NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: August 22, 2023	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: Opening Conference: 08:30 am-10:30 am Site Review: 10:30 am-11:33 am	NPDES ID Number: NDG589403
NAICS Code: 221320	Inspection ID: 202308_NDG5890403
Lead inspector and affiliation: Akash Johnson / EPA Region 8	
Inspector and affiliation: Brit Rustad / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Green Acres Wastewater Treatment Facility Lat/Long: 48° 49' 49.83" N, 99° 41' 49.61" W (lagoon) Rolette County, ND 58316	Email Report to: Kenny Azure, Director, TMPUC [redacted]

Contact Information	
	Name(s)/Title
Facility Contacts:	Kenny Azure / Director / TMPUC / present for part of opening conference
	Eric Thomas / Operator / TMPUC / present during opening and closing conferences as well as the inspections
	Harold Bruce / Operator / TMPUC / present during opening and closing conferences as well as the inspections
	Tyler Timmons / Tribal Utility Consultant / IHS / present during the opening and closing conferences as well as the inspections
Person/Company meeting definition of “Operator”	Turtle Mountain Public Utilities Commission (TMPUC)
Authorized Official(s) (Per NOI?)	Kenny Azure / Director / TMPUC / present for part of opening conference

Permit Information		
Is the permit on site and available? Did not evaluate; EPA emailed a copy to TMPUC after the inspection	Lagoon Category: Discharge	Monitoring Frequency: Semi Annual for effluent and receiving stream with quarterly influent monitoring
Effective Date: 11/1/2022	Expiration Date: 3/31/2027	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): Ox Creek		
Regulatory Inspector’s source of information: Notice of Intent for the permit, ICIS, ECHO, PER and facility representatives		

Areas Evaluated During Inspection		
Permit	**Self-Monitoring Program**	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 Digitally signed by BRIT RUSTAD Date: 2023.12.07 15:11:43 -07'00'	**September 20, 2023**	**U.S. EPA Region 8 Denver, Colorado rustad.brit@epa.gov (303) 312-6885**
Reviewer Name	Draft Date	Contact Information
Akash Johnson	**November 7, 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: 2023.12.07 14:36:23 -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

The inspection was conducted at the Green Acres wastewater treatment facility (facility; WWTF) located in Rolette County, North 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 North Dakota. The inspection was announced approximately one month prior to the inspection to coordinate logistics for the inspection.

On the morning of August 22, 2023, U.S Environmental Protection Agency (EPA) inspectors Brit Rustad and Akash Johnson (collectively, "we") met with Turtle Mountain Public Utilities Commission (TMPUC) representatives Kenny Azure, Director, and with Harold Bruce and Eric Thomas, Operators. We were also joined by Indian Health Service (IHS) representative Tyler Timmons, Tribal Utility Consultant. We presented our credentials and had an opening conference in the TMPUC office where we explained the purpose of the inspection and discussed the design, operation, and CWA and NPDES compliance of multiple WWTFs operated by the TMPUC, including the subject facility. After the opening conference, we proceeded to conduct site reviews of the WWTFs operating by the TMPUC, including the subject facility, for the remainder of August 22, 2023 and part of August 23, 2023. Throughout the inspection, we noted our observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

2.0 TMPUC Operations

During the opening conference when discussing all facilities, representatives indicated that daily checks on all lift stations are performed but that lagoon cells were not inspected on at least a weekly basis. They also stated that weekly inspection logs are not being kept. On a call that occurred on November 8, 2023, Harold Bruce indicated that a sanitary sewer overflow (SSO) had occurred several days prior from a manhole upgradient of the Kent Addition lift station. Further information related to this can be found in the findings, corrective actions and recommendations section, under finding #11. Lastly, there has not been any sludge removal or depth testing done recently at any of the lagoons operated by TMPUC.

The TMPUC operates a regional water treatment plant and distribution system which provides water to multiple communities and users across the region. At the time of the inspection, the TMPUC employed eight operators and various managerial and administrative support staff. The majority of TMPUC operations are dedicated to the provision of potable water, but all operators perform both water and wastewater duties as needed.

TMPUC customers, rates, and finances were briefly discussed during the opening conference. Water and wastewater fees were collected separately, and different flat fees were assessed for regular residential, Tribal elder residential, and commercial users. Kenny indicated a portion of TMPUC's annual budget was subsidized by federal and/or Tribal sources.

