NPDES Inspection Report – Wastewater Treatment Facility

National Database Information	
Inspection Date: May 16, 2023	Inspection Type: CEI – Wastewater Treatment Facility
Entry/Exit Time: 9:00 am / 1:50 pm	NPDES ID Number: ND0031178
NAICS Code: 221320	Inspection ID: 202305_ND0031178
Lead inspector and affiliation: Stephanie Meyers / EPA Region 8	
Inspector and affiliation: Brit Rustad / EPA Region 8	

Facility Location Information *(Name/Location/ Mailing Address)*	
Site/Facility Name & Location: Spirit Lake Casino Wastewater Treatment Lagoon 7889 ND-57, St. Michael, ND 58370	Email Report to: Alfred Thompson Jr. [redacted] Robert Thompson sltwr-dir@spiritlakenation.com

Contact Information	
	Name(s)/Title
Facility Contacts: *(indicate primary lead and present during inspection)*	Alfred Thompson Jr. / Facility Manager / Sioux Utilities / primary during the inspections
	Robert Thompson / Director of Water Resources / Sioux Utilities / present during opening and closing conferences
	Lynnia Bustos / Environmental Technician / Spirit Lake EPA / present during inspections
	Tyler Timmons / Tribal Utility Consultant / IHS / present during the inspections
Person/Company meeting definition of "Operator"	Spirit Lake Sioux Utilities
Authorized Official(s) (Per NOI?)	Alfred Thompson Jr. / Facility Manager / Sioux Utilities / primary during the inspections

Permit Information		
Is the permit on site and available? Yes	Lagoon Category: Discharge	Monitoring Frequency: Quarterly Reporting
Effective Date: 7/1/2019	Expiration Date: 6/30/2024	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? No	Indicate correct contact information: Replace Darcie's contact information with the current authorized official.	
Receiving Water(s): Devils Lake		
Regulatory Inspector's source of information: ICIS, ECHO 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	Address/Phone Number	Date
BRIT RUSTAD Digitally signed by BRIT RUSTAD Date: 2023.07.06 12:15:57 -06'00' **Brit Rustad**	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202** **303-312-6885**	**7/3/2023**
Reviewer Name	Address/Phone Number	Date
Stephanie Meyers	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202** **303-312-6938**	**7/5/2023**
Supervisor Signature/Name	Address/Phone Number	Date
COLLEEN RATHBONE Digitally signed by COLLEEN RATHBONE Date: 2023.07.06 11:55:25 -06'00' **Colleen Rathbone**	**U.S. EPA Region 8** **1595 Wynkoop Street** **8ENF-W-NW** **Denver, Colorado 80202** **303-312-6133**	**7/6/2023**

Inspection Narrative and Site Description

The inspection was conducted at the Spirit Lake Casino wastewater treatment lagoon (facility) located in St. Michael, North Dakota to evaluate compliance with their 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 May 16, 2023, U.S Environmental Protection Agency (EPA) inspectors Brit Rustad and Stephanie Meyers met with operator Alfred Thompson Jr. with Sioux Utilities, Robert Thompson with Sioux Utilities and Lynnia Bustos with Spirit Lake EPA. The EPA inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. The inspectors proceeded to review records on site, inspect the facility, and asked questions to the facility representatives to help the inspectors evaluate compliance with the facilities' permit. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

The facility serves the Spirit Lake Casino and Resort and its related facilities, including approximately 10 cabins, 73 RV parking spaces, a grocery, a marina and a gas station. The casino operates 124 rooms, two restaurants and a swimming pool. Facility representatives indicated there was an agreement between the casino and the Spirit Lake Water Resources Department that granted the Department authority to manage the wastewater facility. The lagoon accepts hauled septic waste from the casino RV facilities and gas station which is dumped directly into cell 1. The facility treats an average of 31,750 gallons per day (GPD) of wastewater. The peak design flow is 45,000 (GPD). There are no lift stations associated with this treatment facility.

