

NPDES Inspection Report – Water Treatment Plant

National Database Information	
Inspection Date: September 1, 2021	Inspection Type: CEI – Traditional Minor
Entry/Exit Time: 08:00 / 15:00	NPDES ID Number: NDDW0002I
NAICS Code: 22131	Inspection ID: 202109 NDDW0002I
Lead inspector and affiliation: Lisa-kay Prideaux, EPA	
Inspector and affiliation: Emilio Llamozas, EPA	

Facility Location Information	
Site/Facility Name & Location: Mandaree Water Treatment Plant 1004 Ridge Road Mandaree, ND 58757	Mail Report to: Fort Berthold Rural Water Attention: Pem Hall phall@mhanation.com

Contact Information	
	Name(s)/Title
Facility Contacts:	Pem Hall, Fort Berthold Rural Water - Director (present) Joseph Silveria, Fort Berthold Rural Water - Operations Manager (present and primary lead) Dallas Fox-Osborne, Fort Berthold Rural Water - Executive Assistant (present) David Jewell, Mandaree Water Treatment Plant Operator (present at site visit) Bryce DeGuise, Indian Health Services, Sr. Field Engineer (present) Jack Fletcher, Bartlett & West, Employee-Owner (present)
Person/Company meeting definition of "Operator"	Pem Hall, Fort Berthold Rural Water - Director
Authorized Official(s) (Per NOI or SWPPP?)	Pem Hall, Fort Berthold Rural Water - Director

Permit Information	
Is the permit on site and available? Yes	Date NOI Submitted: August 20, 2019
Effective Date: September 26, 2019	Expiration Date: June 30, 2024
Latitude: 47.737500°N	Longitude: -102.670833°W
Receiving Water(s): Unnamed tributary discharging into Lake Sakakawea	
Regulatory Inspector's source of information: Notice of intent, facility authorization letter, drinking water general permit, ICIS, NetDMR, facility representatives, and facility observations.	

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Effluent/Receiving Waters</u>	<u>Compliance Schedule</u>
<u>Records/Reports</u>	<u>Flow Measurement</u>	<u>Pollution Prevention</u>
<u>Facility Site Review</u>	<u>Self-Monitoring Program</u>	<u>Laboratory</u>
<i>Other(s):</i>		

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Lisa-kay Prideaux	U.S. EPA Region 8 8MO 10 W 15 th Street Helena, MT 59626	10/05/2021
	406-457-5022	
Reviewer Name	Address/Phone Number	Date
Emilio Llamozas	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NP Denver, Colorado 80202	10/01/2021
	303-312-6407	
Supervisor Signature/Name	Address/Phone Number	Date
MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2021.10.10 23:25:34 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NP Denver, Colorado 80202	10/10/2021
	<i>Supervisor Name</i>	

Inspection Narrative and Site Description

The inspection was conducted at the Mandaree Water Treatment Plant located on the Fort Berthold Reservation, in Mandaree, North Dakota to evaluate compliance with its National Pollutant Discharge Elimination System (NPDES) permit. The EPA issued a NPDES permit to the facility, effective on September 26, 2019.

The inspection was announced a few weeks prior to the inspection, to coordinate logistics for the inspection. On September 1, 2021, at approximately 8:00 am, U.S. Environmental Protection Agency (EPA) inspectors Lisa-kay Prideaux and Emilio Llamozas met with Pem Hall, Director of Fort Berthold Rural, Joseph Silveria, Operations Manager for Fort Berthold Rural Water, Dallas Fox-Osborne, Executive Assistant for Fort Berthold Rural Water, Bryce DeGuise, Senior Field Engineer for Indian Health Services and Jack Fletcher, Employee-Owner for Bartlett & West. The EPA inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. The inspectors proceeded to ask a series of questions to the facility representatives to help them evaluate compliance with the facility's permit. A review of records was conducted as well as an on-site walk-through of the water treatment plant. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log (photos 35-49).

