection. Throughout the inspection, we took notes on our discussions and observations in bound checklists. Photographs taken during the inspection are included in the enclosed photo log.

2.0 UTWS Wastewater Operations

Some of the information in this section was provided by UTWS representatives during and after the inspection and has not been independently verified by the EPA.

The UTWS operated six WWTFs, including the subject facility. The UTWS also operated several public water systems (PWSs). PWSs were not evaluated during the inspection and are not discussed at-length in this report. UTWS staffing comprised five operators, three of whom worked primarily in PWS operations, one of whom, Tracy Warrick, worked primarily in wastewater operations, and one of whom, Eli Chapoose, worked in both wastewater and PWS operations. No UTWS staff held wastewater operator licenses. During the inspection, UTWS representatives indicated they were trying to recruit additional wastewater operators, either by providing wastewater training to existing UTWS PWS operators or hiring and training new staff. The UTWS coordinated regularly with IHS, consultants, and technical assistance providers on matters of infrastructure funding, technical assistance, and training related to wastewater operations.

The UTWS was managed by a Director position which jointly-managed the Ute Tribe Environmental Health Program (UTEHP). At the time of the inspection, the UTWS/UTEHP Director position had been filled in an acting capacity for several months by Felecia Pike-Cuch, who was also the Ute Tribe Emergency Management Director. The UTWS, along with approximately fifty-one other Tribal departments, was overseen by the Tribe’s Executive Director position, which coordinated between Tribal departments and the Tribal Council.

The majority of UTWS funding was provided by the Tribal government. The UTWS Director was responsible for coordinating the UTWS budget and special purchase requests with the Executive Director, who was in-turn responsible for coordinating any such requests with the Tribal Council. The UTWS also periodically applied for grants to support equipment purchases.

Potable water from UTWS PWSs was sold commercially to some nearby non-Tribal water systems, with associated revenue directed into the Tribe’s General Fund. The UTWS provided septic pumping

Inspection Narrative and Site Description

services across the Reservation at no-cost for Tribal members. UTWS representatives indicated they were in the process of clarifying septic pumping charges for non-Tribal members and had temporarily ceased offering septic services to non-Tribal members until the matter was determined. UTWS representatives indicated all septage they collected was hauled to the Fort Duchesne WWTF (NPDES ID UTG589401).

The UTWS did not assess or collect any residential or commercial water or wastewater fees. UTWS representatives indicated Tribal members did not currently pay for residential water or sewer services provided by the UTWS. UTWS representatives were not sure whether any other customers (e.g. non-Tribal residential users, commercial users) were being assessed water or sewer fees and, if so, which other Tribal department(s) may have been collecting such fees and where associated revenue may have been directed. UTWS representatives indicated, in recent memory, they had not received instruction from any other Tribal departments to conduct water shut offs in response to any delinquent water or sewer payments. IHS records contain some additional information on water and wastewater fees supplementing the information provided by UTWS representatives during the inspection.

Each of the WWTFs operated by the UTWS comprised a collection system and lagoon. The UTWS provided collection system services into homes for Tribal members and up to property lines for non-Tribal members. The UTWS maintained and operated a sewer jetter and pump truck to support collection system and septic pumping operations. UTWS representatives indicated they did not implement any routine preventative maintenance procedures for any collection systems or lagoons; rather, they generally performed wastewater maintenance and repairs on an as-needed basis. UTWS representatives indicated, at the time of the inspection, work orders were tracked in hard-copy form, but they had historically been tracked through various mechanisms.

UTWS representatives indicated they spent considerable time over several months preceding the inspection clearing overgrown vegetation from around the lagoons associated with the WWTFs under their purview. UTWS representatives indicated they had made significant progress clearing vegetation from around the lagoons but still intended to complete additional vegetation removal at several lagoons.

3.0 Facility Information

At the time of the inspection, no NPDES permit coverage for the facility was in effect. The most recent NPDES permit coverage for the facility had been obtained under a prior iteration of the EPA Region 8 General Permit for Wastewater Lagoons in Indian Country (LGP) (general NPDES ID UTG589###; facility specific NPDES ID UTG589403), effective December 6, 2016, through December 31, 2020. Based on EPA records, in a September 29, 2022, email to the EPA, a (now former) UTWS representative explained the UTWS did not intend to obtain renewed coverage under the current iteration of the LGP, stating,

“We DO NOT intend on reapply for permit coverage for UTG589403 Sunshine subdivision WWTF. This system is no longer functional. The wastewater is being sent to the Fort Duchesne WWTF via sewer pipe and lift station.”

However, as discussed further throughout this report, at the time of the inspection, the pumping system intended to convey wastewater from the Sunshine collection system to the Fort Duchesne WWTF was inoperable and wastewater from the Sunshine collection system appeared to be flowing into the Sunshine lagoon.