3.0 Facility Description and Site Review

The facility is permitted as a discharge facility, under the EPA Region 8 Lagoon General Permit (Permit) for North Dakota. According to the Notice of Intent (NOI) for Permit coverage as well as a recent preliminary engineering report (PER), the facility serves a community of roughly 750 people in the Green Acres, Eagle View and Kent Addition housing developments as well as a few houses along Bureau of Indian Affairs (BIA) 10 and BIA 5. The NOI states that the system has 5 cells, although TMPUC operators stated that cells 1-3 do not connect with cells 4 and 5 and that the cells have independent collection systems. The PER conducted in 2023 indicates that the Green Acres Housing development is conveyed to the Lower Green Acres lagoons, cells 1-3, while all other housing mentioned above goes to the Upper Green Acres lagoons, cells 4-5. The 2023 PER outlined options for combining the two systems but approval for the project is dependent upon funding. Currently outfall 001C-1B is in the SW corner of cell 3 (Lower Green Acres lagoons) while outfall 002C-1B is located in the SW corner of cell 5 (Upper Green Acres lagoons).

Between the opening conference and inspection of the subject facility, we inspected several other WWTFs operated by the TMPUC. When we arrived at the facility the gate was closed and locked and the sign was clearly visible (photo 445). We proceeded to walk around cells 4 and 5 of the lagoon to evaluate berm integrity and the facility's discharge status. Vegetation and cattails had reached a height greater than six inches in many areas, specifically around cells 1-3 (photo 450). The tops of the berms in cells 4-5 had recently been mowed but vegetation inside the cells was overgrown (photos 446-448). Cell 4 appeared to be relatively dry (photo 447) and exposed sludge could be seen. In contrast, cell 5 which is the next subsequent cell was full (photo 448). Operators were not sure whether the desired configuration of flow between cells 4 and 5 aligned with the actual configuration of flow. Animal burrows were also seen on the berms of cell 4 (photo 449). After leaving the lagoon we inspected the Kent Addition lift station. Significant grease buildup was present in the wet well and it was nearly at capacity (photo 453). TMPUC operators suspected that the grease floating on the surface of the wet well had entrapped the float and prevented it from tipping and triggering the pump. Operators indicated the lift station received wastewater from primarily domestic sources and suspected most of the grease likely originated from household cooking. Additionally, only one pump was installed and operational at the time of the inspection. Finally, we inspected the Eagle View lift station. When inspecting the wet well we noticed that the trash basket was full (photo 455).

At the end of our inspections on August 23, 2023, we held a brief closing conference with Eric Thomas, Harold Bruce and Tyler Timmons where preliminary findings were discussed. Later in the day on August 23, 2023, the EPA sent an email to Kenny Azure with the preliminary findings from the inspection and some resources for using NetDMR.

Findings, Corrective Actions and Recommendations

<u>Finding #1: Weekly lagoon inspections were not being conducted.</u>
Weekly lagoon inspections were not being conducted. The inspectors provided the facility representatives with a lagoon inspection report template form (Appendix D of the Permit) that the facility representatives could use to document the weekly lagoon inspections.

<u>**Permit requirement**</u>:

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. 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."

Part 5.9 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 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:
Ensure that lagoon inspections are conducted on a weekly basis and documented in accordance with the permit. Ensure that inspection reports are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.

Finding #2: No O&M manuals were available.
The permittee did not have copies of operations and maintenance (O&M) manuals for the lagoon and were not properly tracking O&M activities.

Permit requirement:
Part 6.6.1 of the Permit 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.
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."

Corrective Action:
Implement an operations and maintenance program including developing an O&M manual in accordance with the permit. Ensure that maintenance logs are kept in accordance with the recordkeeping requirements of the permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding as well as relevant O&M documents from sections 6.6.1.1. through 6.6.1.4.

Finding #3: There was vegetation growing inside and around the cells.
Vegetation and cattails had reached greater than six inches in height on the inside of all cells and on the berms of cells 1-3 (photos 446-448, 450).

Permit requirement:
Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility…
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...”

Corrective Action:
Remove the overgrown vegetation on the inside and around the berms in all cells in accordance with Part 6.6 and relevant subparts of the Permit. Submit to the EPA and IHS a description of the corrective actions taken as well as photos of the cells after the vegetation has been removed.

