

NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: August 20, 2024	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: Opening Conference: 9:15 a.m.-1:30 p.m. on 8/19/2024 Site Review: 10:15 a.m. – 10:45 a.m. on 8/20/2024	NPDES ID Number: SDG589528 (expired)
NAICS Code: 221320	Inspection ID: 202408_SDG589528
Lead inspector and affiliation: Jennifer Ferrando / EPA Region 8	
Inspector and affiliation: Brit Rustad / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Lakota Fund Housing Lagoon Lat/Long: 43°33'17.20"N, 101°39'59.10"W Wanblee, SD 57577	Email Report to: Ellen White Thunder, Deputy Director, Lakota Funds ewhitethunder@lakotafunds.org

Contact Information	
	Name(s)/Title
Facility Contacts:	Ellen White Thunder / Deputy Director / Lakota Funds / Not present during the inspection. James Begeman / Tribal Utility Consultant / Indian Health Service (IHS) / present during the opening and closing conferences as well as the inspection
Person/Company meeting definition of “Operator”	Lakota Funds
Authorized Official(s)	Ellen White Thunder / Deputy Director / Lakota Funds

Permit Information		
Is the permit on site and available? N/A (currently unpermitted)	Lagoon Category: N/A (currently unpermitted)	Monitoring Frequency: N/A
Effective Date: unpermitted	Expiration Date: Unpermitted. The last permit expired on 9/14/2015.	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? No	Indicate correct contact information: Ellen White Thunder, Lakota Funds, (605) 455-2500	
Receiving Water(s): Unnamed tributary to Craven Creek		
Regulatory Inspector’s source of information: ICIS, ECHO, Google Earth aerial imagery, and representatives of IHS and OST Water & Sewer		

Areas Evaluated During Inspection		
Permit	Self-Monitoring Program	Pretreatment
Records	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		
Drafter Name	Draft Date	Contact Information
Jennifer Ferrando  Digitally signed by JENNIFER FERRANDO Date: 2024.11.06 15:47:22 -07'00'	10/25/2024	U.S. EPA Region 8 Denver, Colorado ferrando.jennifer@epa.gov (303) 312-6601
Reviewer Name	Draft Date	Contact Information
Brit Rustad	10/25/2024	U.S. EPA Region 8 Denver, Colorado rustad.brit@epa.gov (303) 312-6885
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2024.11.06 14:35:55 -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
<u>1.0 Introduction</u> The inspection was conducted at the Lakota Fund Housing Lagoon wastewater treatment facility (facility; WWTF) located in Wanblee, Jackson County, South Dakota, to evaluate whether the facility is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES). The U.S. Environmental Protection Agency (EPA) is responsible for implementing the NPDES program in Indian Country within the State of South Dakota. The inspection was announced approximately one month prior to the inspection to coordinate logistics for the inspection. The facility's NPDES permit expired in 2015; both Lakota Funds and Oglala Sioux Tribe (OST) Water & Sewer OST were named as permittees on the previous permit. At the time of the inspection, it was

not clear which entity was responsible for this facility. EPA coordinated with representatives of OST Water & Sewer and the Indian Health Service for this inspection.

On the morning of August 19, 2024, EPA inspectors Brit Rustad and Jennifer Ferrando (collectively, “we”) met with Oglala Sioux Tribe Water & Sewer (OST Water & Sewer) Director, Ernie Abold. We were also joined by Indian Health Service (IHS) representative James Begeman, Tribal Utility Consultant. We presented our credentials and had an opening conference in the OST Water & Sewer office where we explained the purpose of the inspection and discussed the design, operation, and Clean Water Act and NPDES compliance of the subject facility, as well as multiple WWTFs operated by the OST Water & Sewer. We conducted a site review of the WWTFs, accompanied by the Tribal Utility Consultant and OST Water & Sewer representative, on August 20, 2024. Throughout the inspection, we noted our observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

2.0 Facility Description and Site Review

The facility currently is not covered under the EPA Region 8 General Permit for Wastewater Lagoon Systems in Indian Country in South Dakota (“lagoon general permit”). According to James Begeman, the facility serves roughly 150 people in the Lakota Fund Housing community. Ernie Abold stated that OST Water & Sewer currently does not service the Lakota Fund Housing lagoon. At the time of the inspection, the Lakota Fund Housing was being transferred from tribal ownership to a private homeowner; it was not clear who would be responsible for the lagoon in the future.

The facility is a two-cell lagoon system. Wastewater flows into the primary cell (Cell 1). Wastewater can flow from Cell 1 into the secondary cell (Cell 2) via a level control structure in the berm between the two cells. The inspectors did not find an outfall structure for the lagoon.

When we arrived at the lagoon, the gate was closed but not locked. A warning sign was posted at the gate, but it did not include a phone number for a responsible party to call in case of an emergency. The perimeter fence was damaged at the southeast corner of the lagoon (photo 4). We observed rodent holes on the berms throughout the lagoon but did not find evidence of seepage or leaks through the berms. Excessive vegetation, greater than 6 inches in height, and cattails were present throughout Cell 1 (photos 1 and 2), preventing observation of the lagoon bottom. We could not determine the depth of wastewater in the lagoon or verify that wastewater was present, although the presence of cattails near the center of the cell suggested the presence of shallow water. Mature trees were growing throughout Cell 2 (photos 2 and 3). There was no evidence of wastewater flowing into Cell 2 on or around the depth indicator and level control structure outlet (photo 5). James Begeman stated that the lagoon originally was constructed with a bentonite liner, but that the liner had deteriorated and wastewater was percolating through the bottom of the lagoon.

On August 22, 2024, we held a brief closing conference with OST Water & Sewer and the Tribal Utility Consultant where we discussed preliminary findings. The following week on August 29, 2024, the EPA

sent an email to OST Water & Sewer with the preliminary findings from the inspection and resources for documenting inspections and a lagoon troubleshooting guide.

Findings, Corrective Actions and Recommendations

Finding #1: The lagoon lacks permit coverage and is not maintained to provide adequate wastewater treatment.

Based on conversations with OST Water & Sewer and IHS, it is not clear who is currently responsible for maintaining the Lakota Fund Housing lagoon. The lagoon has fallen into disrepair and likely is not providing adequate sewage treatment for the residents of Lakota Fund Housing.

Recommendation:

EPA strongly recommends that Lakota Funds submit a Notice of Intent (NOI) form for coverage under the lagoon general permit for the Lakota Fund Housing lagoon. Coverage under the lagoon general permit would ensure a responsible party is required to properly operate and maintain the lagoon. Once permitted, EPA recommends that the Permittee conduct an evaluation of the lagoon to identify the repairs and/or upgrades needed to properly contain and treat wastewater from the community and work with IHS and other technical service providers to rehabilitate the lagoon.

On October 21, 2024, the Tribal Utility Consultant informed EPA that an NOI is being prepared for this facility.