Inspection Narrative and Site Description

The facility comprised a collection system, inoperable pumping system, and two-cell facultative lagoon serving the Sunshine Subdivision, an unincorporated community. Some IHS records indicate manholes in the collection system have experienced surcharge events as recently as 2022. The EPA did not evaluate the collection system or facility users during the inspection.

A preliminary engineering report for the facility, “Preliminary Engineering Report of the Sunshine Acres Lagoon Wastewater System for the Ute Indian Tribe, Uintah & Ouray Reservation,” prepared by IHS, November 7, 2023 (2023 PER) describes the pumping system as follows:

“The effluent pumping system is decommissioned and backfilled with soil. When operational, it consisted of a splitter manhole, 5,000-GAL septic tank, 1,000-GAL pump tank, two Orenco effluent pumps and approximately 3,000 FT of 2 IN HDPE force main that terminates at the nearest manhole of the Fort Duchesne sewer collection system.”

According to the 2023 PER, the pumping system and force main to the Fort Duchesne WWTF was installed in 2007 with the intention of allowing eventual decommissioning of the Sunshine lagoon, but the pumping system failed within approximately 2 years and wastewater from the Sunshine community was re-directed back to the Sunshine lagoon, where it has generally flowed since and was observed to be flowing at the time of the inspection.

Various IHS records indicate the facility’s pumping system and lagoon are located within a Federal Emergency Management Agency (FEMA)-mapped 100-year floodplain and wetlands as identified by the U.S. Fish and Wildlife Service National Wetlands Inventory. These assessments were not evaluated by the EPA as part of the inspection.

During the inspection, IHS and UTWS representatives indicated they were considering installing a new lift station outside any FEMA-mapped floodplains to redirect all wastewater from the Sunshine community back to the Fort Duchesne WWTF, in-part to mitigate potential risk of flooding. After the inspection, Felecia Pike-Cuch informed Akash Johnson the UTWS was planning to move forward with installation of a new lift station.

4.0 Inspection Narrative

On the afternoon of Wednesday, September 18, 2024, we conducted an opening conference in a conference room of the Ute Tribe Emergency Management Department office. During the opening conference, we asked questions pertaining to wastewater operations at the WWTFs operated by the UTWS, including the subject facility. On Thursday, September 19, 2024, we conducted onsite inspections of each of the WWTFs operated by the UTWS, including the subject facility.

We arrived at the lagoon at approximately 11:30 AM, after inspecting several other WWTFs earlier in the day. The lagoon enclosure was partially fenced and there was no gate present. The lagoon enclosure was overgrown with trees and other dense vegetation.

We began the facility walk-through at the inoperable pumping system, which was fenced in and located on the northern side of Cell 1 (Photograph 59). We then attempted to walk around Cell 1 but were unsuccessful as the boundaries of the cell were unclear due to the dense vegetation. On the northwest

Inspection Narrative and Site Description

side of Cell 1, we observed influent entering Cell 1 (Photograph 60). Throughout the course of the inspection, we were only able to walk a portion of Cell 1 due to the dense vegetation growing in and around the lagoon system (Photographs 60 and 61).

The inspection concluded when we left the lagoon at approximately 11:40 AM.

Later in the day, we reconvened in the conference room of the Ute Tribe Emergency Management Department office and discussed preliminary findings for each of the WWTFs inspected that day, including the subject facility.

5.0 Post-Inspection Activities and Conclusion

On October 11, 2024, Akash Johnson emailed Felecia Pike-Cuch preliminary findings from the inspection. Throughout October and November 2024, Akash Johnson communicated with Felecia Pike-Cuch on various occasions via phone and email. During this correspondence, Felecia Pike-Cuch indicated, after the inspection, UTWS staff had received training on lift station operations and was planning to move forward with the IHS-supported installation of a new lift station to convey wastewater from the Sunshine collection system to the Fort Duchesne WWTF.

Findings, requested corrective actions, and recommendations identified pursuant to the inspection are identified in the section below.

Findings, Corrective Actions, and Recommendations

Finding 1:

Lagoon is operating without NPDES permit coverage. The facility should submit a Notice of Intent (NOI) to obtain coverage as a "No-Discharge" facility under EPA Region 8's General Permit for Wastewater Lagoon Systems in Indian Country, Permit No. UTG589### (the permit), and comply with all relevant permit requirements.

Permit Requirements:

Section 1.2 of the permit ("Introduction") states: "This Region 8 General Permit for Wastewater Lagoon Systems in Indian Country (Permit) is intended for the permitting of wastewater lagoon systems that treat primarily domestic sewage (an average total influent flow consisting of ~80% or greater domestic sewage) and are located within the boundaries of the specified Region 8 Indian Reservations or otherwise in Indian country as defined in Section 1.1 Definitions of this permit."

