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Dove Island Lodge
Wastewater Treatment Facility
Sitka, Alaska

NPDES Tracking Number
#AKG572053

Inspection Date: 8/5/2024

Prepared by:

CJ Langlois
U.S. Environmental Protection Agency, Region 10
Enforcement & Compliance Assurance Division
Water Enforcement & Field Branch
Field, Data & Drinking Water Enforcement Section

Inspector Signature/Date:

Langlois, Curmit

 Digitally signed by Langlois, Curmit
Date: 2025.02.24 21:42:18 -08'00'

Supervisor Signature/Date:

Contreras, Peter

 Digitally signed by Contreras, Peter
Date: 2025.02.25 11:01:17 -08'00'

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[Unless otherwise noted, all details in this inspection report were obtained from conversations with Mr. Duane Lambeth, a review of facility documents, and/or from observations made during the inspection.]

I. Facility Information

Facility Name: Dove Island Lodge WWTF

Facility Owner/Operator: Owner – Duane Lambeth
Operator – Duane Lambeth

Physical/Mailing Address: Physical: 1 Dove Way
Dove Island
Sitka, Alaska 99835
Mailing: PO Box 1512
Sitka, Alaska 99835

Lat/Long: 57.0395882° N, -135.2923242° W

Facility Contacts: Duane Lambeth, President
Dove Island Lodge
Office: (907) 747-5660
Cell: (907) 738-0856
Email: gofish@doveislandlodge.com

Permit Number: AKG572000

SIC Code: 4952 (Sewage Systems)

Nearest Surface Water: Sitka Sound

II. Inspection Information

Inspection Date: August 5, 2024

Inspectors: CJ Langlois
EPA Region 10, ECAD / WEFB / FDDWES
Phone: 206-553-2739

Arrival Time: 12:00 a.m.

Departure Time: 13:40 p.m.

Weather: Sunny, 72° F

Purpose: To evaluate compliance with the requirements of the Clean Water Act (CWA) and the Alaska Pollutant Discharge Elimination System for Small Publicly Owned Treatment Works and other Small Treatment Works Providing Secondary Treatment of Domestic Wastewater and Discharging to Surface Water Permit # AKG572000

III. Permit Information

On November 30, 2022, Alaska Department of Environmental Conservation (ADEC) issued the Alaska Pollutant Discharge Elimination System for Small Publicly Owned Treatment Works and other Small Treatment Works Providing Secondary Treatment of Domestic Wastewater and Discharging to Surface Water Permit # AKG572000. The permit became effective on January 1, 2023. ADEC received Dove Island Lodge WWTF application for permit renewal and determined the application to be timely and complete. The facility was authorized to discharge on January 1, 2023. The authorization shall expire on December 31, 2027. The facility can reapply for permit reissuance on or before July 5, 2027.

IV. Enforcement Background

The Dove Island Lodge WWTF received a Notice of Violation (NOV) from ADEC that is dated September 23, 2021. ADEC conducted a routine inspection of the facility on December 23, 2020, to determine compliance with permit authorization AKG572053. On January 22, 2021, ADEC delivered the

inspection report and a Notice of Enforcement that summarized the findings of the inspection.

ADEC found the following violations as listed in the NOV:

1. "Failure to develop and implement a QAPP. The permit required development of a QAPP no later than March 30, 2018. DEC sent Mr. Lambeth a letter May 7, 2020, indicating that Dove Island Lodge WWTF was on the Environmental Protection Agency (EPA) Significant Noncompliance List due to failure to submit DMRs to DEC. The May 7, 2020, letter requested a copy of the QAPP. Mr. Lambeth had until June 30, 2020, to send a copy of the QAPP to DEC and did not do so. No QAPP was available at the time of inspection, December 23, 2020. Mr. Lambeth submitted a QAPP to DEC January 7, 2021."
2. "Failure to post a domestic discharge and mixing zone identification sign. Dove Island Loge was asked to provide a photo of the mixing zone identification sign and in the photos submitted as part of the offsite compliance inspection have no identification was sign clearly visible."
3. "Failure to conduct influent, effluent and mixing zone monitoring and submit results to DEC on DMRs. A total of eleven DMRs for the months of July 2021, May through September 2019, and May through September 2018 were not submitted to DEC."
4. "Failure to timely submit five DMRs for the time period May through September 2020. DMRs are to be submitted to DEC no later than the 15th of the month following the month the sample was taken in. The five late DMRs were submitted December 16, 2020. All five DMRs indicate a no discharge indicator code (NODI) of "Z", an indicator meant to be used by permittees to claim that they did not have sampling or monitoring data to report on their DMRs as a result of an impact from the COVID-19 pandemic. Section B of the Temporary COVID-19 Policy (Attachment 1) states, "Entities should use existing procedures to report noncompliance with such routine activities, such as pursuant to an applicable permit, regulation or statute. If no such procedure is applicable, or if reporting is not reasonably practicable

due to COVID-19, regulated entities should maintain this information internally and make it available to the EPA or an authorized state or tribe upon request. In general, the EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause of the noncompliance and the entity provides supporting documentation to the EPA upon request.” The Dove Island Loge failed to submit non-compliance reports as required by the temporary policy.”

