

## STATEMENT OF BASIS

PERMITTEE: Rosebud Casino and Hotel  
FACILITY: Rosebud Casino and Hotel WWTP  
PERMIT NO: SD-0034584  
RESPONSIBLE OFFICIAL: General Manager  
Rosebud Casino and Hotel  
HC 14 Box 135  
Valentine, Nebraska 69201  
FACILITY CONTACTS: Kevin Kvame, O & M Supervisor  
Rosebud Casino and Hotel  
HC 14 Box 135  
Valentine, Nebraska 69201  
Telephone: 1-605-378-3800  
PERMIT TYPE: Minor POTW, Indian Country, (Renewal)

**Background Information:**

This Statement of Basis is for the renewal of NPDES Individual Permit SD 0034584 for the discharge from the wastewater treatment plant (WWTP) that treats the sanitary wastes from the Rosebud Casino/Annex, hotel and adjacent fuel plaza. The facility is located along the west side of U.S. Highway 83 immediately north of the Nebraska-South Dakota state line in Todd County, South Dakota in the Northeast ¼ of Section 23, Township 35 North, Range 28 West and is entirely within the boundaries of the Rosebud Indian Reservation. The discharge outfall is located at latitude 43° 00' 02"N, longitude 100° 34' 35"W.

The original permit was issued in July 1998 and expired June 30, 2003. The subsequent permit was issued in August 2004 and expired June 30, 2009, and has been administratively extended pending issuance of the renewal permit.

Based on the permit renewal application, there would be an estimated 100-150 employees and a peak of 1200 guests at the casino and the inn during major events. All wastes are conveyed to the WWTP via an underground gravity sewer piping, grease trap and lift station system. Typically on a quarterly basis, the facility also receives wastewater from the hotel pool (approximately 8,600 gallons) generated from cleaning and maintenance operations. The pool water is de-chlorinated with sodium thiosulfate prior to discharge to the treatment facility.