Finding #4: DMRs have not been submitted for several reporting periods.
The DMRs for effluent monitoring periods listed below have not been submitted and as a result the permit is in SNC for failing to submit DMRs for two consecutive quarters.

The following DMRs were missing:

1. The DMR for outfalls 001C-1B and 002C-1B for the monitoring period from January 1, 2022 to June 30, 2022, which was due on July 28, 2022.
2. The DMR for outfalls 001C-1B and 002C-1B for the monitoring period from July 1, 2022 to December 31, 2022, which was due on January 28, 2023.
3. The DMR for outfalls 001C-1B and 002C-1B for the monitoring period from January 1, 2023 to June 30, 2023, which was due on July 28, 2023.

Permit requirement:
Part 5.4.1 of the Permit states, “For discharge facilities, the effluent monitoring results obtained during the previous month, calendar quarter, or semi-annual period, shall be summarized and reported via the NetDMR reporting system by the DMR by no later than the 28th day of the month following the completed reporting period, or on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period (see example schedules in table below). If no discharge occurs during the reporting period, it shall be reported as “no discharge” in the NetDMR reporting system. If there is no discharge, no flow or access was impeded by snow, ice, flooding, other unsafe conditions, etc.; the information shall be reported on the DMR using the applicable NetDMR no data indicator code (i.e., NODI code), to identify the circumstances of the situation. If the DMR Form (EPA No. 3320-1) is used, “no discharge” shall be indicated on the form if no discharge occurs. See example reporting schedules in Table 9, below.”

Table 9. Reporting Requirements

Sub-Category	Frequency of Discharge	Reporting Period	DMR Due Date
A	Continuous discharge or frequency of at least once a month	Monthly (e.g. January)	28^{th} day of the following month (February 28^{th})
B	Less frequently than monthly but at least once a quarter	Quarterly (e.g. April – June)	28^{th} day following the end of the quarter (July 28^{th})
C	Less than quarterly	Semi-annually (e.g. July – December)	28^{th} day following the end of 6^{th} month period (January 28^{th})

Corrective Action:

Submit all DMRs that are past due and provide a copy of these DMRs in a response to this report. Ensure that all DMRs are submitted in a timely manner in accordance with Part 5.4.1 of the Permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding and an explanation of how DMRs will be submitted in the future in accordance with the Permit.

<u>Finding #5: Influent and receiving stream monitoring were not being conducted.</u>
The required influent and receiving stream monitoring was not being conducted per the permit. Design drawings provided in the NOI indicate that Upper Green Acres and Lower Green Acres have separate influent sources and therefore should have two independent influent monitoring locations. The TMPUC operators stated that cells 1-3 do not connect with cells 4 and 5 and that the cells have independent collection systems. The PER conducted in 2023 indicates that the Green Acres Housing development wastewater is conveyed to the Lower Green Acres lagoons, cells 1-3, while all other housing wastewater (Eagle View and Kent Addition housing developments as well as a few houses along BIA 10 and BIA 5) goes to the Upper Green Acres lagoons, cells 4-5. The permit specifies two independent effluent monitoring locations, one from Upper Green Acres and one from Lower Green Acres, but only one influent location is listed in the permit.

<u>Permit requirement</u>:
Part 3.1.2 of the Permit states, "…

Table 4. Baseline Influent Monitoring Requirements

Table 4. Baseline **Influent** Monitoring Requirements **Influent Characteristic**	**Sub-category A Frequency b/**	**Sub-category B Frequency b/**	**Sub-category C Frequency b/**	**Sample Type a/**
BOD5, mg/L	Monthly	Twice per Quarter c/	Quarterly, d/	Grab
TSS, mg/L	Monthly	Twice per Quarter c/	Quarterly, d/	Grab

a/ See Definitions, Section 1.1. of this Permit, for definition of terms.

b/ See Section VI. Monitoring Requirements of the Fact Sheet and Section 3.1.4. of this Permit, for additional information on the discharging sub-categories. A Permittee's sub-category will be clearly identified in the authorization of coverage letter.

c/ At least two samples will be taken each calendar quarter and will be used in the calculation for the 30-day averages for the month in which they are performed. Samples are to be taken during different months within the quarter to provide information for possible variations in influent that may occur during the quarter. Additional samples may be taken at the Permittee's discretion if a large amount of variability is anticipated in the influent within a quarter. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which it is performed. If only one sample is taken within a month, that result will be the 30-average for the month.

d/ A sample will be taken at least once each calendar quarter and will be used in the calculation for the 30-day averages for the month in which they are performed. Additional samples may be taken at the Permittee's discretion if a large amount of variability is anticipated in the influent within a quarter. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which it is performed. If only one sample is taken within a month, that result will be the 30-average for the month.