The inspectors proceeded to inspect the lagoon cells. The facility is a 3-cell lagoon system which discharges into an adjacent wetland. The table below has the size for all 3 cells.

Cell ID	Area (acres)
Cell 1	6.25
Cell 2	3
Cell 3	3
Total	12.25

Normal operation of the facility involves waste entering cell 1 (photos 299 and 301) either by the gravity fed sewage line or hauled waste (photo 300). Wastewater then flows into cell 2 (photo 302) and finally cell 3 (photo 304). According to facility representatives, wastewater is then pumped through the southeast corner of cell 3, however inspectors nor facility representatives were able to locate a pump or outlet structure in cell 3. According to facility representatives, wastewater pumped from cell 3 enters the wetland area to the south, where wastewater is then pumped to Devils Lake.

The inspectors and facility representatives drove around the lagoon to evaluate berm integrity and the facility's discharge status at which point inspectors noticed a hose leading from the wetland area to Devils Lake (photo 305), which facility representatives were unable to provide information as to the purpose this hose serves and who might be managing the use of it. Cattails and other vegetation were observed on the inside of all cells. Due to the inability to locate the outfall, inspectors could not verify the facility's discharge status.

At the end of the day on May 16, 2023, the inspectors returned to the main office and held a closing conference with Alfred Thompson Jr., Robert Thompson, Lynnia Bustos, and Tyler Timmons where preliminary findings were discussed. On May 30, 2023, the EPA sent an email to Alfred Thompson Jr. and Robert Thompson with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1: Weekly lagoon inspections were not being conducted.
Weekly lagoon inspections were not being conducted. The inspectors provided the facility representatives with a lagoon inspection report template form that the facility representatives could use to document the weekly lagoon inspections.

Permit requirement:
Part 3.5.1 of the Permit states, "On at least a weekly basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its wastewater treatment facility, at a minimum, for the following:

3.5.1.1. 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 Parts 4 and 5.4 of this Permit if not already done.);
3.5.1.2. Check to see if there is any leakage through the dikes;
3.5.1.3. Check to see if there are any animal burrows in the dike;
3.5.1.4. Check to see if there has been any excessive erosion of the dikes;
3.5.1.5. Check to see if there are any rooted plants, including weeds growing in the water;
3.5.1.6. Check to see if vegetation growth on the dikes needs mowing; and,
3.5.1.7. Determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility.
3.5.2. The Permittee shall maintain a daily log in either paper or electronic format recording information obtained during the inspection. At a minimum, the notebook shall include the following:
3.5.2.1. Date and time of the inspection;
3.5.2.2. Name of the inspector(s);
3.5.2.3. The facility's discharge status;
3.5.2.4. The flow rate of the discharge if occurring;
3.5.2.5. Identification of operational problems and/or maintenance problems;
3.5.2.6. Recommendations, as appropriate, to remedy identified problems;
3.5.2.7. A brief description of any actions taken with regard to problems identified; and,
3.5.2.8. Other information, as appropriate.
3.5.3. The Permittee shall maintain daily log in either paper or electronic format in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe.

Part 2.7 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 this Permit, for a period of at least three years from the date of the sample, measurement, report or application."

Corrective Action:
Ensure that 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: There was vegetation growing inside and around the cells
Vegetation had reached greater than six inches in height inside as well as around the berms of cells which needed to be mowed or removed.

Permit requirement:
Part 3.6 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 the Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve Permit effluent compliance.

3.6.1. 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:

3.6.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
3.6.1.2. 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;
3.6.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
3.6.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).
3.6.2. The Permittee shall maintain a daily log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the log shall include the following information:
3.6.2.1. Date and time;
3.6.2.2. Name and title of person(s) making the log entry;
3.6.2.3. Name of the persons(s) performing the activity;
3.6.2.4. A brief description of the activity; and,

3.6.2.5. Other information, as appropriate.
3.6.3. The Permittee shall maintain the daily log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Tribe."