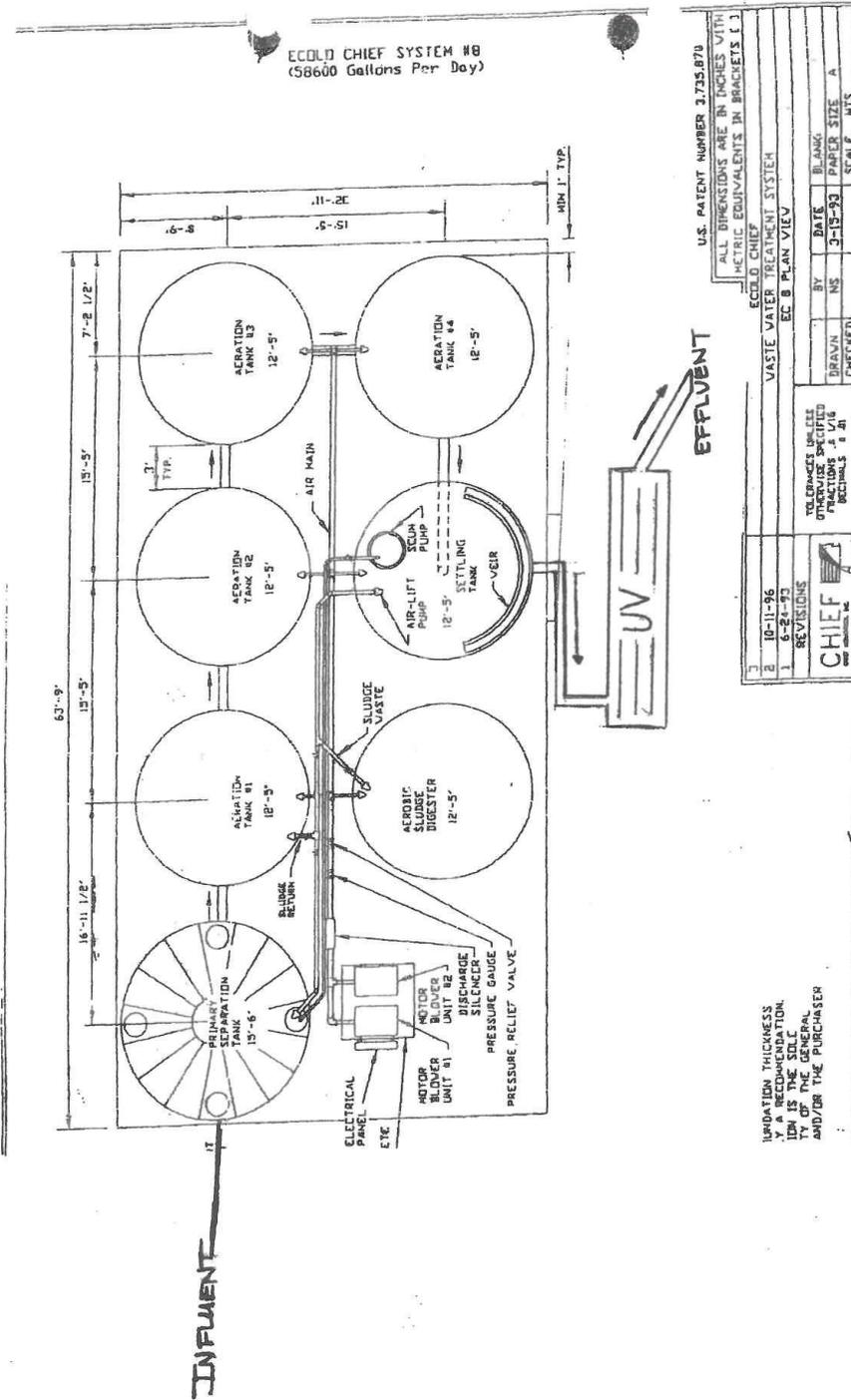
The WWTP consists of a package plant. This application's supplementary information outlines the current package plant as an Ecolo-Chief model of Chief Industries, Inc. and consists of a primary settling tank, four sequential high rate aeration tanks, a final settling tank, an aerobic digester for waste sludge and a UV disinfection system. The average design flow of the system is 58,000 gallons per day (gpd) with a peak flow design of 87,900 gpd.

The following exhibits provide the site layout and plant schematic of the treatment facility and wastewater collection system:

### Rosebud Casino & Hotel



## ROSEBUD CASINO WASTEWATER TREATMENT PLANT SCHEMATIC



In previous permits, an emergency bypass system was described to temporarily divert, store and recycle back to the treatment plant, wastewater flows when situations might occur resulting in a temporary shutdown of the plant. The outfall to the temporary storage facility was referred to as Outfall 001. The treatment plant's discharge outfall offsite was referred to as Outfall 002. For the purpose of this permit renewal and understanding that the emergency bypass system has been removed, the treatment plant's current offsite discharge will be referred to as Outfall 001. This redesignation corresponds to the permittee's application outfall description.

### **Receiving Waters**

An examination of the USGS topographic mapping of the area indicates that the discharge from the WWTP would flow in a channel northwards towards an unnamed intermittent tributary of Rock Creek if the water did not evaporate and/or soak into the ground first. It appears to be approximately 7 stream miles from the point of discharge to the confluence with Rock Creek, approximately 20 to 25 stream miles from the point of discharge to the confluence of Rock Creek and Keya Paha River and approximately another 10 stream miles from the Rock Creek/Keya River confluence to the boundary of the Rosebud Indian Reservation.

### **Monitoring Data**

The effluent limitations in the previous permit are given in the table below and were based on the Secondary Treatment Regulation of 40 CFR Part 133. There were no water quality based effluent limitations.

Previous Effluent Limitations - Outfall 001

Parameter	30-Day Average	7-Day Average
BOD <sub>5</sub> , mg/L	30	45
Total Suspended Solids, mg/L	30	45
The pH of the effluent shall not be less than 6.0 nor greater than 9.0 in any single sample or analysis.		