Part 3.1.3 of the Permit states, "…

Table 6. Supplemental Ammonia **Receiving Stream** Monitoring

Receiving Stream Characteristic	Frequency	Sample Type a/
pH, standard units, c/	b/	Grab
Temperature, °C, c/	b/	Grab
Total Ammonia Nitrogen (as N), mg/L, c/	b/	Grab

a/ See Definitions, Section 1.1. of this Permit, for definition of terms.

b/ Frequency will be determined in alignment with the sub-category monitoring requirements outlined in Section 3 of this Permit. A Permittee's sub-category and monitoring schedule will be clearly identified in the authorization of coverage letter.

c/ Temperature and pH samples shall be collected at the same time as sampling for the total ammonia. Temperature and pH measurements must be analyzed within fifteen (15) minutes of sampling. Where TAS and tribal CWA-approved WQS have not been approved by EPA, EPA R8 will require ammonia and concurrent pH and temperature monitoring of receiving waters in all discharge permits to continue to establish baseline data for determining reasonable potential in future permitting actions."

Part 3.1.4.3 of the Permit states, "Receiving stream monitoring, if required, will occur at the time of the discharge and will consist of a single grab sample taken at a location immediately upstream of where the discharge is anticipated to meet the receiving stream, unless otherwise indicated in the facility's permit coverage letter.
Influent monitoring sampling will consist of a single grab sample at a location representative of the influent flow entering the wastewater lagoon treatment system prior to treatment (e.g. an influent structure, upstream manhole that contains flow from the entire service area, or any other representative location), unless otherwise indicated in the facility's permit coverage letter. Influent sample monitoring shall be required quarterly to allow characterization of influent flow with regard to BOD5, TSS, and flow, and calculation of BOD5 and TSS percent removal values."

Corrective Action:
Ensure that the facility is monitoring the influent and receiving stream for appropriate characteristics, frequency, and sample type specified in the Permit. Provide the EPA and IHS with a response indicating how the Facility will implement influent and receiving stream monitoring as required by the Permit.

Finding #6: Cell 4 had less wastewater than cell 5.
The first cell of Upper Green Acres (Cell 4) appeared to be drier (photo 447) than the subsequent cell (Cell 5). Operators were not sure whether the desired configuration of flow between cells 4 and 5 aligned with the actual configuration of flow.

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…
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."

Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
The Permittee shall 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)."

Corrective Action:
Evaluate whether influent is flowing into and through Cells 4 and 5 as intended (e.g. check manholes, valves between Cells 4 and 5, discharge statuses, etc.). In a response to the EPA, provide a narrative explaining the procedures and outcome of this evaluation.

Finding #7: SCADA would stop calling operators phones after a certain period of time.
According to TMPUC operators, SCADA call-out functionality from the lift stations timed-out and would stop calling-out to operator's phones after a limited period of time.

Permit requirement:
Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision

requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit."

Corrective Action:
Ensure that the SCADA software is functioning as intended so that any warnings can be addressed as soon as possible. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.

Finding #8: Kent Addition lift station was nearly at capacity.
At the Kent Addition lift station, the wet well was nearly at capacity and the high level float had not started the pump (photo 453). This may have been due to the high amounts of grease in the well.

Permit Requirement:
Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:
6.6.1. 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."

Part 6.7 of the Permit states, "Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States."

Corrective Action:
Pump out the wet well and ensure that all components are working as designed. Provide the EPA and IHS with photos and a description of the corrective actions taken to address this finding.

Recommendation:
Investigate possible FOG sources and conduct outreach to housing discharging to Kent Addition regarding FOG management. Consider coordinating with Housing Authority to distribute outreach materials.

Finding #9: Only one pump at Kent Addition lift station.
Only one pump was installed/ operational at the time of the inspection at the Kent Addition lift station.

Permit Requirement:
Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:
6.6.1. 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."

Corrective Action:
Ensure that all pumps are operational, running and that spare pumps are installed when one pump goes down. Provide the EPA and IHS with photos and a description of the corrective actions taken to address these findings.

