

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: 13:50 PM-14:55 PM MT	NPDES ID: UTG589402
Major / Non-Major Facility: Non-Major	NPDES Program Sector(s): POTW
NAICS Code: 2213 (Water, Sewage, and Other Systems)	Inspection ID: 202409_UTG589402
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: Yellowstone WWTF 40.329259, -109.891002 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)
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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: November 1, 2022	Expiration Date: March 31, 2027
Latitude: 40.329259	Longitude: -109.891002
Receiving Water(s): Land east of the facility; potentially draining towards tributaries to the Uinta River (located approximately 1.8 miles east of the facility, at closest approach)	
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
AKASH JOHNSON  Digitally signed by AKASH JOHNSON Date: 2024.12.02 12:00:08 -07'00'		U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067
Reviewer Name	Review Date	Contact Information
Althea Wilson	November 21, 2024	U.S. EPA Region 8 Denver, Colorado wilson.althea@epa.gov (303) 312-6026
Reviewer Name	Review Date	Contact Information
Jennifer Ferrando	November 25, 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: 2024.12.02 08:24:27 -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 Akash Johnson, along with EPA inspectors Althea Wilson and Jennifer Ferrando (collectively, “we”), conducted a compliance evaluation inspection of the Yellowstone 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 and field logbooks. 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 offering wastewater training to existing UTWS PWS operators or hiring and training new staff. The UTWS coordinated regularly with the Indian Health Service (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 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 Tribe’s Executive Director, who was, in turn, responsible for coordinating certain 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 services across the Reservation at no-cost for Tribal members. UTWS representatives indicated they

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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 of charges 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. A preliminary engineering report for the facility finalized after the inspection, “Preliminary Engineering Report of the Yellowstone Sewer System for the Ute Indian Tribe, Uintah & Ouray Reservation,” prepared by IHS, October 21, 2024 (2024 PER), includes 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, NPDES permit coverage for the facility was effective under the EPA Region 8 General Permit for Wastewater Lagoons in Indian Country (Permit) (general NPDES permit number UTG589####; facility specific NPDES ID UTG589402), under the “Potential to Discharge but No Discharge (NODIS) Authorized” requirements of the Permit.

The facility comprised a collection system and lagoon serving the Yellowstone Community, a residential development located west of the lagoon, across White Rocks Highway. According to the 2024 PER, the Yellowstone community comprised approximately 29 homes with approximately 100 permanent residents. According to the 2024 PER, the collection system comprised approximately 1.4 miles of 8-inch, 10-inch, and 12-inch PVC sewer main. The collection system and facility users were not evaluated during the inspection. Additional information on collection system history and condition is available in the 2024 PER.

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According to the 2024 PER and IHS lagoon construction drawings dated May 29, 1980 (IHS Project No. 79-393/80-413), the facility was constructed around 1980 and originally comprised a gravity collection system and two-cell facultative lagoon intended to provide total retention. According to the 2024 PER, between 2005-2007, a community septic tank, effluent lift station, and force main were installed to redirect community wastewater (liquids only, from the community septic tank) to the Fort Duchesne WWTF collection system (IHS Project No. PH98-R36), with the intention of allowing eventual decommissioning of the Yellowstone lagoon. However, the lift station failed several years after 2007 and wastewater from the Yellowstone community was re-directed back to the Yellowstone lagoon, where it has generally flowed since and was observed to be flowing at the time of the inspection.

EPA and IHS records indicate the lagoon has a history of intermittent uncontrolled overflows and may be hydraulically undersized. Section 3.3.3 of the 2024 PER includes engineering calculations and narrative discussion suggesting the existing lagoon may be undersized for the number of residences served. Facility conditions observed during the inspection are discussed in Section 4 and subsequent changes are discussed in Section 5.