The previous permit required monthly monitoring for BOD<sub>5</sub> and TSS, weekly monitoring of pH and daily monitoring of flow, with quarterly reporting. Below is a summary of the data reported from 12/31/04 through 3/31/11.

Rosebud Casino  
DMR Data  
12/2004 – 3/2011

Reporting Period	BOD5 (mg/L)		TSS (mg/L)		pH (s.u.)		FLOW (gpd)	
	30 Day Average	7 Day Average	30 Day Average	7 Day Average	Average	Maximum	Average	Maximum
12/31/04	6	8	10.7	11	7.16	8.08	-	-
3/31/05	19	28	33.3*	44	7.26	7.8	-	-
6/30/05	12.7	15	8.7	11	7.53	8.01	-	-
9/30/05	14	22	21	28	7.4	8.24	-	-
12/31/05	7	8	14	20	7.32	7.95	-	-
3/31/06	12.3	21	21	46*	7.45	8.05	-	-
6/30/06*	-	-	-	-	-	-	-	-
9/30/06*	-	-	-	-	-	-	-	-
12/31/06	5	7	16.3	22	7.33	7.69	-	-
3/31/07	26	51*	37*	52*	6.29	7.61	-	-
6/30/07	39*	51.6*	28	50.6*	7.4	7.69	-	-
9/30/07	103*	-	78*	-	-	-	-	-
12/31/07	39*	-	42.3*	-	6.69	6.99	19,391	33,908
3/31/08	13	-	12	-	6.9	7.4	17,561	36,416
6/30/08	14	-	15.33	-	6.53	7.28	23,323	-
9/30/08	109*	-	53*	-	7.1	7.5	22,246	37,649
12/31/08	71.6*	-	28.4	-	7.16	7.72	19,864	33,900
3/31/09	7	-	10.6	-	7.19	7.24	30,198	47,973
6/30/09	3.33	3.33	6	6	7.34	7.7	32,825	118,393
9/30/09	5.6	8	5.6	8	7	7.43	51,568	67,081
12/31/09	15	22	21.5	49*	7	7.4	20,847	52,030
3/31/10*	-	-	-	-	-	-	-	-
6/30/10	7	17	9.7	23	7.04	7.4	93,840	137,748
9/30/10	2.3	3	4.6	6	7.08	7.7	118,505	142,877
12/31/10*	-	-	-	-	-	-	-	-
3/31/11*	-	-	-	-	-	-	-	-

\* indicates effluent limitation violation

Based on the above limited data, it appears that the effluent limitations on BOD<sub>5</sub> may have been exceeded in five reporting periods and on TSS in eight reporting periods. No DMR data has been received for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2006, the 1<sup>st</sup> and 4<sup>th</sup> quarters of 2010 and the 1<sup>st</sup> quarter of 2011.

All of the above deficiencies should be corrected in order to comply with conditions of the permit.

Also noted with respect to the provided monitoring data, is the flow at times significantly exceeds the average design flow (58,000 gpd) and peak design flow (87,900 gpd).

## **Inspections**

In an August 2009 letter describing a July 22, 2009 inspection of the facility by the EPA, several items were outlined which needed clarification. These items were as follows:

1. The effluent flow monitoring meter was not operational.
2. Confirmation as whether treated wastewater is being used to fill the parking lot fountain.
3. Submit an updated plant schematic showing the current UV disinfection system in lieu of a chlorination system, existing and new sewer lines conveying wastes to the plant from the hotel, casino and gas station and directional flow of activated sludge through the system, including wasting and recycle.
4. Describe sludge handling, treatment and disposal practices.
5. Describe the number and type of sources of wastewater.
6. Provide a standard operating procedure for the grease trap and use of the degreaser.

In a September 8, 2009 response letter from the Rosebud Casino, all above referenced items were discussed with the exception of the effluent flow meter which is still not operational at the time of the letter. The letter stated that the issues with this meter will be resolved as soon as possible.

