

NPDES Inspection Report – Wastewater Treatment Facility

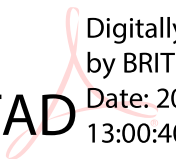
National Database Information	
Inspection Date: August 20, 2024	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: 2:00 p.m.-3:47 p.m.	NPDES ID Number: SD0022713
NAICS Code: 221320	Inspection ID: 202408_SD0022713
Lead inspector and affiliation: Brit Rustad / EPA Region 8	
Inspector and affiliation: Jennifer Ferrando / EPA Region 8	

Facility Location Information	
Site/Facility Name & Location: Town of Batesland Wastewater Treatment Facility Lat/Long: 43° 07' 31" N, 102° 06' 21" W (lagoon) Shannon County, SD	Email Report to: Mark Donovan, President of Trustees (b) (6)

Contact Information	
	Name(s)/Title
Facility Contacts:	Mark Donovan / President of Trustees / Town of Batesland / present during the opening and closing conferences as well as 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"	Town of Batesland
Authorized Official(s)	Mark Donovan / President of Trustees / Town of Batesland

Permit Information		
Is the permit on site and available? Yes	Lagoon Category: Discharge	Monitoring Frequency: Quarterly Reporting
Effective Date: 07/01/1996	Expiration Date: 06/30/2001 (administratively continued)	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): tributary of Little White River (per facility representatives). Note the administratively extended permit indicates that the receiving stream is the Little Stinking Creek, however, during the inspection the facility representatives indicated that the receiving stream was the Little White River.		
Regulatory Inspector's source of information: ICIS, permit and facility representatives.		

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		
Drafter Name	Draft Date	Contact Information
Brit Rustad  BRIT RUSTAD Digitally signed by BRIT RUSTAD Date: 2024.09.27 13:00:40 -06'00'	9/5/2024	U.S. EPA Region 8 Denver, Colorado rustad.brit@epa.gov (303) 312-6885
Reviewer Name	Draft Date	Contact Information
Jennifer Ferrando	9/6/2024	U.S. EPA Region 8 Denver, Colorado ferrando.jennifer@epa.gov (303) 312-6601
Management Reviewer Name/Signature/Date		Contact Information
EMILIO LLAMOZAS  Digitally signed by EMILIO LLAMOZAS Date: 2024.09.27 12:49:29 -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 Site Description
<u>1.0 Introduction</u> The inspection was conducted at the Town of Batesland (Batesland) wastewater treatment facility (facility; WWTF) located in Shannon County, South 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 South Dakota. The inspection was announced approximately one month prior to the inspection to coordinate logistics for the inspection. In the afternoon of August 20, 2024, U.S. Environmental Protection Agency (EPA) inspectors Brit Rustad and Jennifer Ferrando (collectively, "we") met with Batesland's President of the Board of Trustees, Mark Donovan (Mark). 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 Mark Donovan's home, where facility documentation was kept, and we explained the purpose of the inspection and discussed the design, operation, and Clean Water Act and NPDES compliance of the facility. After the opening conference, we proceeded to the facility, several blocks away, and conducted the site review. Throughout the inspection, we noted our observations in a checklist. Photographs taken during the inspection are included in the photo log.

2.0 Facility Operations

During the opening conference we reviewed the records kept for the facility. Per the administratively continued permit, inspections are documented monthly, and these records had been maintained for well over the 3 years required by the permit. Additionally, records for all work performed on the lagoon and lift station had been maintained for well over 3 years. During the discussion, Mark mentioned that Batesland hires Oglala Sioux Tribe Water and Sewer to jet Batesland's collection system during the spring, fall, and as needed. According to Mark, the facility is mowed regularly, and chemical is added twice per year to control odor. Briquettes are added for mosquito control in May, June, and July.

According to Mark the facility serves approximately 230 people as well as a school cafeteria and convenience store. The facility does not accept hauled waste or any industrial waste. Batesland has 3 Board of Trustee members, 1 financial officer, and a part time certified water operator who works for Oglala Sioux Tribe, at the time of the inspection. Batesland also employs seasonal staff as needed.

Batesland's rates and finances were briefly discussed during the opening conference. Batesland receives funding from the state, county, taxes, and water fees. Mark mentioned that the revenue sources are not enough to fully comply with permit requirements. This is in part due to the Town's limited ability to compel residents to pay their fees.