The Mandaree Water Treatment Plant (facility) was originally constructed around 1988 and was upgraded in 2011 to include a new water intake, a new clear well, and membrane filtration. The facility provides drinking water for the residences and businesses of Mandaree and the surrounding rural area through approximately 300 connections. The facility is permitted to produce up to 0.864 million gallons per day (MGD) of potable drinking water and distributes approximately 250 million gallons per year.

The facility has two raw water intakes from Lake Sakakawea; a reservoir on the Missouri River. The old intake is only used as an emergency. The new intake draws water from Lake Sakakawea and can send to either the raw water storage tank (approximately 1 million gallons) via a booster station, or to the treatment plant for processing. The facility can also receive water from the raw water storage tank if the demand is needed. As the raw water enters the facility, aluminium chlorohydrate (Aqua Hawks 607) is added prior to splitting into one of two identical treatment trains. Water moves through an in-line rapid mixer prior to settling in two-stage clarifier basins; coagulation and flocculation. Overflow water moves to the pretreatment feeder tanks (approximately 3,600 gallons) where equalization occurs to allow for a consistent feed into the filtration system. Water from the feeder tanks flow through a prefilter and an ultra-filtration screen. Sodium hypochlorite is then added as water is combined into a clear well. The facility has an old clear well that can be used as extra storage during times of low water consumption.

In the course of daily operation, the filters are cleaned with a filter backwash operation approximately every 50 minutes. Once every 1-2 months, a more thorough 'clean in place' washing (using citric acid) occurs. Wastewater includes sludge from the coagulation/flocculation tanks, sludge from the filter backwash and sludge from the clean in place washings. Wastewater is pumped to sludge lagoon ponds located west of the facility. The facility has two sludge lagoon ponds that can run in series or in parallel; typical operation is with the ponds in series where the north pond receives wastewater first. Wastewater being discharged enters a junction box and flows over a v-notch weir prior to entering the discharge pipe. Sample collection occurs at the v-notch weir. Discharge out of the lagoon ponds is through Outfall 001 into an unnamed tributary of Lake Sakakawea. The facility is permitted as a continuous discharger with

an average discharge of 0.052 MGD. The facility is also permitted to discharge through Outfall 002. Outfall 002 consists of overflow water from the clear-well only and is a non-continuous discharge.

Inspectors requested to review records (April through June 2021) which included a copy of the permit, monitoring records (sample collection logs, raw data bench sheets for in-house analysis, laboratory reports, chain of custody forms, discharge monitoring reports, and calibration records), facility operating records (operations and maintenance manuals, standard operating procedures, equipment maintenance records, Material Safety Data Sheets (MSDS) (for on-site chemicals), and permit required compliance schedules (24-hour noncompliance records, weekly inspections, and operations and maintenance program required records).

After the facility representative interviews, the inspectors inspected the facility where David Jewell, facility operator joined the inspectors. The inspectors commenced the facility review at the Water Treatment Plant, where they observed the water intake pipes, injection of aluminium chlorohydrate and the in-line rapid mixers, coagulation and flocculation tanks (photos 35 & 37), filtration units (photo 39), and clear well. Inspectors also observed the piping and troughs for the transfer of wastewater from the flocculation basins (photos 36 & 38), the filter backwash (photo 40), and clean in place washes. The inspectors also observed the north and south sludge lagoon ponds (photos 45 & 46), junction box (photo 44), v-notch weir (photo 47), sampling location, Outfall 001 discharge pipe (photos 48 & 49), and Outfall 002 discharge pipes (photos 41, 42, & 43). The inspectors followed the discharge flow path to property limits. At the time of the inspection the north lagoon pond had a significant amount of sediment build-up (see photo 45); the facility representatives indicated they have never removed sludge from the ponds.