Photographs taken at the 2009 inspections showed:

1. Floating solids in the UV inlet chamber
2. Non-operational aerobic digester
3. "Orange Peel" degreaser chemical (d-limonene, mineral spirits, poly (oxyethylene) nonylphenol, ethoxylated octyl phenol) for use in the existing grease trap
4. Non-operational effluent flow meter

These photographs can be located in the inspection reports and documentation.

The latest inspection of the Rosebud Casino's wastewater treatment facility was performed by personnel from the EPA on April 6, 2011.

The Summary of Findings and Corrective Actions report noted several items of deficiency. Photographs can also be reviewed in the inspection documentation.

1. Incomplete recording keeping (monitoring records, sampling, constituent removal, DMRs not being kept or submitted)
2. Incomplete operation and maintenance records (no log book, no O & M manual (manufacturer's or site customized))
3. pH meter calibration and sampling records were incomplete, and inadequate pH meter maintenance
4. Non-operational effluent flow meter
5. Grease trap (no records available for accumulated grease removal, "Orange Peel" chemical degreaser being used)
6. DMR data indicates peak design flows being significantly exceeded
7. Facility piping is all above ground and not insulated (February 2011 pipeline failure caused contamination of facility site)
8. Non-operational aerobic digester
9. On-site measurement of dissolved oxygen level in final clarifier significantly low
10. Primary separation basin (unknown solids blanket thickness)

**Water Quality Considerations**

The Rosebud Sioux Tribe does not have program authorization (treatment as state (TAS)) for water quality standards (WQS) that can be approved by the EPA. Furthermore, the Tribe has not developed WQS for the Rosebud Indian Reservation. In the absence of water quality standards on the reservation, the EPA needs to consider protecting beneficial uses of the receiving waters. Section 101(a)(2) of the Clean Water Act states “it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983”. The EPA regulations on water quality standards specify at 40 CFR Part 131.10(j) “A State must conduct a use attainability analysis as described in §131.3(g) whenever : (1) The State designates or has designated uses that do not include the uses specified in section 101(a)(2) of the Act, or (2) The State wishes to remove a designated use that is specified in section 101(a)(2) of the Act or to adopt subcategories of uses specified in section 101(a)(2) of the Act which require less stringent criteria.” To this writer’s knowledge, a use attainability analysis has not been done on the Rock Creek segment. Therefore, the beneficial uses of the receiving waters will be considered to include aquatic life and recreation.

Because of the relatively small volume of the discharge, the apparent uses of the receiving water, and the distance to classified surface waters, no water quality based effluent limitations are necessary for this permit.

**Effluent Limitations**

In the previous permit the effluent limitations were based on the secondary treatment requirements as outlined in 40 CFR Part 133. Although the wastewater treatment system (WWTS) does not meet the definition of a publicly owned treatment works (POTW) as defined in 40 CFR 403.3, the waste treated and type of treatment are similar such that in the best professional judgment of the permit writer, the secondary treatment standards should be applied. Also, an effluent limit has been applied for oil and grease due to the presence of a restaurant and grease trap. The limit for oil and grease is based on a combination of the EPA Region 8 BPJ and protecting the receiving waters from a visible sheen or floating oil. In addition, 40 CFR Part 122.44(l)(1) requires that for the renewal of a permit, the effluent limitations must be as stringent as in the previous permit unless specified conditions apply. None of the specified conditions apply in this situation.

The effluent limitations are given below:

Effluent Characteristic	Effluent Limitation		
	30-Day Average <u>a/</u>	7-Day Average <u>a/</u>	Daily Maximum <u>a/</u>
BOD <sub>5</sub> , mg/L <u>b/</u>	30	45	N/A
Total Suspended Solids, mg/L <u>b/</u>	30	45	N/A
The pH of the discharge shall not be less than 6.0 or greater than 9.0 at any time.			
<i>Escherichia coli</i> , a one time grab sample shall not exceed 235 colonies/100 mL. The 5-day geometric mean shall not exceed 126 colonies/100 mL. <u>d/</u>			
The concentration of oil and grease in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water or adjoining shoreline. <u>c/</u>			
There shall be no discharge of visible floating solids or foam in other than trace amounts. <u>e/</u>			