It appears that Mr. Lambeth has sent the QAPP to ADEC sometime in 2021. As for posting a domestic discharge and mixing zone identification sign, ADEC has not received any photo(s) verifying this requirement. I was also not able to verify this requirement at the time of my inspection because a boat would be required to visibly see the posting on land. Mr. Lambeth also wasn’t able to provide ADEC with influent, effluent and mixing zone monitoring and submit results. DMR issues are addressed in “Areas of Concern”.

V. Inspection Chronology

This was an announced inspection. On August 5, 2024, I arrived at the facility around 12 p.m. and I presented my credential to Mr. Lambeth. I was accompanied by Mr. Lambeth throughout the inspection and was not denied access to any area of the facility. Mr. Lambeth answered all my questions and concerns.

I began the inspection with a brief opening conference inside of one of the facility buildings. I explained the purpose and scope of the inspection. I asked Mr. Lambeth general questions to get an understanding of the layout and flow of their operation. Mr. Lambeth then led me on a tour of the facility and explained the various processes of their operation. We ended with a brief closing conference outside to discuss observations and next steps around 1:40 p.m.

VI. Opening Conference

I began the inspection with a brief opening conference inside of the facility and explained the scope of the inspection. I presented my credentials and handed over an SBA (Small Business Administration) form and business card to Mr. Lambeth.

The Dove Island Lodge WWTF is approximately 500 meters from the shoreline of Baranof Island. The WWTF is very small and consists of just a small treatment tank that services about 25 people during the season. The facility opens on Memorial Day weekend and closes Labor Day weekend. It's estimated that 2400 gallons of wastewater flows out of their outfall daily. This water used to be brought in by boat, but now a water line services the facility. Outflow is dependent on when water is used on the island.

VII. Laboratory Inspection

Influent samples are grabbed by simply turning on the tap. Effluent samples are grabbed from a pipe that rises to the surface, just behind the treatment tank. Samples are sent off, by plane, to Admiralty Environmental in Juneau, Alaska. Mr. Lambeth mentioned to me that some of the samples being delivered to the lab were not being accepted by laboratory personnel because the samples were too warm. The facility has been trying to rectify this issue with trying different methods of sample storage. Mr. Lambeth also mentioned to me that Admiralty Environmental is conducting the pH testing. This is typically done by facilities within 15 minutes of the sample being grabbed because of the sample's likelihood of changing due to carbon dioxide's interaction with the sample.

VIII. Site Review

Mr. Lambeth led me on a tour of the facility. A site map and aerial image appear in **Attachment A** and a photograph log appears in **Attachment B**.

The Dove Island Lodge WWTF is essentially just a small treatment tank (**Photo 1**) that has an outfall pipe attached to it. Just behind the treatment tank is a UV disinfection unit (**Photo 2**). Right after the UV disinfection unit is the

effluent sampling point (**Photo 3**) and from there, the outfall pipe leads down to the water to empty into the Sitka Sound.

IX. File Review

I reviewed the following records:

- Authorization to Discharge – December 30, 2022
- General Permit AKG572000 – November 30, 2022
- QAPP – 2021

X. Areas of Concern

1. **Section 2.3.1** of the permit states “The permittee must limit and monitor discharges as specified in Tables 2, 3, or 4. The applicable table is determined by the design flow of the WWTF. The effluent limits must be met at the end of the treatment process, or for those facilities with modified limits, at the boundary of an authorized mixing zone...”.

Since February 24, 2020, there have been 82 effluent limit exceedances for monitoring parameters BOD 5-day, TSS, suspended solids percent removal, fecal coliform, and dissolved oxygen.

2. **Section 3.2.1** of the permit states “The permittee must submit DMR data electronically through NetDMR per Phase I of the EReporting Rule (40 CFR 127) upon the effective date of the Permit. Authorized persons may access permit information by logging into the NetDMR Portal (<https://cdxnodengn.epa.gov/oeca-netdmr-web/action/login>). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in Appendix A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g. mixing zone receiving water data, etc...), shall be included as an attachment to the NetDMR submittal...”.