3.0 Facility Description and Site Review

The facility is permitted as a discharge facility with an individual NPDES permit issued by EPA Region 8 (Permit). The facility was originally built with a single cell, referred to as the "old" cell, in the mid-1970s. This original cell was all gravity-fed. In the late 1990s, an additional cell, referred to as the "new" cell, was added along with the lift station. At the same time, a lift station was added to pump wastewater up to the new cell. Waste would then enter the old cell via transfer piping before discharging at the original outfall, if needed. The lift station was struck by lightning a few years after it was installed, and subsequently repaired. Some time later, near 2012, an employee left the control panel open, and the electrical components got wet and stopped working. Since that time, Batesland has not had enough money to fix the lift station and return it to service. Currently, all waste bypasses the lift station and goes to the original old cell via gravity. Despite the loss of the lift station and the inability to use the new larger cell, the facility has not discharged in many years according to Mark. Mark mentioned during the opening conference that there have been two sanitary sewer overflows

(SSOs) recently. Both occurred in June of 2024, about a week apart. The SSOs were caused by grease and wipes and occurred at the manholes near the lift station.

When we arrived at the facility there was a closed and locked gate before getting to the lift station, as well as a locked gate just after the lift station, before entering the lagoon. After entering the first gate we approached the lift station which was fenced and locked upon our arrival (photo 2). Power to the lift station had been shut off, and vegetation and a tree were growing inside the fenced area. Just outside the lift station was a manhole where an SSO had occurred in June 2024 (photo 3). Wipes and other waste could be seen around the manhole cover and on the ground. We proceeded to walk around the lagoon starting with the old cell (photo 4). The old cell berms were well maintained, and vegetation was only growing on the very inside edge of the cell. The outfall pipe could not be located during the field inspection. The new cell had excessive vegetation and trees growing on the berms and in the cell (photo 5). A portion of the fence was down at the northwest corner of the new cell (photo 6).

At the end of our inspection on August 20, 2024, we held a brief closing conference with Mark Donovan and James Begeman where we discussed preliminary findings. The following week on August 26, 2024, the EPA sent an email to Mark with the preliminary findings from the inspection and resources for documenting inspections, a lagoon troubleshooting guide, and a lift station standard operating procedures template.

Findings, Corrective Actions and Recommendations

Finding #1: Permit is out of date.

The permit, which has been administratively continued by EPA since 2001, does not reflect current requirements for wastewater lagoons or the current operational conditions at the facility. The inspectors did not determine whether the Town of Batesland submitted an application for renewal of coverage under its existing permit. However, if such a permit was submitted in 2001 when it was required, it likely would have reflected a two-cell lagoon system with an operational lift station. As described, the lift station has not been operational and the “new cell” has not been used for more than 10 years; therefore, an application reflecting the 2001 configuration of the system may not reflect the current treatment process, to the extent this is required. The administratively continued permit also may not accurately identify the receiving water; the permit states that the facility discharges to a tributary of Stinking Water Creek but the facility representatives indicated during the inspection that the receiving water is a tributary of the Little White River. In addition, much of the language in the administratively continued permit is out of date and the requirements are not consistent with requirements in current permits for similar facilities.

Permit Requirement:

Part IV.D of the Permit states, “Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.”

Clean Water Act Requirements:

Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the United States except in compliance with a permit.

Section 402 of the Clean Water Act, 33 U.S.C. § 1342, requires a NPDES permit be obtained from the EPA prior to the discharge of pollutants into waters of the United States.

Corrective Action:

Submit a notice of intent (NOI) to obtain permit coverage under the 2022 Lagoon General Permit.

The notice of intent can be found at: <https://www.epa.gov/npdes-permits/region-8-npdes-lagoon-general-permit>.

An NOI was submitted in September of 2024 and coverage under the 2022 Lagoon General Permit will take effect on October 1, 2024. No further response is required for this finding.

Finding #2: Facility does not have enough funding.

During the opening conference, staffing and funding resources were discussed. It is apparent based on that conversation as well as field observations that this facility does not have adequate funding to fully comply with the requirements of the permit.

Permit Requirement:

Part III. A. of the Permit states, "The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application."

Recommendation:

EPA recommends either researching grants available for WWTFs and/ or finding a way to recoup lost revenue from unpaid sewer fees or ensuring residents pay their bills.

Finding #3: The Permittee's lagoon inspections were not documenting required information accurately.

The inspection sheet being used by the facility for monthly inspections (photo 1) appears to document the full pond depth (8.5 feet) rather than the measured pond freeboard at the outlet.

Permit Requirement:

Part I. C. 3. of the Permit states, "The permittee shall inspect its wastewater treatment facility on at least a monthly basis. The inspection shall be conducted to 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. In addition, the inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility. The permittee

shall maintain a notebook recording information obtained during the inspection. At a minimum, the notebook shall include the following:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. The facility's discharge status;
- d. The measured amount of pond freeboard at the outlet works;
- e. Identification of operational problems and/or maintenance problems;
- f. Recommendations, as appropriate, to remedy identified problems;
- g. A brief description of any actions taken with regard to problems identified; and,
- h. Other information, as appropriate.”