Corrective Action:
Remove the overgrown vegetation growing on the inside berms of cells. Mow and/or cut vegetation on the tops and sides of berms. Submit to the EPA and IHS photos of the cells after the vegetation has been removed.

Finding #3: Part of the perimeter fence was missing.
A portion of the fence was missing at the entrance to the cells (photo 297) and along the west side of cells 2 and 3 (photo 303).

EPA Guidance:
EPA has developed guidance manuals on the proper operation and maintenance of lagoons. One of the guidance materials is called "Principles of Design and Operations of Wastewater Treatment Pond Systems for Plant Operators, Engineers, and Managers" (August 2011, EPA/600/R-11/088).
https://www.epa.gov/sites/production/files/2014-09/documents/lagoon-pond-treatment-2011.pdf

This guidance manual indicates on page 9-20 that:

"To discourage use of the ponds for recreation, the entire area should be fenced and warning signs displayed."

Permit requirement:
Part 3.6 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 the Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve Permit effluent compliance.

3.6.1. 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:

3.6.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
3.6.1.2. 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;
3.6.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
3.6.1.4. Require the operator to perform the routine operation and maintenance requirements in

accordance with the schedule(s). 3.6.2. The Permittee shall maintain a daily log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the log shall include the following information: 3.6.2.1. Date and time; 3.6.2.2. Name and title of person(s) making the log entry; 3.6.2.3. Name of the persons(s) performing the activity; 3.6.2.4. A brief description of the activity; and, 3.6.2.5. Other information, as appropriate. 3.6.3. The Permittee shall maintain the daily log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Tribe." **Corrective Action**: Ensure the fences are maintained to prevent unauthorized access and entrance by wildlife. Submit to the EPA and IHS photos of the fence after it has been repaired and replaced.
Finding #4: There was a hose leading from the wetland next to the cells into Devils Lake. There was a hose in the wetland next to the cells that facility representatives were unsure of whether it was in use and who was operating/maintaining it (photo 305). **Permit requirement**: Part 1.2 of the Permit states, "The authorization to discharge provided under this Permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NPDES Permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act." Part 3.1 of the Permit states, "The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the Director advanced notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions." **Corrective Action:** Remove the hose and pumps from the facility, or provide proper notice in accordance with the Permit of any changes to the facility's discharges. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.
Finding #5: The outfall location was unknown and could not be verified in the field. During the inspection of the lagoon cells, facility representatives as well as inspectors could not locate outfall 001. **Permit requirement:** Part 1.2 of the Permit states, "The authorization to discharge provided under this Permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not

authorized under a NPDES Permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.

Outfall permitted

Outfall Serial Number	Description of Discharge Point
001	Any discharges from the Spirit Lake Casino wastewater treatment facility to Devils Lake (latitude 48.011389o N, longitude 98.910556o W)

Part 3.1 of the Permit states, "The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the Director advanced notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions."

Corrective Action:
Locate the outfall and ensure that it functions properly. Also, ensure that any maps, Statement of Basis and O&M documents reflect the exact location of the outfall. Provide the EPA and IHS with photos of the outfall once located as well as an updated site map if the location is somewhere other than indicated on the current map.

Finding #6: The Discharge Monitoring Reports for several monitoring periods were submitted late.
The Discharge Monitoring Reports for monitoring periods ending on September 30, 2019; December 31, 2019; June 30, 2020; June 30, 2021; December 31, 2021; March 31, 2022; and September 30, 2022 were submitted late.

Permit requirement:
Part 2.4 of the Permit states, "With the effective date of this Permit, the Permittee must electronically report DMRs quarterly using NetDMR. Electronic submissions by permittees must be submitted quarterly to the EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the requirements of section 4.7 of this Permit ("Signatory Requirements"). NetDMR is accessed from the internet at https://netdmr.zendesk.com/home."

Corrective Action:
Submit timely DMRs in accordance with Part 2.4 of the permit. Provide the EPA and IHS with a description of the corrective actions taken to address this finding.