- a/ See Permit Definitions, Part 1.1., for definition of terms.
- b/ The limits for BOD<sub>5</sub> and total suspended solids are based on National Secondary treatment standards (40 CFR §133.102).
- Percentage Removal Requirements (TSS and BOD<sub>5</sub> Limitation) In addition to the concentration limits for total suspended solids and BOD<sub>5</sub> indicated above, the arithmetic mean of the concentration for effluent samples collected in a 30-day consecutive period shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).
- c/ The limit for oil and grease is based on a combination of the EPA Region 8 BPJ and protecting the receiving waters from a visible sheen or floating oil.
- d/ The limits for *Escherichia coli* become effective 3 years from the effective date of this permit and will apply between May 1 and September 30 only. The limits for *Escherichia coli* of 126 colonies/100mL based on the geometric mean, require a minimum of 5 samples be obtained during separate 24-hour periods for any 30-day period. In addition, any single sample result may not exceed 235 colonies/100 mL, nor shall more than 20 percent of the samples examined in this same 30-day period exceed 126 colonies/100 mL.
- e/ The limit for floating solids and foam is based on a combination of the EPA Region 8 BPJ and protecting the receiving waters from visible floating solids or foam.

### **Self-Monitoring Requirements – Outfall 001**

Due to the effluent violations for Total Suspended Solids during the last permit cycle and the variability in flow, the monitoring frequency has been increased for some constituents from monthly to weekly and the reporting period is being changed from quarterly to monthly. The pH sample is to be analyzed promptly on-site and cannot be sent to the laboratory for analysis. The monitoring of flow will be daily. The minimum, average, and maximum of the flow values observed during the reporting period shall be reported. All effluent monitoring samples except flow values, shall be taken from the “end of pipe” discharge point into the ditch. Should unsafe conditions arise or discharge point becomes inaccessible, monitoring shall occur after the last unit process (UV disinfection) of the treatment facility. All monitored data shall be recorded into the daily log notebook. If no discharge occurs on any one day, zero (0) shall be reported for the flow on that day.

To verify the efficiency of the treatment plant as designed, additional monitoring data is being requested to confirm the Percent Removal of BOD<sub>5</sub> and Total Suspended Solids. BOD<sub>5</sub> and TSS influent monitoring shall occur prior to entering the Primary Separation Tank (or before all return lines) and then compared to the effluent data to determine the level of removal. The goal is for 85% removal. A pollutant of concern possibly contained within this wastewater discharge affecting water quality includes bacteria, specifically *Escherichia coli*. There exists a potential for recreational contact with the effluent as it is conveyed away from the WWTP in the unnamed tributary to Rock Creek. The previous permit did not require monitoring for bacteria in the effluent, however, for this renewal permit and for the protection of recreation uses, limits and monitoring for *Escherichia coli* levels will be included. The EPA has adopted numeric human health criteria for bacteria for the protection of primary contact recreational uses. These primary contact values for *Escherichia coli* are 235 colonies/100 mL (one time grab) and 126 colonies/100 mL (5 day geometric mean).

Effluent Characteristic	Frequency	Sample/Monitoring Type <u>a/</u>
Total Flow, gpd <u>b/</u>	Daily	Instantaneous
Total BOD <sub>5</sub> , mg/L <u>c/</u>	Monthly <u>i/</u>	Composite
Total Suspended Solids, mg/L <u>c/</u>	3 times per week <u>i/, j/</u>	Composite
pH, standard units <u>d/</u>	Monthly <u>i/</u>	Grab
<i>Escherichia coli</i> , no./100 mL <u>f/</u>	Monthly <u>e/, i/</u>	Grab
Oil and grease, visual <u>g/</u>	Weekly <u>i/</u>	Visual
Oil and grease, mg/L <u>g/</u>	Weekly <u>i/</u>	Grab
Floating Solids and Foam <u>h/</u>	Weekly <u>i/</u>	Visual
Ammonia, as N, mg/L	Quarterly <u>i/</u>	Composite

a/ See Permit Definitions, Part 1.1., for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The minimum, average and maximum flow rates (in gallons per day) during the reporting period shall be recorded in the daily log notebook and reported.

