

U.S. EPA Region 8 NPDES Inspection Report

National Database Information	
Inspection Date: June 26, 2023	Inspection Type: Compliance Evaluation Inspection
Entry / Exit Time: Opening Conference: 08:30 AM / 10:30 AM Site Review: 02:10 PM / 02:40 PM	NPDES ID: SDG589111 (EPA Region 8 Lagoon General Permit SDG589###)
Major / Non-Major Facility: Non-Major	Program Sector(s): Publicly-Owned Treatment Works (POTW)
NAICS Code: 221320 (Sewage Treatment Facilities)	Inspection ID: 202306_SDG589111
Lead inspector and affiliation: Akash Johnson / U.S. EPA Region 8	
Inspector and affiliation: Stephanie Passarelli / U.S. EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Whitehorse Wastewater Treatment Facility Eagle Butte, South Dakota 57625 Dewey County 45.268544, -100.884764	Email Report to: Leo (Earp) Fischer, Manager Mni Wašté Water Company tricity@lakotanetwork.com

Contact Information	
	Name(s)/Title
Facility Contacts	Leo (Earp) Fischer / Manager / Mni Wašté Water Company (present for opening conference only)
	Lacey Maher / Assistant Manager / Mni Wašté Water Company (present for opening conference only)
	Joe Garreau / Operator / Mni Wašté Water Company (present for entire inspection)
Indian Health Service Contacts	Jason Petersen / Tribal Utility Consultant / Indian Health Service (not present)
Tribal Government Contacts	David Nelson / Environmental Director / Cheyenne River Sioux Tribe (not present)
Person/Company meeting definition of "Owner"	Cheyenne River Sioux Tribe
Person/Company meeting definition of "Operator"	Mni Wašté Water Company (aka Tri-County Water Association)

Responsible Official(s)	Leo (Earp) Fischer / Manager / Mni Wašté Water Company
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Permit / Facility Information	
Permit on site and available: Yes	Permit Application Date: Did not evaluate
Effective Date: December 1, 2022	Expiration Date: March 31, 2027
Latitude: 45.268544	Longitude: -100.884764
Receiving Water(s): Moreau River	
Weather Conditions: Partly-cloudy, warm, no precipitation	
Inspector's source of information: Facility representatives and records, EPA records and databases, Google Maps, and inspection observations	

Areas Evaluated During Inspection		
<u>Permit</u>	Self-Monitoring Program	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
Flow Measurement	Sludge Handling/Disposal	Sanitary Sewer Overflow

Report Review and Signature		
Drafter Name	Draft Date	Contact Information
STEPHANIE PASSARELLI  Digitally signed by STEPHANIE PASSARELLI Date: 2023.08.30 15:30:35 -06'00' Stephanie Passarelli	August 18, 2023	U.S. EPA Region 8 Denver, Colorado passarelli.stephanie@epa.gov (303) 312-6803
Reviewer Name	Review Date	Contact Information
Akash Johnson	August 21, 2023	U.S. EPA Region 8 Denver, Colorado johnson.akash@epa.gov (303) 312-6067
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2023.08.29 06:09:49 -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 Facility Description

1.0 Introduction

On Monday, June 26, 2023, I, U.S. Environmental Protection Agency (EPA) inspector Stephanie Passarelli, accompanied by EPA inspector Akash Johnson (collectively, “we”), conducted a compliance evaluation inspection of the Whitehorse Wastewater Treatment Facility (WWTF; facility), located in Dewey County, South Dakota, on the Cheyenne River Reservation (Reservation). We were accompanied by the individuals identified on pages 1-2 of this report for the respective portions of the inspection.

The facility is owned by the Cheyenne River Sioux Tribe and operated by the Mni Wašté Water Company (MWWC). The inspection was coordinated with the MWWC and Cheyenne River Sioux Tribe Department of Environmental and Natural Resources several weeks in advance, and an inspection notification letter was sent to the Cheyenne River Sioux Tribe on May 18, 2023. The purpose of the inspection was to evaluate compliance with applicable National Pollutant Discharge Elimination System (NPDES) and Clean Water Act (CWA) requirements. Throughout the inspection, we took notes on our discussions and observations in bound checklists. Photographs taken during the inspection are included in the attached photo log. Enclosure 3 is a facility schematic maintained in EPA records; the accuracy of this schematic was not verified during the inspection.