Since three facilities under Fort Berthold Rural Water (FBRW) were being inspected within two days, all agreed to hold the closing conference until all facilities had been inspected. The inspection concluded at approximately 3:00 pm. On September 2, 2021, a closing conference with Joseph Silveria and Dallas Fox-Osborne was held and preliminary findings were discussed. On September 14, 2021, the EPA sent an email to Mr. Hall, Mr. Silveria, Ms. Fox-Osborne, Edmund Baker, Environmental Director of MHA Nation Environmental Department, Lisa Lone Fight, Science Advisor of MHA Nation Science Department, and Morgan Berquist, Science Tech 2 for MHA Nation Science Department, with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1:

FBRW did not have an operations and maintenance program in place, or an operations and maintenance manual for the Mandaree Water Treatment Plant. Specifically, FBRW did not have an operations and maintenance manual, a schedule for equipment and facility operations and maintenance, a routine for conducting operations and maintenance activities, or records to document any operations and maintenance schedules or activities. FBRW provided the EPA with a draft operation and maintenance manual it was planning to use in the future for this facility. The EPA performed a cursory review of the document and indicated that inspection frequency of the ponds should be changed from monthly to weekly. FBRW was planning to update the draft operation and maintenance manual and then submit it to the EPA.

Permit requirement:

- Part 5.1 of the Drinking Water General Permit (DWGP) requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 5.6.1 of the DWGP states the facility must have an operations and maintenance program as soon as practicable, but no later than 6 months after the effective date of the permit. FBRW received authorization under the DWGP on September 26, 2019.
 - Part 5.6.1.1 of the DWGP states the facility must have a current operations and maintenance manual that describes the proper operational procedures and maintenance requirements of the wastewater treatment system.
 - Part 5.6.1.3 of the DWGP states the facility must have a schedule for routine operations and maintenance activities at the facility. Part 5.6.1.4 of the DWGP states the facility operator(s) must perform the routine operation and maintenance requirements in accordance with the schedule.
- Part 5.6.2 of the DWGP states facility operator(s) must maintain a log (paper or electronic) containing a summary record of all operations and maintenance activities at the facility. The log must contain the following information (stated in Parts 5.6.2.1-5.6.2.5): date, time, name and title of person making the log entry, name of person performing the activity, brief description of the activity, and any other appropriate information pertaining to the activity. Part 5.6.2.3 states the log must be maintained in accordance with proper record-keeping procedures.

Corrective Action:

Develop an operation and maintenance program including a manual that describes the proper operational procedures and maintenance requirements of the treatment facility. Provide a copy of the operation and maintenance manual. In the response to this report, provide the EPA, the MHA Nation Environmental Department (MHA Nation) and the Indian Health Service (IHS) with a description of the corrective actions taken to address this finding.

Finding #2:

FBRW did not consistently conduct weekly inspections of the treatment system. Specifically, FBRW did not conduct weekly inspections from September 26, 2019, to May 17, 2021.

Permit requirement:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 5.5.1 of the DWGP states the facility must inspect the treatment systems to include, at a minimum, the following (Parts 5.5.1.1-5.5.1.7): state of discharge, leakage through dikes, animal burrows within the dike, excessive erosion of dike walls, removal of rooted plants (including weeds) in water, vegetation growth on dikes needing mowing, and if proper operations and maintenance procedures are being completed as required by the facility program.
- Part 5.5.2 of the DWGP states facility operator(s) must maintain a log (paper or electronic) containing the information obtained during the inspection. The log must contain the following information (stated in Parts 5.5.2.1-5.5.2.8): date and time, name of the inspector, facility discharge status, flow rate of the discharge if occurring, identification of operational problems and/or maintenance problems, recommendation to remedy identified problems, description of actions taken with identified problem, and any other appropriate information pertaining to the identified problem. Part 5.5.2.9 states the inspections must be maintained in accordance with proper record-keeping procedures.

Corrective Action:

Conduct weekly inspections of the facility and maintain the inspections reports. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #3:

In-house sample log sheets for pH, temperature and total residual chlorine did not consistently contain required information. Specifically, the sample collection time and/or initials of personnel collecting the sample, and analysis date, time, personnel conducting the sample analysis, and method in which the analysis is being conducted for in-house samples were not being documented for the following dates in April 2021: 5, 12, 19, 26; May 2021: 7, 8, 13, 20-25, 27-28, 30; and June 2021: 12-25.