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 and implementation of Permit requirements 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 13:50 PM, after inspecting several other WWTFs earlier in the day. The lagoon enclosure was fenced and locked upon our arrival and the gate was opened by UTWS representatives. UTWS representatives indicated they intended to operate the lagoon cells in series, flowing wastewater from Cell 1 to Cell 2 (west to east). UTWS representatives indicated the lagoon enclosure had been overgrown with trees and other dense vegetation prior to vegetation removal activities conducted several months earlier, evidenced by vegetation cuttings remaining on the ground throughout the lagoon enclosure (Photograph 73). Mike O'Shea provided IHS construction drawings of the lagoon which we referenced throughout the inspection (Photographs 77-78); he noted the drawings were dated circa 1980 and their accuracy had not been contemporaneously verified by the IHS.

Throughout the course of the inspection, we walked around the entire perimeter of both cells. We began the facility walk-through on the western side of the Cell 1. The wastewater level in Cell 1 was approaching the top of the berm (within 0-2 feet) and cattails were growing around the perimeter of the berm (Photograph 68). On the western end of the southern berm of Cell 1, wastewater was pooled in an indentation on the top of the berm (Photograph 69). UTWS indicated the indentation had been caused by a vehicle sinking into the berm during recent vegetation removal activities, indicating the berm was potentially saturated in this area.

On the south side of the lagoon, between Cell 1 and Cell 2, we opened a manhole and found it to be dry (Photograph 70). Possible flow configurations at this manhole were not immediately discernible or reconcilable with the IHS construction drawings (Photographs 77-78).

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Wastewater was flowing over the top of the berm between Cell 1 and Cell 2, escaping from Cell 1 and flowing east, downgradient, into Cell 2 (Photographs 71-72, 76). It was apparent this was not how the lagoon was intended to convey wastewater between the cells. UTWS representatives indicated they were not sure whether there were any transfer structures between the cells, so we consulted the IHS construction drawings, which indicated there was supposedly an 8-inch transfer line in the berm between the cells, a gate valve that could control flow through this line, and a valve box on top of the berm (Photographs 77-78). We attempted to locate a valve box or any other evidence of a transfer structure between the cells but were not able to identify or confirm the presence of any such infrastructure. It is possible a transfer structure could have been obscured by vegetation cuttings present on the berm between the cells (Photograph 73). The wastewater elevation in Cell 2 was several feet lower than the wastewater level in Cell 1, potentially indicating, if a transfer structure was present, wastewater may not have been free flowing through it at the time of the inspection.

In the northeast corner of Cell 2, a channel was present in the berm from which uncontrolled overflows could potentially occur (Photographs 74-75). Based on information provided by UTWS representatives and in EPA and IHS records, uncontrolled overflows had previously occurred at this location. At the time of the inspection, the wastewater level in Cell 2 was approximately 2 feet below the inlet to the channel and no water was flowing through or present in the channel. This channel was not reflected on the IHS construction drawings, and it was not apparent whether it had eroded as a result of past overflows or had been intentionally cut into the berm. Any wastewater overflow from this location would presumably flow north and east beyond the fence line onto adjacent property, which appeared to be generally undeveloped in the immediate vicinity of the lagoon (Photograph 75).

Based on our observations indicating Cell 1 may have been hydraulically overloaded, we surmised influent could be backing up into the collection system, so we returned to the southwest corner of Cell 1 to locate and open an influent manhole reflected on the IHS construction drawings. Wastewater was backed up into the manhole to approximately 1 foot below grade, at approximately the same elevation as the wastewater in Cell 1 (Photograph 79). UTWS representatives indicated they were not previously aware of this manhole; it had apparently been obscured by dense vegetation until the recent vegetation removal activities.

To further evaluate the extent of wastewater backup into the collection system, we left the lagoon enclosure and walked to the septic tank/lift station enclosure, approximately 100 yards to the west. The configuration of the community septic tank, lift station, and associated piping was not discernable during the inspection, but we confirmed sewage was flowing freely through at least one manhole upgradient of the community septic tank (Photograph 80). The lift station did not appear to be operating. A description of this area included in the 2024 PER is as follows:

“The effluent pumping system is currently non-operational. From a site visit in July 2024, it appeared that power was still connected to the electrical panel. From an inspection through the risers of the septic tank and effluent tank, the septic tank appeared to be filled with dried solids or backfilled with dirt and the pumps were not visible in the effluent tank. The splitter manhole was diverting sewage to existing lagoon. The fence around the perimeter was in adequate condition. The 2-inch sewer force main which connects the effluent pumping system to the Fort Duchesne lagoon is likely in serviceable condition given the age of the system and the longevity of PE pipe.”