2.0 Background

At the time of the inspection, the facility was permitted under the “No Discharge Requirement” (NODIS) conditions of the 2022-2027 EPA Region 8 Lagoon General Permit SDG589### (Permit). The facility was assigned facility-specific NPDES ID SDG589111.

Records pertaining to previous EPA NPDES inspections and other NPDES permitting, and compliance records are maintained in EPA files. Records pertaining to facility engineering are primarily maintained by the MWWC and the IHS.

3.0 Inspection Narrative

The inspection began when we arrived at the MWWC offices in Eagle Butte at approximately 08:30 AM. We convened with Leo Fischer, Lacey Maher, and Joe Garreau in a conference room, presented our inspector credentials, and conducted an opening conference. During the opening conference, we asked questions pertaining to the design, operation, and CWA and NPDES compliance of multiple wastewater treatment facilities operated by the MWWC, including the subject facility.

3.1 MWWC Wastewater Operations

The MWWC operates a regional water treatment plant and distribution system which provides water to multiple communities and users across the region. The MWWC also operates approximately fourteen Tribally-owned WWTFs on the Reservation. At the time of the inspection, the MWWC employed ten operators and various managerial and administrative support staff. The majority of MWWC operations are dedicated to the provision of potable water, but all operators perform both water and wastewater duties as needed. Joe was the lead MWWC operator for wastewater issues and indicated he held a wastewater collections operator certification from the State of South Dakota. MWWC representatives indicated one additional operator was certified in wastewater collections for a total of two operators certified in collections, and no operators certified in treatment.

Inspection Narrative and Facility Description

Joe stated all WWTFs operated by the MWWC were inspected at least monthly and provided an example lagoon inspection form the MWWC had been using. We reviewed completed inspection forms for several WWTFs during the opening conference. The frequency of lagoon inspections and inspection forms is discussed further in Findings 1 and 2. Joe also stated sewer mains for all MWWC-operated WWTFs were jetted annually and manholes were routinely spot-checked for backups.

MWWC customers and finances were briefly discussed during the opening conference. Leo indicated the MWWC was a 501(c)2 nonprofit organization. The MWWC was overseen by a board comprised of members from each of the six Tribal government districts on the Reservation, however MWWC conducts all day-to-day operations. MWWC representatives indicated the majority of MWWC revenue was derived from user fees, with flat-rate residential water and wastewater fees of approximately \$11 and \$13, respectively, assessed monthly. MWWC representatives indicated they directly served approximately 1,600 water customers and approximately 1,000 wastewater customers. Some of MWWC's customers are independent municipalities, such as incorporated towns, which may serve hundreds or thousands of additional individual users.

3.2 Facility Description

The Whitehorse WWTF is a gravity-flow collection system and lagoon. The lagoon system consists of three non-discharging cells. Cell 1 is the northeast cell, cell 2 is the northwest cell, and cell 3 is the south cell as shown in the attached schematic. Influent from the community enters the lagoon through a splitter which distributes flow to both cells 1 and 2. Likewise, flow can be passed back and forth as needed through cell 1 and cell 2 by an equalizer. Cell 2 can pass to cell 3, however, Joe indicated the valve is currently closed and cell 3 is empty. Joe also indicated there is a discharge pipe on the south side of cell 3.

The facility is permitted as a no discharge facility. Any discharge from the facility is expected to be under emergency circumstances only. MWWC indicated there has never been a discharge from the lagoon.