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 4.6 of the DWGP states the recording of monitoring information to include the date, exact place, and time of sample collection (4.6.1), the initials/name of individual performing the sample collection (4.6.2), the date analyses were performed (4.6.3), time analyses were initiated (4.6.4), initials/name of individual performing the sample analyses (4.6.5), and references and written procedures for the analytical techniques or methods used for analyses (4.6.6).
- Part 4.7 of the DWGP requires the retention of all records containing monitoring information for a period of at least three (3) years.

Corrective Action:

Ensure in-house sample log sheets for pH, temperature and total residual chlorine contain all required elements, including, but not limited to, collection date, time, and personnel collecting samples, sample analysis date, time, personnel conducting the sample analysis, and method in which the analysis is being conducted. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #4:

In-house sample analyses were not consistently analyzed. Specifically, the facility did not analyze daily for total residual chlorine during the timeframe of April 24, 2021, through April 30, 2021. During the inspection conducted on September 1, 2021, the facility stated inventory of reagents needed to perform the total residual chlorine analysis had been compromised due to manufacturing and/or shipping by the manufacturing company. A letter dated August 24, 2021, was issued by FBRW to the EPA addressing the issues they have been experiencing obtaining reagents/buffers and indicated other daily total residual chlorine analyses were not performed during the months of July 2021 and August 2021 because it did not have the reagent to run the samples. The letter indicated FBRW has signed up for an automatic ordering service for the reagent for total residual chlorine analysis.

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 3.1 and Table 3 of the DWGP, and Authorization NDDW0002I, require total residual chlorine to be monitored as a grab sample on a daily basis.

Corrective Action:

Ensure that total residual chlorine samples are taken on a daily basis as required by the permit. A letter dated August 24, 2021, was issued by FBRW to the EPA addressing the issues they have been experiencing obtaining reagents/buffers. The letter indicated FBRW has signed up for an automatic

ordering service for the reagent for total residual chlorine analysis. No further action is required at this time.

Finding #5:

FBRW was not properly preserving samples. Specifically, the facility exceeded the preservation temperature of six degrees Celsius (6°C) for total suspended solids samples collected on the following dates:

Date	Temperature of sample when received by the laboratory
March 29, 2021	21°C
April 6, 2021	17°C
April 14, 2021	20°C
April 21, 2021	17°C
April 26, 2021	19°C
May 3, 2021	20°C
May 10, 2021	19°C
May 17, 2021	21°C
May 24, 2021	23°C
June 2, 2021	24°C
June 7, 2021	22°C
June 14, 2021	22°C
June 23, 2021	27°C

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 3 of the DWGP requires sampling and test procedures for monitored pollutants to be in accordance with Code of Federal Regulations, Title 40 (40CFR) Part 136.
- Part 4.2 of the DWGP states monitoring must be conducted according to test procedures approved under 40CFR Part 136.
- 40 CFR Part 136, states samples are required to be collected and preserved at or below six degrees Celsius.

Corrective Action:

Ensure sample preservation is met for all samples. If FBRW is delivering samples in person to a laboratory within a quick timeframe which does not allow the samples to cool to 6°C, the chain of custody form completed by the laboratory must indicate the sample was received on ice to show preservation was attempted. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #6:

FBRW was late submitting five (5) Discharge Monitoring Reports (DMR) since September 26, 2019. Specifically, for the following monitoring periods, FBRW submitted the DMRs past the required submittal deadline.