Since February 24, 2020, there have been a total of 308 “non-receipt violations” according to the Integrated Compliance Information System (ICIS). These violations are both for failing to submit the data altogether and for late submissions.

3. **Section 3.1** of the permit states “At least one sign must be posted on the shoreline near the discharge area during discharge. The sign(s) must inform the public that secondary treated domestic wastewater is being discharged, state that there is a mixing zone (if applicable) and describe it, warn users of the area to exercise caution, and provide the phone number and identity of the discharger. The sign(s) should inform the public that certain activities, such as harvesting of aquatic life for raw consumption, should not take place in the mixing zone.”

ADEC has informed me that they still have not received any verification of signage at the facility. During the time of my inspection, I wasn’t able to verify signage either.

4. **Section 2.3.1** states that “The permittee must limit and monitor discharges as specified in Table 4” and the DEC authorization specifies the required sampling frequency, including mixing zone sampling requirements and frequency. Additionally, Permit Appendix A part 3.2.1 states that “Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.”

ADEC has yet to receive any monitoring results regarding the mixing zone requirements.

XI. Closing Conference

A closing conference was held with Mr. Lambeth on the afternoon August 5, 2024. I asked for several documents, including the QAPP, to be sent to me via email. I never received those documents. I thanked him for his time and assistance with the inspection.