EPA inspectors and the facility representative were unable to view the lagoons up close during the inspection. The Whitehorse lagoon is currently accessed via a long driveway off Whitehorse Road which initially passes through the private property of nearby resident. The week prior to the June 26th inspection, MWWC operators were conducting routine maintenance mowing the lagoon banks when the resident asked that MWWC no longer access the lagoons via their property. Without using the driveway, there was no direct access to the lagoon via easement or public right-of-way. During the inspection, we discussed several options available to the MWWC for obtaining access, and MWWC representatives indicated they were planning to meet with the property owner to discuss a potential resolution to this matter.

Joe noted there is some minor erosion on the south banks of cell 1 and cell 2. Sandbags were in place on the berm between cells 1 and 2 and cell 3; these were originally placed to help prevent any flow from the adjacent waterway into the lagoon during flooding in 2021.

4.0 Post-Inspection Activities and Conclusion

Following the inspection, I exchanged emails with Leo regarding several follow-up questions to Leo and conferred with the EPA Region 8 Wastewater Section regarding self-inspection requirements in the Permit.

Inspection Narrative and Facility Description

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

Findings, Corrective Actions, and Recommendations

Finding #1: The MWWC had not renewed written approval to conduct inspections on a monthly basis instead of a weekly basis.

The MWWC was conducting monthly inspections per authorization granted in 2011 with an earlier edition of the general permit for wastewater lagoons.

Permit Requirement:

Part 6.5.1 of the Permit 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.”

Corrective Action:

With each new Permit, the applicant (upon submission of the NOI), is submitting for coverage under the terms of that version of the general permit. Any previously approved allowances that were applied to coverage under a previous version of the Permit would not automatically carry over. Therefore, requests for allowances (e.g., less frequent inspections) to the new Permit requirements should be made specific to that new Permit coverage. If the facility would like to conduct monthly inspections instead of weekly inspections, please submit a written request to the address shown below:

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

In addition to the written request, the request can be emailed to Region 8 Wastewater Section Supervisor: Boeglin.Michael@epa.gov

In a response to this report, please provide a narrative clarifying whether the MWWC intends to conduct weekly or monthly inspections. If monthly inspections are requested, please cc johnson.akash@epa.gov and passarelli.stephanie@epa.gov on the request to the EPA Region 8 Wastewater Section

Finding #2: Lagoon inspections were documented using outdated inspection form.

Lagoon inspections were being documented using checklist from prior Permit. The inspectors provided the facility representatives with a lagoon inspection report template found in Appendix D of the 2022 permit to document routine lagoon inspections.

Permit Requirement:

Part 6.5.1 of the Permit 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

Findings, Corrective Actions, and Recommendations

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 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

Corrective Action:

During the inspection, the EPA identified the inspection form included as Appendix D of the Permit and the MWWC indicated they would begin using the new form immediately. In a response to the EPA, provide a copy of a recently completed inspection form for the facility.

Finding #3: Access to the lagoon for inspection was restricted.

The facility representatives as well as inspectors were unable to access the lagoon to conduct a site inspection without permission from the private property owner. At the time of the inspection no alternate access was available.

Permit Requirement:

Part 5.12 and Part 5.12.3 of the Permit states “The Permittee shall allow EPA or the Tribe(s), or authorized representative (including an authorized contractor acting as a representative of EPA) upon presentation of credentials and other documents as may be required by law, to:” “Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit.”

Corrective Action:

Facility representatives should resolve access to the lagoon to ensure operators and authorized personnel can access the lagoon operations at any time without approval from private property owners. In a response to the EPA, provide a narrative explaining how access to the lagoon has been restored.

Finding #4: Unable to verify operating conditions of the lagoon.

With restricted access to the lagoon, EPA was unable to view the lagoon and surrounding area to assess operating conditions.

Permit Requirement:

Part 5.12 and Part 5.12.3 of the Permit states “The Permittee shall allow EPA or the Tribe(s), or authorized representative (including an authorized contractor acting as a representative of EPA) upon presentation of credentials and other documents as may be required by law, to:” “Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit.”

Corrective Action:

Facility representatives should provide pictures to demonstrate current operating conditions, please provide to the EPA photos of the interior of the influent manhole, each lagoon cell, and the outfall. Please provide a description for each photo.