DMR Monitoring period & location	DMR due date	DMR Submitted	Days late
July 31, 2020 (DWCDM)	August 28, 2020	August 13, 2021	381 days
May 31, 2021 (DWCDM)	June 28, 2021	August 13, 2021	46 days
June 30, 2021 (DWCDM)	July 28, 2021	August 13, 2021	16 days
June 30, 2021 (DWCDM)	July 28, 2021	August 13, 2021	16 days
June 30, 2021 (DWCDM)	July 28, 2021	August 13, 2021	16 days

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 4.4 of the DWGP requires the electronic submittal of DMRs quarterly using NetDMR, and the submissions must be made no later than the 28th of the month following the completed reporting period.
- 40 C.F.R. §123.45(a)(2)(i) states, a violation must be classified as “Category I Noncompliance” if certain criteria are met. Applicable criteria include reporting violations; these include failure to submit a complete, required report (e.g., discharge monitoring report) within 30 days after the date required.

Corrective Action:

Submit DMRs by the date required within the permit. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #7:

FBRW reported a No Data Indicator (NODI) code E (Failed to Sample/Required Analysis Not Conducted) for total suspended solids (daily maximum and 30-day average concentration levels), total aluminum (daily maximum and 30-day average concentration levels), and total residual chlorine (daily maximum and 30-day average concentration levels) for the monitoring period ending on September 30, 2020, and for dichlorobromomethane, bromoform, chloroform, and chlorodibromomethane (annual maximum concentration levels) for the monitoring period ending on December 31, 2020; therefore the required samples for those periods were not collected.

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 3.1 of the DWGP states the monitoring requirements for continuous discharging facilities. The monitoring frequency is identified for each parameter required to be collected.

Corrective Action:

Sample the effluent for the required parameters and at the required frequency set forth in the DWGP and Authorization NDDW0002I. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #8:

FBRW reported 18 parameter exceedances for Outfall 001 since September 26, 2019. Specifically, for the monitoring periods and parameters listed below:

Monitoring Period end date	Parameter	Reporting period	Limit / unit	Reported Concentration	
October 31, 2020	Total aluminum	30-day average	87 µg/L	439 µg/L	
November 30, 2020	Total aluminum	30-day average	87 µg/L	547 µg/L	
December 31, 2020	Total aluminum	30-day average	87 µg/L	617 µg/L	
January 31, 2021	Total aluminum	30-day average	87 µg/L	845 µg/L	
February 28, 2021	Total aluminum	30-day average	87 µg/L	1160 µg/L	
March 31, 2021	Total aluminum	30-day average	87 µg/L	992 µg/L	
April 30, 2021	Total aluminum	30-day average	87 µg/L	232 µg/L	
May 31, 2021	Total aluminum	30-day average	87 µg/L	1070 µg/L	
June 30, 2021	Total aluminum	30-day average	87 µg/L	353 µg/L	
January 31, 2021	Total aluminum	daily maximum	750 µg/L	845 µg/L	
February 28, 2021	Total aluminum	daily maximum	750 µg/L	1160 µg/L	
March 31, 2021	Total aluminum	daily maximum	750 µg/L	992 µg/L	
May 31, 2021	Total aluminum	daily maximum	750 µg/L	1070 µg/L	
October 31, 2020	total residual chlorine	daily maximum	19 µg/L	130 µg/L	
November 30, 2020	total residual chlorine	daily maximum	19 µg/L	150 µg/L	
January 31, 2021	total residual chlorine	daily maximum	19 µg/L	36 µg/L	
February 28, 2021	total residual chlorine	daily maximum	19 µg/L	29 µg/L	
June 30, 2021	total residual chlorine	daily maximum	19 µg/L	25 µg/L	

Permit requirements:

- Part 5.6 of the DWGP requires proper operations and maintenance of facility systems.
- Parts 2.2 and 2.2.1 require numeric effluent limits to be met.
- Part 5.6 of the DWGP requires FBRW to properly operate and maintain all facilities and system of treatment and control to achieve compliance with conditions of the permit.