Section 1.5 of the permit (Categories and Subcategories of Coverage) indicates authorization for coverage under this permit will be limited to one of the following two categories of wastewater lagoon systems:

DISCHARGE (DIS) - Authorization to Discharge. No prior notification is required before starting to discharge;

Findings, Corrective Actions, and Recommendations

NO DISCHARGE (NODIS) - No Authorization to Discharge. The lagoon system is required to have no discharge.

The basic requirements for each of the categories are specified in Section 1.5, of the permit. If additional water quality-based effluent limitations are necessary to comply with applicable water quality standards, those requirements will be specified in the written notice of authorization of coverage or subsequent letter from the EPA.

Section 2.1 of the permit ("Obtaining Authorization for Coverage Under this Permit" states:

2.1.1 To obtain authorization under this permit, a facility must:

Submit a complete and accurate NOI using an EPA notice of intent form for coverage under this Permit. The "NPDES 2020 Lagoon General Permit Notice of Intent Form" is located electronically at: <https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit>

Facilities may also contact EPA's Region 8 Office (EPA contact information is available at the website provided in the following paragraph) and request a hardcopy NOI be mailed to them. Once completed, the form can be submitted to EPA as indicated in Section 2.4 of this Permit.

The NPDES Lagoon General Permit Notice of Intent Form can also be requested from EPA's Region 8 Office. Contacts for Region 8 are listed at the following website: <https://www.epa.gov/npdes-permits/forms/contact-us-about-npdes-permits-around-nation>

Once completed, the form can be printed out, signed, and submitted to the EPA at the address given in Section 2.4 of the permit:

Unless otherwise authorized by EPA, the signed Notice of Intent form (hardcopy) must be sent to the address listed below:

U.S. Environmental Protection Agency, Region 8
Wastewater Section (8WD-CWW)
1595 Wynkoop Street Denver, CO 80202-1129

In addition to submitting the signed hardcopy, a copy may be submitted electronically as provided in the submission instructions at: <https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit>

A relevant EPA contact to address questions regarding submittal of the NOI is Kenley Stone, reachable at stone.kenley@epa.gov or (406) 457-5035, or Alysia Tien at tien.alysia@epa.gov or (303) 312-7021.

Corrective Action 1:

The EPA understands the UTWS is eventually planning to move forward with the IHS-supported installation of a new lift station to convey wastewater from the Sunshine collection system to the Fort Duchesne WWTF. In a response, provide a plan and schedule for completion of lift station construction and lagoon decommissioning activities, including when the UTWS anticipates the lift station will begin conveying wastewater to the Fort Duchesne WWTF and whether the lagoon will be decommissioned in-place or demolished.

Findings, Corrective Actions, and Recommendations

Corrective Action 2:

Submit required NOI documentation to obtain coverage under the Region 8 General Permit for Wastewater Lagoon Systems in Indian Country for as long as the lagoon remains in operation. In your response to the EPA, provide a timeline to address the corrective action and projected date of completion.

Finding 2:

Due to lagoon's location in FEMA-mapped 100-year floodplain, there is a potential for uncontrolled and unauthorized discharges to Water of the United States (WOTUS) if the lagoon were to be flooded.

Recommendation:

EPA recommends evaluating public health, environmental, operational, and compliance risks associated with potential flooding of lagoon, including potential uncontrolled releases of wastewater or biosolids into the environment. Consider using EPA's CREAT tool (<https://www.epa.gov/crwu/climate-resilience-evaluation-and-awareness-tool>) and other tools available from other federal agencies, such as FEMA (<https://www.fema.gov/flood-maps/products-tools>).

Finding 3:

If the lagoon is to be decommissioned or demolished, CWA 404 and biosolids regulatory requirements may apply to these activities.

Recommendation 1:

If the lagoon is to be either demolished or decommissioned but left in place, biosolids regulatory requirements may apply. Ensure biosolids are managed in accordance with 40 CFR Part 503. Provide links to EPA's Biosolids page (<https://www.epa.gov/biosolids/biosolids-laws-and-regulations>) and Plain English Guide to Biosolids Rule (<https://www.epa.gov/biosolids/plain-english-guide-epa-part-503-biosolids-rule>), and email for Biosolids Center of Excellence (R7_Biosolids_Center@epa.gov).

Recommendation 2:

If the lagoon is to be demolished, due to its location in a potential wetland, CWA 404 regulatory requirements may apply. EPA recommends conferring with the U.S. Army Corps of Engineers (USACE) as to whether CWA 404 permit coverage would be required for demolition and reclamation activities.