Attachment A

Aerial Image

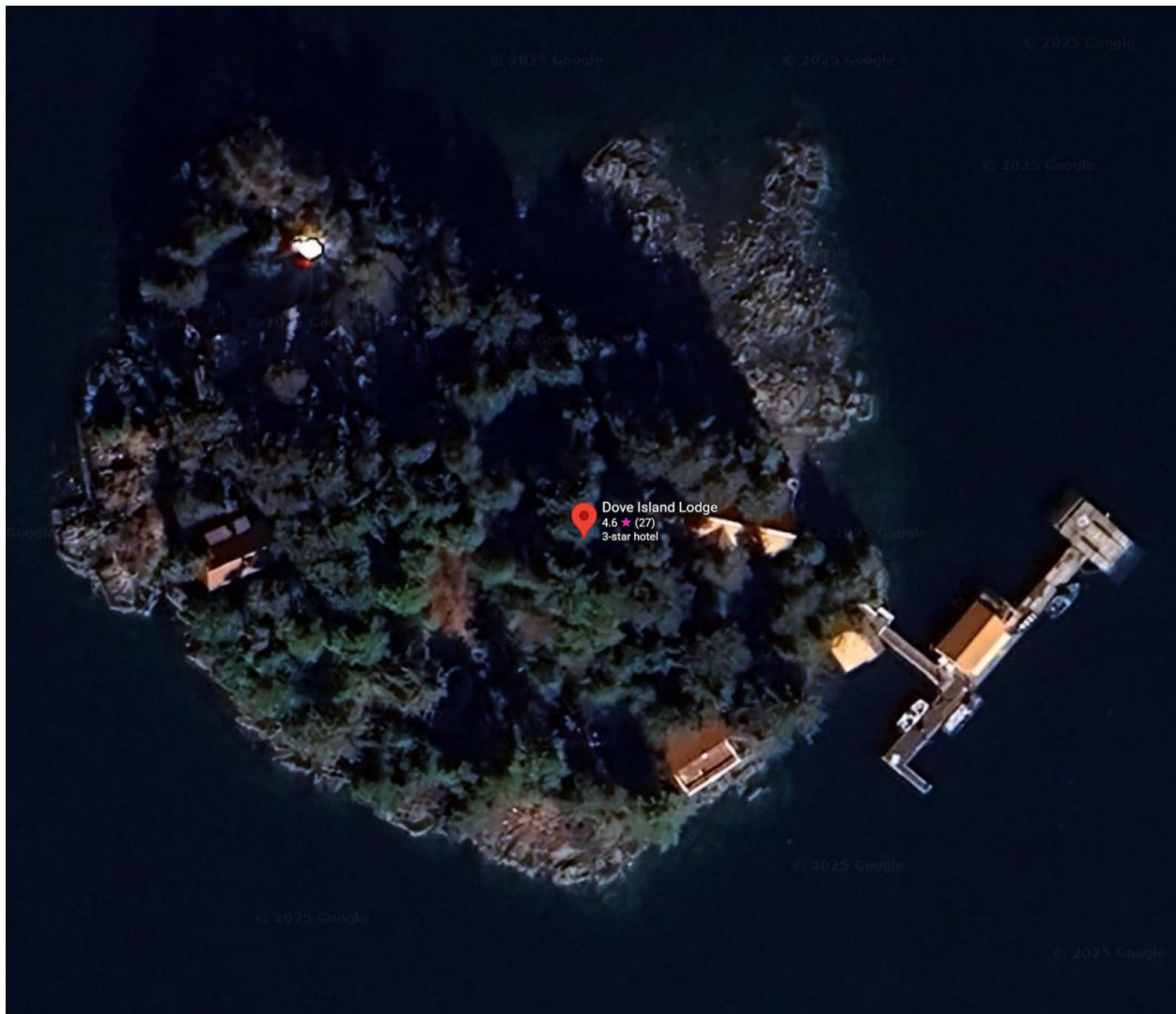


Figure 1 - Aerial image taken from Google Maps

Attachment B

Photo Log

(All photos were taken by myself on an Olympus Tough TG-6 camera)



Photo 1 - Treatment tank



Photo 2 - UV light disinfection system



Photo 3 - Effluent sampling point

Attachment C



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

DIVISION OF WATER
Juneau

410 Willoughby Ave
Juneau, AK 99801
Main: 907.465.5180
Fax: 907.334.2415
www.dec.alaska.gov

September 23, 2021

NOTICE OF VIOLATION

Failure to Comply with Permit Conditions per 18 AAC 83 – Alaska Pollutant Discharge Elimination System Small Publicly Owned Treatment Works and other Small Treatment Works General Permit Authorization Number AKG572053.

Duane Lambeth
Dove Island Lodge
P.O. Box 1512
Sitka, AK 99835

Enforcement Tracking Number: 21-R0047-40-0002
File No. 1525.45.005

Dear Mr. Lambeth

The Alaska Department of Environmental Conservation (Department or DEC) alleges that beginning on or about October 1, 2017 and continuing up until December 23, 2020, at the Dove Island Lodge Wastewater Treatment Facility, Alaska, The Dove Island Lodge did unlawfully fail to comply with the conditions of the Alaska Pollutant Discharge Elimination System (APDES) permit.

On December 23, 2020, the Department conducted a routine site inspection of the Dove Island Lodge Wastewater Treatment Facility to determine compliance with authorization AKG572053. On January 22, 2021, the Department delivered the Inspection Report and Notice of Enforcement summarizing the findings of that compliance inspection. The following violations were documented during the inspection:

1. Failure to develop and implement a QAPP. The permit required development of a QAPP no later than March 30, 2018. DEC sent Mr. Lambeth a letter May 7, 2020 indicating that Dove Island Lodge WWTF was on the Environmental Protection Agency (EPA) Significant Noncompliance List due to failure to submit DMRs to DEC. The May 7, 2020 letter requested a copy of the QAPP. Mr. Lambeth had until June 30, 2020 to send a copy of the QAPP to DEC and did not do so. No QAPP was available at the time of inspection, December 23, 2020. Mr. Lambeth submitted a QAPP to DEC January 7, 2021.
 - a. Permit part 2.6.1 states that "...The QAPP must be developed and implemented within 180 days of receiving authorization under this general permit..." and Permit part 2.6.7 states that "A copy of the QAPP must be retained on site and made available to DEC upon request."

- b. Regulatory Citation: 18 AAC 83.405 (b) Duty to comply
18 AAC 83.405 (k) Monitoring and records
- 2. Failure to post a domestic discharge and mixing zone identification sign. Dove Island Loge was asked to provide a photo of the mixing zone identification sign and in the photos submitted as part of the offsite compliance inspection have no identification was sign clearly visible.
 - a. Permit part 3.1 states that “At least one sign must be posted on the shoreline near the discharge area during discharge. The sign(s) must inform the public that secondary treated domestic wastewater is being discharged, state that there is a mixing zone (if applicable) and describe it, warn users of the area to exercise caution, and provide the phone number and identity of the discharger.”
 - b. Regulatory Citation: 18 AAC 83.405 (b) Duty to comply
- 3. Failure to conduct influent, effluent and mixing zone monitoring and submit results to DEC on DMRs. A total of eleven DMRs for the months of July 2021, May through September 2019, and May through September 2018 were not submitted to DEC.
 - a. Permit part 2.3.1 states, “The permittee must limit and monitor discharges as specified in Table 4” and the DEC authorization specifies the required sampling frequency, including mixing zone sampling requirements and frequency. Additionally, Permit Appendix A part 3.2.1 states that “Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.”
 - b. Regulatory Citation: 18 AAC 83.405 (b) Duty to comply
18 AC 83.405 (k) Monitoring and records
- 4. Failure to timely submit five DMRs for the time period May through September 2020. DMRs are to be submitted to DEC no later than the 15th of the month following the month the sample was taken in. The five late DMRs were submitted December 16, 2020. All five DMRs indicate a no discharge indicator code (NODI) of “Z”, an indicator meant to be used by permittees to claim that they did not have sampling or monitoring data to report on their DMRs as a result of an impact from the COVID-19 pandemic. Section B of the Temporary COVID-19 Policy (Attachment 1) states, “Entities should use existing procedures to report noncompliance with such routine activities, such as pursuant to an applicable permit, regulation or statute. If no such procedure is applicable, or if reporting is not reasonably practicable due to COVID-19, regulated entities should maintain this information internally and make it available to the EPA or an authorized state or tribe upon request. In general, the EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause of the noncompliance and the entity provides supporting documentation to the EPA upon request.” The Dove Island Loge failed to submit non-compliance reports as required by the temporary policy.
 - a. Permit Table 4 and the DEC authorization specify the sampling frequency. Additionally, permit Appendix A 3.2.1 states that “Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.”