Corrective Action:

Ensure the facility is properly operated and maintained in order to meet numeric effluent limits set forth in the permit. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #9:

FBRW did not consistently notify the EPA of daily maximum parameter exceedances identified in Finding #9. Specifically, FBRW did not consistently notify the EPA within 24 hours of becoming aware of all daily maximum limit exceedances for total aluminum and total residual chlorine. FBRW also did not consistently provide the subsequent 5-day follow up reports for the daily maximum limits exceedances for total aluminum and total residual chlorine. The following 24-hour exceedance notifications and 5-day exceedance reports were not provided to the EPA:

Exceedance date(s)	Parameter	24-hr notification	5-day report
October 31, 2020	Total Residual Chlorine	None	None
November 30, 2020	Total Residual Chlorine	None	None
January 31, 2021	Total Aluminum	None	May 14, 2021
	Total Residual Chlorine	None	None

February 28, 2021	Total Aluminum	None	May 14, 2021
	Total Residual Chlorine	None	None
March 31, 2021	Total Aluminum	None	May 14, 2021
May 31, 2021	Total Aluminum	None	None

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 4.8.2.3 of the DWGP states EPA must be notified no later than the first workday following when FBRW becomes aware of a violation of the maximum daily discharge limitation.
- Part 4.8.3 of the DWGP states within five days of the time that FBRW becomes aware of the noncompliance, a written submission must be submitted. Elements to include in the submission are outlined in Parts 4.8.3.1 through 4.8.3.4.

Corrective Action:

Within 24 hours of becoming aware of an occurrence of noncompliance, call the Region 8 Enforcement and Compliance Assurance Division at (800) 227-8917 and submit a report within five days. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #10:

FBRW incorrectly reported sample results. Specifically, for the monitoring period ending May 31, 2021, the total suspended solids 30-day average calculated out to be 5.5 mg/L, and the corresponding DMR was submitted as 4.25 mg/L (30-day average calculated from the following results: May 3, 2021-6 mg/L, May 10, 2021-<5 mg/L, May 17, 2021-<5 mg/L, and May 24, 2021-6 mg/L).

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 3.1 of the DWGP states the monitoring requirements for continuous discharging facilities.
- Appendix E of the DWGP defines the 30-day average.

Corrective Action:

Correctly calculate and report 30-day averages. Update the total suspended solid 30-day average value for the DMR with the monitoring period ending on May 31, 2021, in the NetDMR system. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #11:

FBRW incorrectly reported a sample result. Specifically, for the monitoring period ending June 30, 2021, the laboratory analytical form from North Dakota Department of Environmental Quality for the sample collected on May 17, 2021, shows the results for chloroform as 0.00075 mg/L, which is equal to 0.75 µg/L, and the corresponding DMR was incorrectly reported with a concentration of 0.05 µg/L for chloroform.

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 3.1 of the DWGP states the monitoring requirements for continuous discharging facilities.

Corrective Action:

Correctly transcribe monitoring results from laboratory analytical forms into NetDMR. Update the chloroform value for the DMR with the monitoring period ending on June 30, 2021 in the NetDMR system. In the response to this report, provide the EPA, MHA Nation and IHS with a description of the corrective actions taken to address this finding.

Finding #12:

The Mandaree Water Treatment Ponds were not being operated and maintained as required. Specifically, the north and south treatment ponds are becoming full of sediment rendering less capacity for treatment (photos 45 & 46).

Permit requirements:

- Part 5.1 of the DWGP requires FBRW to comply with all conditions of the DWGP and Authorization NDDW0002I.
- Part 5.6 states the facility must properly operate and maintain all facilities and systems of treatment and control at all times.

Corrective Action:

Properly operate and conduct maintenance on all system facilities to ensure proper operating performance. In the response to this report, provide the EPA, MHA Nation and IHS with photos and a description of the corrective actions taken to address this finding.

Recommendation #1:

Facility representatives have indicated there have been some overflows from the clear well tank in the past. This is not a desirable event because the clear well tank overflow water is a finished product. If Outfall 002 (overflow from the clear well tank) were to discharge, samples are required to be collected from end of pipe and analyzed per permit NDDW0002I.