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Towards the end of the onsite portion of the inspection, we discussed with all individuals present several potential options for addressing the apparent hydraulic overloading of Cell 1, including transferring wastewater from Cell 1 to Cell 2 via the suspected transfer structure or trash pump and hose, or restoring functionality to the lift station and redirecting influent to the Fort Duchesne collection system. Eli Chapoose indicated his preference would be to restore functionality to the lift station and he would begin troubleshooting the lift station over the coming days. We also discussed Permit monitoring and reporting requirements that would be applicable to the facility if an uncontrolled overflow or emergency discharge from Cell 2 occurred. The inspection concluded when we left the lagoon at approximately 14:55 PM.

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, I emailed Felecia Cuch preliminary findings from the inspection. Throughout October and November 2024, I communicated with Felecia Cuch on various occasions via phone and email. Our correspondence was primarily related to coordination between the UTWS, and technical assistance providers and wastewater work completed by the UTWS since the inspection, including at the subject facility.

During a November 4, 2024, phone call, Felecia Cuch stated the UTWS had restored functionality to the facility's lift station and wastewater from the Yellowstone community was being directed to the Fort Duchesne collection system. During this same phone call, Felecia Cuch also stated the channel in the northeast corner of Cell 2 had been patched. Later in the day after our phone call, Felecia Cuch emailed me photographs of this berm repair.

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

Findings, Corrective Actions, and Recommendations

Finding 1:

Weekly facility inspections were not being conducted or documented.

Permit Requirements:

Section 6.5 of the Permit (Inspection Requirements) states:

On at least a weekly basis, unless otherwise modified by written approval from EPA, the Permittee shall inspect its wastewater treatment facility. Permission for less frequent inspections must be requested in writing by the Permittee and may be granted on a case-by-case basis where appropriate (e.g. a lagoon located in a remote area where access is a problem during the winter and compliance issues are not present), at the discretion of EPA. The Permittee shall maintain a notebook/logbook recording all information obtained during the inspection using indelible ink pens (or inspection logs may be kept in

Findings, Corrective Actions, and Recommendations

electronic format in accordance with proper record-keeping procedures) and in sufficient detail so that decision logic may be traced back, once reviewed. At a minimum, the notebook/logbook shall include the following (see Appendix D of this Permit for an Example Lagoon Inspection Form):

- 6.5.1.1. Name of facility and permit number.
- 6.5.1.2. Date and time of the inspection.
- 6.5.1.3. Name of the inspector(s).
- 6.5.1.4. The facility's discharge status;
- 6.5.1.5. The flow rate of the discharge, if occurring;
- 6.5.1.6. 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 Sections 3 and 5.4 of this Permit if not already done.);
- 6.5.1.7. If there is any leakage through the dikes;
- 6.5.1.8. If there are any animal burrows in the dike;
- 6.5.1.9. If there is any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
- 6.5.1.10. If there are any rooted plants, including weeds or trees growing in the water;
- 6.5.1.11. If the vegetative growth on the dikes need mowing (i.e. no greater than 6" tall or any height that may interfere with monitoring, operation and maintenance of the system);
- 6.5.1.12. Visual observation for visible sheen, floating oil, floating solids and foam;
- 6.5.1.13. Visual observation to check for evidence of illicit septic dumping;
- 6.5.1.14. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility;
- 6.5.1.15. Identification of operational and/or maintenance problems, and a determination of whether proper operation and maintenance procedures are being undertaken at the frequency necessary to maintain working operations and the overall treatment and collection systems of the wastewater treatment lagoon system;
- 6.5.1.16. Recommendations, as appropriate, to remedy identified problems;
- 6.5.1.17. A brief description of any actions taken with regard to problems identified;
- 6.5.1.18. Overall visual observations to identify potential concerns with the "health" of the lagoon system (e.g., water is cloudy, water coloration concerns (e.g. red, black, grey, dark blue-green and cloudy), etc.); and
- 6.5.1.19. Other information, problems identified, or observations, as appropriate.