- b. Regulatory Citation: 18 AAC 83.405 (b) Duty to comply
18 AAC 83.405 (k) Monitoring and records

Such inaction is in violation of your permit.

To address the violation(s) described above, the Department requires that you do the following:

- a. Provide the Department with documentation to refute any of the above violations which you believe are inaccurate. If all violations specified above are accurate, disregard.
- b. Pursuant to violation 1, provide an explanation as to why a QAPP was not developed as required by the AKG572000 general permit.
- c. Pursuant to violation 2, provide a photo of the mixing zone identification sign as required by the general permit. Provide additional photographic evidence that the sign is clearly visible. If the sign does not exist, provide an explanation as to how the facility plans to correct the violation.
- d. Pursuant to violation 3, provide a narrative as to why the influent, effluent, and mixing zone was not sampled for in accordance to the general permit and the steps taken to ensure that this violation does not reoccur.
- e. Pursuant to violation 4, provide an explanation as to why non-compliance reports were not provided to the DEC as required by the temporary policy.
- f. Provide all sampling results, chain of custody reports, and lab analysis reports for AKG572053 sampling conducted from January 1, 2021 September 23, 2021.

Please respond to this request by no later than **October 25, 2021. Deliverables can be submitted via mail, email, or fax:**

Attention:

Dylan Morrison
P.O. Box 111800
Juneau, AK 99811-1800
Dylan.Morrison@alaska.gov

Penalties for violation of State statutes and regulations can be quite serious. In a civil action, a person who violates or causes or permits to be violated a provision of AS 46.03 and/or 18 ACC 83, may be liable to the State for Substantial monetary damages under AS 46.03.760. Depending on the nature of the violation, you may also be liable for the State's response costs under AS 46.03.822, for spill penalties under AS 46.03.758-759, for administrative penalties under AS 46.03.761, or for other kinds of damages or penalties under other statutes.

In a criminal violation, a person who acts with criminal negligence may be guilty of a Class A misdemeanor. AS 46.03.790. Upon conviction, a defendant who is not an organization may be sentenced to pay a fine not exceeding \$10,000.00 and/or sentenced to a definite term of imprisonment of not more than one year. Upon conviction, a defendant that is an organization may

be sentenced to pay a fine not exceeding the greater of \$500,000.00 or an amount which is three times the pecuniary damage or loss caused by the defendant to another or property of another. AS 12.55.035; each day of violation may be considered a separate violation. Alaska laws allow the State to pursue both civil and criminal actions concurrently.

Nothing in this notice shall be construed as a waiver of the State's authority or as an agreement on the part of the State to forego judicial or administrative enforcement of the above-described violation(s) or to seek recovery of damages, cost and penalties as prescribed by law. In addition, nothing herein shall be construed as a waiver of enforcement for past, present, or future violations not specifically set forth herein.

If you have additional questions, I may be contacted at (907) 465-5281, or via e-mail: Dylan.Morrison@alaska.gov. Thank you for your cooperation and assistance in protecting public health and the environment.

Sincerely,



Dylan Morrison, Enforcement Officer
Credential No. R-0499

on the 23rd day of September, 2021

Enclosure: Attachment 1

cc:

DEC.Water.APDESData@alaska.gov

DEC.Water.Enforcement@alaska.gov

Jon Wendel, DEC

Melinda Smodey, DEC

Gene McCabe, DEC

Cool.Richard@epa.gov, EPA