

NPDES Inspection Report – Wastewater

National Database Information	
Inspection Date: July 12, 2022	Inspection Type: Compliance Evaluation Inspection
Entry/Exit Time: 11:00 am / 11:46 am	NPDES ID Number: ND0030970
NAICS Code: 221310	Inspection ID: 202207 ND0030970
Lead inspector and affiliation: Emilio Llamozas / EPA Region 8	
Inspector and affiliation: Stephanie Meyers / EPA Region 8	

Facility Location Information (Name/Location/ Mailing Address)	
Site/Facility Name & Location: Fort Yates Decommissioned Drinking Water Backwash Ponds NE SE1/4 NE1/4 S12 T130N R80W Proposal Avenue Fort Yates, North Dakota 58538	Mail Report to: Randez Bailey rbailey@standingrock.org

Contact Information	
	Name(s)/Title
Facility Contacts: <i>(indicate primary lead and present during inspection)</i>	Randez Bailey / Rural Water System Director / Standing Rock Municipal, Rural & Industrial (MR&I) Program / present during opening conference
	Frank Derockbraine Jr. / Water Treatment Supervisor / Standing Rock MR&I Program / primary lead during the inspection
	Jake Luger / Acting Environmental Director / Standing Rock Sioux Tribe Environmental Program / present during opening conference
	Tyler Timmons / Tribal Utility Consultant / IHS / present during the inspection
Person/Company meeting definition of "Operator"	Standing Rock Sioux Tribe
Authorized Official(s) (Per NOI)	Randez Bailey / Rural Water System Director / Standing Rock Municipal, Rural & Industrial (MR&I) Program

Permit Information		
Is the permit on site and available? N/A	Lagoon Category: N/A	Monitoring Frequency: N/A
Effective Date: October 1, 2010	Expiration Date: September 30, 2015 (Expired)	Is the Facility under a compliance schedule? No
Is correct contact information indicated on ICIS? N/A, the permit is expired and the facility is in the process of being decommissioned.		Indicate correct contact information: N/A
Receiving Water(s): Missouri River / Lake Oahe		
Discharge point location (longitude, latitude): There are no discharge points at the facility. When the facility had a permit (ND0030970), the facility was classified as a no discharge facility.		
Regulatory Inspector's source of information: ICIS database, previous inspection report, facility representatives and facility observations.		

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	<u>Sludge Handling/Disposal</u>	Sanitary Sewer Overflow

Report Review and Signature		
Drafter Name	Address/Phone Number	Date
Emilio Llamozas	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202 303-312-6407	08/03/2022
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	08/04/2022
Supervisor Signature/Name	Address/Phone Number	Date
Boeglin, Michael  Digitally signed by Boeglin, Michael Date: 2022.08.08 08:48:24 -06'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	08/08/2022
	303-312-6250	
Micheal Boeglin		

Inspection Narrative and Site Description

The inspection was conducted at the Fort Yates decommissioned drinking water backwash ponds (facility) located on the Standing Rock Sioux Reservation, along Proposal Avenue in Fort Yates, North Dakota to evaluate compliance with the Clean Water Act. The EPA is responsible for implementing the National Pollutant Discharge Elimination System (NPDES) program in Indian Country within the State of North Dakota. In May 2022, Ronni Chase Alone, Water Quality Specialist, with the Standing Rock Sioux Tribe Environmental Program asked the EPA if the Standing Rock Sioux Tribe could discharge the Fort Yates decommissioned drinking water backwash ponds. The EPA responded on May 27, 2022 and indicated that the Tribe was not authorized to discharge wastewater from those lagoons directly into the Missouri River. The EPA also indicated that it would inspect the facility during the July 2022 inspections.

The inspection was announced prior to the inspection, to coordinate logistics for the inspection. On July 12, 2022, U.S. Environmental Protection Agency (EPA) inspectors Emilio Llamozas and Stephanie Meyers met with Randez Bailey and Frank Derockbraine with the MR&I Program. The inspectors presented their credentials and had an opening conference to explain the purpose of the inspection. Also present for the inspection was Jake Luger, Acting Director of the Standing Rock Sioux Tribe Environmental Program and Tyler Timmons, Tribal Utility Consultant for the Indian Health Service. After the opening conference, the inspectors proceeded to ask questions to the facility representatives to help the inspectors evaluate compliance with the Clean Water Act. Ms. Bailey indicated that the Standing Rock Sioux Tribe had hired Wayne Wagner, a contractor, to decommission the drinking water backwash ponds. Throughout the inspection, the inspectors noted their observations in a checklist. Photographs taken during the inspection are included in the attached photo log.