The Permittee shall maintain the notebook/logbook 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(s) (see Appendix A for list of Tribes).

Problems identified during the inspection (including, but not limited to, those associated with this section of the Permit) shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. Corrective actions to remedy problem(s) shall be in line with (and addressed through) proper operation and maintenance (Section 6.6 of this Permit.). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

Findings, Corrective Actions, and Recommendations

Section 5.9 of the Permit (Retention of Records) 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 the Permit, for a period of at least three years from the date of the sample, measurement, report or application. Records of monitoring required by the Permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the EPA at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

Corrective Action:

Conduct, document, and retain records of weekly facility inspections in accordance with the Permit. In a response, provide a record of at least one weekly facility inspection conducted since receipt of this report.

Finding 2:

An Operation and Maintenance (O&M) Manual(s) had not been developed or implemented for the facility.

Permit Requirements:

Section 6.6.1 of the Permit (under “Proper Operation and Maintenance”) states:

For Permittees not previously covered under the Region 8 General Permit for Wastewater Lagoon Systems in Indian Country, 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:

- 6.6.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
- 6.6.1.2. 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;
- 6.6.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
- 6.6.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

For Permittees renewing coverage under this Permit, the Permittee is expected to have the above listed items (Sections 6.6.1.1. thru 6.6.1.4., which were part of the requirements under the previous Region 8 General Permit for Wastewater Lagoon Systems in Indian Country) completed prior to the coverage date under this Permit. These Permittees shall ensure that each of the items listed above are updated and maintained as part of the operation and maintenance program for the wastewater treatment facility.

Findings, Corrective Actions, and Recommendations

Corrective Action:

Develop and implement an O&M Manual(s) for the facility in accordance with the Permit. In a response, provide a copy of the O&M Manual(s) developed for the facility.

Finding 3:

A daily O&M log was not maintained for the facility.

Permit Requirements:

Section 6.6.1 of the Permit (under “Proper Operation and Maintenance”) states:

...In addition to the operation and maintenance items in the manual for the lagoon system, ALL Permittees shall do the following maintenance, at a minimum:

The Permittee shall maintain a log in either paper (e.g. bound notebook) or electronic format containing a summary record of any daily operation and maintenance activities at the wastewater treatment lagoon facility and collection system, that is to be updated on each day operation and maintenance activities are performed. At a minimum, the log shall include the following information:

- 6.6.1.5. Date and time;
- 6.6.1.6. Name and title of person(s) making the log entry;
- 6.6.1.7. Name of the persons(s) performing the activity;
- 6.6.1.8. A brief description of any operations and maintenance activity performed on the wastewater treatment lagoon system;
- 6.6.1.9. The Permittee shall ensure that necessary action to promptly correct the problem of leakage through the dikes is taken and documented in the maintenance log;
- 6.6.1.10. The Permittee shall ensure that necessary action to promptly remove burrowing animals from the dikes is taken and documented in the maintenance log;
- 6.6.1.11. The Permittee shall ensure prompt repair of damage to dikes caused by burrowing animals and/or erosion and documentation of all actions in the maintenance log;
- 6.6.1.12. The Permittee shall ensure removal of rooted plants, including weeds and trees, from the water on a regular basis or as needed and documentation of all actions in the maintenance log; and
- 6.6.1.13. The Permittee shall ensure that the dikes are kept mowed on a regular basis during the growing season or as needed (i.e., vegetation not greater than 6” tall or any height that may interfere with monitoring, operation and maintenance of the system) and that documentation of all actions taken are recorded in the maintenance log.
- 6.6.1.14. 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 applicable Tribe(s) (see Appendix A for list of Tribes).

Corrective Action:

Maintain a daily O&M log for the facility in accordance with the Permit. In a response, provide a copy of at least one daily O&M log completed since receipt of this report.

Findings, Corrective Actions, and Recommendations

Finding 4:

Operators were not familiar with all components of the facility, notably, whether there was a transfer structure between Cell 1 and Cell 2, as indicated on the IHS construction drawings (Photographs 73, 77-78), and all possible configurations of flow through the manhole located between Cell 1 and Cell 2 (Photograph 70).