Finding #10: Eagle View trash basket was full.
The Eagle View lift station's trash basket was full and needed to be emptied (photo 455).

Permit Requirement:
Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:
6.6.1. 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."

Part 6.7 of the Permit states, "Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States."

Recommendation:
Ensure trash baskets are being emptied on an appropriate/more frequent basis, consider developing a schedule.

Finding #11: SSOs are not being reported to EPA.
After the inspection, during a November 8, 2023 phone call, Harold Bruce indicated a sanitary sewer overflow (SSO) had occurred several days prior from a manhole upgradient of the Kent Addition lift station. This SSO was not reported to the EPA in accordance with requirements of the permit.

Permit Requirements:

Part 5.10.1 of the Permit states, "The Permittee shall report any noncompliance which may endanger health or the environment (including sanitary sewer overflows) as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to EPA, Region 8, Superfund & Emergency Management Division (EPA Region 8 24-hr. Emergency Response line) at (303) 293-1788 and the applicable Tribe(s) (see Appendix A for list of Tribes and telephone numbers)."

Part 5.10.3 of the Permit sates, "For any noncompliance notification required under Sections 5.10.1 or 5.10.2 of this Permit (above), a written submission shall also be provided to EPA Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, and to the applicable Tribe(s) within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall be submitted to the addresses indicated in Section 5.6 of this Permit and contain:

5.10.3.1. A description of the noncompliance and its cause;

5.10.3.2. The period of noncompliance, including exact dates and times;

5.10.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

5.10.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

5.10.3.5. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above as well as the type of event (i.e. combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

5.10.3.6. The signed certification statement required by the Signatory Requirements (see Section 7.7 of this Permit)."

Part 6.6 of the Permit states, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.

The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:

6.6.1. 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."

Corrective Action:

In a response to the EPA, provide the information required under Part 5.10.3 of the permit as it pertains to the recent SSO, and explain how TMPUC will ensure future SSOs are reported in a timely manner in accordance with the requirements of Parts 5.10.1 and 5.10.3. Additionally, ensure that the facility performs proper operation and maintenance of the collection system (including jetting) to prevent SSOs from occuring in the future. Provide the EPA with a routine jetting schedule for the collection system.

Finding #12: Upper and Lower Green Acres are separate systems.

Design drawings provided in the NOI, as well as stated by TMPUC representatives, indicated that Upper Green Acres and Lower Green Acres are two independent wastewater treatment systems. The TMPUC operators stated that cells 1-3 do not connect with cells 4 and 5 and that the cells have independent collection systems. The PER conducted in 2023 indicates that the Green Acres Housing development wastewater is conveyed to the Lower Green Acres lagoons, cells 1-3, while all other housing wastewater (Eagle View and Kent Addition housing developments as well as a few houses along BIA 10 and BIA 5) goes to the Upper Green Acres lagoons, cells 4-5.

Permit Requirements:

Part 1.4.1 of the Permit states, "Eligible wastewater treatment lagoon systems may be authorized to discharge under this Permit in the following three circumstances:

1.4.1.1. The operator/Permittee for a wastewater treatment lagoon system has submitted a complete NOI in accordance with the requirements of Section 2 of this Permit and the Permittee receives a written notice of authorization from EPA;

1.4.1.2. The operator/Permittee for a wastewater treatment lagoon system has submitted a complete application for renewal of an individual permit issued by EPA under the National Pollutant Discharge Elimination System (NPDES) program for wastewater discharges to waters of the U.S., and the Permittee instead receives written notification for authorization of coverage under this Permit from EPA; or

1.4.1.3. The EPA notifies the owner/operator of a wastewater lagoon system that its wastewater treatment lagoon facility meets the requirements for needing permit coverage, even if the facility has not submitted an NOI to be covered by this Permit, in accordance with 40 CFR 122.28 (b)(2)(vi). A facility so notified may request an individual permit, subject to EPA review and approval."

Part 2.1.1. of the Permit states, "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 2020 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#tab-r8"

Corrective Action:
Because the Upper and Lower Green Acres Wastewater Treatment Facilities are two independent treatment lagoon systems, a permit will need to be obtained for each system. Notify EPA and IHS when NOIs have been submitted for each Wastewater Treatment Facility to be covered under the Lagoon General Permit.