The Fort Yates decommissioned drinking water backwash ponds were used by the Fort Yates Water Treat Plant (WTP) when the facility was in operation. The EPA last inspected the Fort Yates WTP on May 9, 2016. The Fort Yates WTP was permitted as a no discharge facility and the permit number assigned was ND0030970. The Fort Yates WTP was decommissioned in September of 2017. The Fort Yates WTP used to supply drinking water to the communities of Fort Yates, Cannonball, Porcupine, rural households between these communities and Prairie Knights Casino. The Fort Yates WTP process consisted of lime softening and sand filtration to remove turbidity and chlorine disinfection prior to distribution. The sand filters were backwashed with finished water one to two times per week when it was in operation. Each backwash cycle produced approximately 20,000 gallons of wastewater containing solids from the sand filters and chlorine from the finished water. The wastewater and sludge from lime softening were sent to four settling ponds, followed by two polishing ponds (see facility schematic).

The inspectors inspected the four sludge ponds and the two polishing ponds. Sludge pond cell 4 (photo 50), polishing pond 2 (photo 54) and polishing pond 1 (photo 55) had water in them from storm events prior to the inspection. Sludge pond cell 1 (photo 53), sludge pond cell 2 (photo 52) and sludge pond cell 3 (photo 51) were dry. All of the sludge pond cells and polishing ponds had sludge in them, which contains lime, sodium aluminate and phosphate.

On July 12, 2022, the inspectors held a closing conference with Mr. Debrockbraine where preliminary findings were discussed. On July 22, 2022, the EPA sent an email to Ms. Bailey with the preliminary findings from the inspection.

Findings, Corrective Actions and Recommendations

Finding #1: The Fort Yates decommissioned drinking water backwash ponds were not covered by a NPDES permit.

A drinking water general permit notice of intent (NOI) is required, if Standing Rock Sioux Tribe wants to discharge the water from the Fort Yates decommissioned drinking water backwash ponds. The drinking water general permit has conditions and requirements for the discharge.

Regulatory Requirement:

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.), federal law prohibits discharges to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit.

The Region 8 NPDES General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country was finalized and public noticed in the Federal Register on April 17, 2019. The final permits are effective as of July 31, 2019 and valid until June 30, 2024. A notice of intent (application form), the fact sheet, and the permits are provided in the link below.

https://www.epa.gov/system/files/documents/2022-03/dwgp-2019-noi-r8_0.pdf

To submit the NOI, please mail the original signed application or NOI to: Wastewater Section Chief (8WD-CWW), 1595 Wynkoop Street, Denver, Colorado 80202 and email a scanned copy to Stephanie DeJong (dejong.stephanie@epa.gov). If you are unable to email a scanned copy, please contact Region 8 NPDES staff by telephone (303-312-6362).

<https://www.epa.gov/npdes-permits/region-8-npdes-drinking-water-general-permit>

Corrective Action:

Submit a notice of intent under the Region 8 NPDES General Permit for Wastewater Discharges Associated with Drinking Water Production in Indian Country prior to discharging any water from the decommissioned drinking water backwash ponds. Provide the EPA, the Standing Rock Sioux Tribe Environmental Program (Tribe) and Indian Health Service (IHS) with a description of the corrective actions taken to address this finding.

Finding #2: The sludge in the sludge and polishing ponds must be disposed of in accordance with federal and tribal regulations.

The sludge in the ponds must be disposed of in accordance with federal and tribal regulations because it contains lime, sodium aluminate and phosphate (photos 50-55).

Regulatory Requirement:

Sludge or other pollutants removed in the course of water treatment shall be disposed of in a manner consistent with all applicable federal and tribal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503).

Corrective Action:

Dispose of the sludge in the sludge and polishing ponds in accordance with all applicable federal and tribal regulations. Provide the EPA, the Tribe and Indian Health Service (IHS) with photos and a description of the corrective actions taken to address this finding.