Permit Requirements:

Section 6.6 of the Permit (Proper Operation and Maintenance) 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 this Permit.

Corrective Action 1 – possible intra-lagoon transfer structure:

Clear the vegetation cuttings from the berm between Cell 1 and Cell 2 and determine whether a transfer structure is present between the cells. If a transfer structure is present, evaluate its configuration and operation, and determine whether it should be opened or closed. In a response to the EPA, provide a photograph of the cleared berm. If applicable, also provide a photograph of any transfer structure identified and a narrative summarizing the UTWS's evaluation of its configuration and operation.

Note: Appropriate caution should be taken when turning valves which have not been regularly exercised, as they may be prone to sticking or breaking.

Corrective Action 2 – manhole between Cell 1 and Cell 2:

Evaluate possible configurations of flow through the manhole between Cell 1 and Cell 2. In a response, provide a narrative summarizing the UTWS's evaluation of its possible configurations.

Finding 5:

Cell 1 appeared to be exceeding its hydraulic capacity, based on the following observations:

- Wastewater was flowing over the top of the berm between Cell 1 and Cell 2, escaping from Cell 1 and flowing east, downgradient, into Cell 2 (Photographs 71-72, 76). It was apparent this was not how the lagoon was intended to convey wastewater between the cells.
- The wastewater level in Cell 1 was approaching the top of the berms (within 0-2 feet) around the entirety of the cell (Photograph 68).
- In the manhole in the southwest corner of Cell 1, influent was backed up to approximately 1 foot below grade (Photograph 79).
- On the western end of the southern berm of Cell 1, wastewater was pooled in an indentation on the top of the berm (UTWS representatives stated the indentation in the top of the berm had

Findings, Corrective Actions, and Recommendations

been caused by a vehicle sinking into the berm during recent vegetation removal activities), indicating the berm was potentially saturated in this area (Photograph 69).

- Section 3.3.3 of the 2024 PER includes engineering calculations and narrative discussion suggesting the existing lagoon may be undersized for the number of residences served.

Permit Requirements:

Section 6.6 of the Permit (Proper Operation and Maintenance) 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 this Permit.

Corrective Action 1 – completed:

After the inspection, during a November 4, 2024, phone call, Felecia Cuch stated the UTWS had restored functionality to the facility's lift station and sewage from the Yellowstone community was being directed to the Fort Duchesne collection system. No additional corrective action pursuant to the existing lift station is requested at this time.

Corrective Action 2:

Verify actions taken to reduce the hydraulic loading of Cell 1 (e.g. redirecting wastewater to the Fort Duchesne WWTF and/or potentially locating and opening suspected transfer valve between Cell 1 and Cell 2) are working effectively. In a response, provide photographs of wastewater levels in Cell 1, the interior of the influent manhole located in the southwest corner of Cell 1, and the area where wastewater was observed to be overflowing over the berm between Cell 1 and Cell 2 during the inspection.

Corrective Action 3:

The 2024 PER recommends installing a new lift station to convey wastewater from the Yellowstone community to the Fort Duchesne WWTF (Alternative 5). In a response, provide a narrative explaining whether the UTWS intends to pursue this recommendation and, if so, a proposed plan and schedule for this project.

Finding 6:

The western end of the southern berm of Cell 1 was damaged; there was an indentation on the top of the berm (Photograph 69). UTWS indicated the indentation had been caused by a vehicle sinking into the berm during recent vegetation removal activities.

Findings, Corrective Actions, and Recommendations

Permit Requirements:

Section 6.6 of the Permit (Proper Operation and Maintenance) 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 this Permit.

Weekly inspection requirements (Section 6.5) and O&M log requirements (Section 6.6.1) of the Permit also require operators to routinely inspect and repair leakage and erosion of lagoon berms.

Corrective Action:

Repair the indentation in the western end of the southern berm of Cell 1. In a response, provide a photograph showing this corrective action has been completed and provide the date of completion.

Finding 7:

Vegetation greater than 6 inches in height (primarily cattails) was present along the interior berms of both lagoon cells (Photographs 68-69, 74, 76).