Corrective Action:

Ensure that the records document the measured freeboard (i.e., the distance between the wastewater level and the point at which the lagoon would discharge—for example the top of the berm or the bottom of the overflow pipe). The EPA provided an inspection template found in Appendix D of the 2022 Lagoon General Permit for reference to the requirements of the current general permit. In a response to the EPA, please provide an updated inspection sheet that complies with the monitoring requirements of the existing permit, including an accurate freeboard measurement. Use the updated inspection sheet to document monthly inspections until the facility's individual permit coverage is renewed or the facility receives coverage under the general permit, at which time the facility should use an inspection sheet that is consistent with the requirements of its new permit.

Finding #4: Excessive vegetation was growing in the lagoon and lift station.

Vegetation had reached greater than six inches in height on the inside of the berms in the old cell (photo 4). Excessive vegetation and trees were evident all throughout the new cell (photo 5). Vegetation as well as a tree were growing inside the lift station (photo 2).

Permit Requirement:

Part III. E. 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 the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.”

Corrective Action:

Remove the overgrown vegetation and trees on the inside and around the berms in all cells in accordance with Part III. E. of the Permit. Remove vegetation and the tree from the lift station.

Submit to the EPA a description of the corrective actions taken as well as photos of the cells and lift station after the vegetation has been removed.

Finding #5: Lift station was not functioning.

The lift station has been out of service for several years. Additionally, Mark mentioned that when the lift station was operational it had an alarm system, but did not have Supervisory Control and Data Acquisition (SCADA).

Permit Requirement:

Part III. E. 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 the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Corrective Action:

Make all necessary repairs to the lift station to ensure that the system is functioning as designed, including the alarm system. In a response to the EPA, provide photos to show that the lift station is working, and wastewater is making its way to the new cell.

Recommendation:

Recommend getting a SCADA system for the lift station when repairs are made so that issues like SSOs can be noticed and corrected sooner.

Finding #6: SSOs occurred in June of 2024 and were not reported.

Two SSOs occurred on 06/14/2024 and 06/21/2024. Neither were reported to the EPA.

Permit Requirement:

Part III. E. 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 the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Part II. H. of the Permit states, "The permittee shall report any noncompliance which may endanger health or the environment 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 the EPA, Region VIII, Emergency Response Program at (303) 293-1788 and the State of South Dakota at (605) 773-3231.

The following occurrences of noncompliance shall be reported by telephone to the EPA, Region VIII, NPDES Permits Team at (303) 312-6132 (8:00 a.m. - 4:30 p.m. Mountain Time) or the appropriate State Program Manager and the State of South Dakota at (605) 773-3351 (8:00 a.m. - 4:30 p.m. Central Time) by the first workday following the day the permittee became aware of the circumstances:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
- b. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or,
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

A written submission shall also be provided to the USEPA, Planning and Targeting Program, Office of Enforcement, Compliance and Environmental Justice and to the State of South Dakota within five days of the time that the permittee -becomes aware of the circumstances. The written submission shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance."

Corrective Action:

Ensure that proper operations and maintenance are occurring in the collection system to reduce SSOs in the future. Ensure that SSOs are reported to the EPA in the future per permit requirements. Provide the EPA with a description of the corrective actions taken to address this finding. Corrective actions related to reporting SSOs may include a written procedure on what the responsible person will do when an SSO is discovered and a template that will be used when sending the 5-day report to the EPA.

Recommendation:

Consider educating users on what not to put down the sewer drains.

Finding #7: Outfall could not be located.

The outfall pipe from the old cell could not be located during the inspection and was most likely buried.

Permit Requirement:

Part III. E. 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 the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Corrective Action:

Locate the outfall pipe from the old cell. In a response to the EPA, provide photos of the outfall pipe.

Finding #8: Perimeter fence was damaged/ down in several areas.

The perimeter fence was down or damaged in several locations around the perimeter of the two cells (photo 6).

Permit Requirement:

Part III. E. 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 the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance."

Corrective Action:

Repair fences around the perimeter. In a response to the EPA, provide photos of repaired fences.

Finding #9: DMRs were submitted late.

The DMR for August 2021, which was due in October 2021, was submitted 97 days late on February 2, 2022. Therefore, the facility was in significant non-compliance because the report was over 30 days late.

Permit Requirement:

Part II. D. of the Permit states, "Effluent monitoring results obtained during the previous three months shall be summarized and reported on one Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period."

Corrective Action:

Submit timely DMRs in accordance with Part II. D. of the permit. Provide the EPA with a description of the corrective actions taken to ensure that DMRs will be submitted on time in the future.