UTWS representatives indicated they spent considerable time over several months preceding the inspection clearing overgrown vegetation from around the lagoons under their purview, including the subject facility, but also indicated they still intended to complete additional vegetation removal at several lagoons.

Permit Requirements:

Section 6.6.1.12 of the Permit (under “Proper Operation and Maintenance”) states:

The Permittee shall ensure removal of rooted plants, including weeds and trees, from the water on a regular basis or as needed and documentation of all actions in the maintenance log...

Section 6.6.1.13 of the Permit (under “Proper Operation and Maintenance”) states:

The Permittee shall ensure that the dikes are kept mowed on a regular basis during the growing season or as needed (i.e., vegetation not greater than 6” tall or any height that may interfere with monitoring, operation and maintenance of the system) and that documentation of all actions taken are recorded in the maintenance log.

Corrective Action:

Remove rooted vegetation within the lagoon cells and reduce vegetation around the lagoon cells to 6 inches in height or less. In a response, provide photographs of both cells indicating this corrective action has been completed and provide the date of completion.

Findings, Corrective Actions, and Recommendations

Recommendation:

During the inspection, UTWS representatives inquired about potentially applying herbicide to control vegetation on the interior of the lagoon berms. CWA, NPDES, and Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requirements may apply to the application of pesticides, including herbicides, which may enter waters of the United States. Application of herbicide at the lagoon may also constitute a substantial change in the volume or character of pollutants in facility wastewater, requiring notification to the EPA under Section 7.1 of the Permit (Planned Changes). If the UTWS intends to apply herbicide at the lagoon, prior to selecting or applying an herbicide, it is recommended the UTWS contact the Region 8 Wastewater (NPDES Permitting) Section to inquire about potentially applicable Permit or other federal requirements relating to this activity. A relevant EPA contact would be Kenley Stone, reachable at stone.kenley@epa.gov or (406) 457-5035. No response to the EPA is requested pursuant to this recommendation.

Finding 8:

In the northeast corner of Cell 2, a channel was present in the berm from which uncontrolled overflows could potentially occur (Photographs 74-75). Based on information provided by UTWS representatives and in EPA and IHS records, uncontrolled overflows had previously occurred at this location. At the time of the inspection, the wastewater level in Cell 2 was approximately 2 feet below the inlet to the channel and no water was flowing through or present in the channel. This channel was not reflected on the IHS construction drawings, and it was not apparent whether it had eroded as a result of past overflows or had been intentionally cut into the berm.

Permit Requirements:

Section 3.2 of the Permit (Potential to Discharge [NODIS] Monitoring Requirements) states:

No Discharge Requirement: Effective immediately as of the effective date of the permit coverage letter and lasting through the life of this Permit, there shall be no discharge except in accordance with the bypass provisions of this Permit. Facilities covered under the NODIS category are not expected to discharge, and this Permit does not authorize discharges from these facilities, except in accordance with the bypass provisions of this Permit. However, if an upset, bypass or any other unauthorized discharge is discovered or is expected to occur, the discharge is to be monitored and the Permittee must follow the monitoring and reporting requirements outlined in this section and Section 5.4.2 of this Permit.

Self-Monitoring Requirements: If a discharge is discovered or expected to occur, the discharge shall be monitored as shown below... [see rest of section and Table 8 in Permit for NODIS effluent monitoring requirements]

Section 6.6 of the Permit (Proper Operation and Maintenance) 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 this Permit.

Findings, Corrective Actions, and Recommendations

Weekly inspection requirements (Section 6.5) and O&M log requirements (Section 6.6.1) of the Permit also require operators to routinely inspect and repair leakage and erosion of lagoon berms.

Corrective Action 1 – completed:

After the inspection, during a November 4, 2024, phone call, Felecia Cuch stated the UTWS had filled the channel in the northeast corner of Cell 2. Later in the day after our phone call, Felecia Cuch emailed me photographs of the repaired berm. No additional corrective action pursuant to the channel in the northeast corner of Cell 2 is requested at this time.

Corrective Action 2:

Ensure unauthorized discharges from the facility do not occur or request a change in the facility's Permit authorization conditions from NODIS to "DIS – Authorization to Discharge". In a response, provide a narrative explaining how the UTWS plans to address this corrective action.