c/ In addition to monitoring the effluent discharge, influent monitoring shall occur at the same frequency as required for the effluent discharge.

d/ Measurement must be taken within fifteen (15) minutes of sampling.

e/ Monitoring for *Escherichia coli* is from May 1 and September 30 only.

f/ Acceptable analytical methods for *Escherichia coli* testing are referenced in 40 CFR Part 136.

g/ A weekly visual observation and sample for oil and grease are required. A grab sample shall be taken, analyzed, recorded in the daily log notebook and reported. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

h/ A weekly visual observation for floating solids and foam is required, recorded in the daily log notebook and reported.

i/ Samples shall be conducted on a two (2) day progression; i.e., if the first sample is on a Monday, during the next sampling period sampling shall begin on a Wednesday, etc. The sampling day shall be recorded in the daily log notebook and reported.

j/ Upon demonstration of continued satisfactory compliance of the terms of this permit to the authorizing agency and upon written request from the permittee, the frequency of monitoring for Total Suspended Solids may be reduced from 3 times per week to weekly.

The permittee shall record all required monitoring data at the frequency described within the permit into the daily log notebook and reported on the Discharge Monitoring Report Form (EPA No. 3320-1). If no specific monitored-required data is entered into the daily log notebook, either a zero resultant was obtained or the monitoring was not performed, shall be assumed.

## **Operation and Maintenance Program**

The Ecolo Chief package plant and the nature of the casino and hotel business create unique operating conditions at the WWTP. Significant flow variability, if not properly managed, can affect the plant's overall efficiency. Extended periods of extreme low flow may create a high stress level to maintain minimum biological activity and other extended periods of peak flow, especially at times when flows significantly exceed design peak flow resulting in potential hydraulic overloading of the facility, may provide insufficient time to allow for adequate wastewater treatment. Non-removal of excess sludge material that the plant cannot effectively assimilate, may cause sludge accumulation to the point of allowing elevated levels of solids to be discharged in the effluent. Not maintaining consistent aeration per manufacturer's recommendations throughout the treatment system will disrupt adequate biological activity. Not operating all of the plant's mechanical units per manufacturer's recommendations will reduce the overall efficiency of the plant. These situations may result in multiple non-compliance limit violations.

As such, a proper functioning facility requires a specific operation and maintenance plan. A facility-specific operation and maintenance manual expands upon the manufacturer's O & M manual to reflect unique circumstances of the facility and incorporate the operator's knowledge and skill in running the facility effectively in those circumstances. Ideally, an O & M manual is a living document that changes based on operator experience and physical changes in the facility. As a documentation of experience, the O & M manual can provide invaluable insight to any new operator of the plant, maintaining the operation of the facility when an experienced operator is absent. This O & M manual should also include an emergency contingency plan identifying procedures necessary to protect the plant's operation or prevent a bypass or upset in the case when the plant's operation is interrupted.

In addition to the proper operation and maintenance of the wastewater treatment plant, is the operation and maintenance of the wastewater collection system conveying waste to the plant. These facilities include the gravity sewers from the casino/annex, hotel and fuel plaza, clean-outs, manholes, grease trap and lift station. Periodic flushing, inflow/infiltration testing and tele-monitoring of the sewer lines, periodic removal and hauling offsite accumulated grease and oil from the grease trap and cleaning of the grease trap, periodic removal and cleaning of lift station pumps per manufacturer's recommendations and lift station wet well, are important elements of an efficient wastewater collection system and treatment facility.

The permittee shall, no later than six (6) months after the effective date of this permit, have in place the following as part of the operation and maintenance program for the wastewater treatment facility and collection system:

1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility and collection system per manufacturer's recommendations. The O & M Manual(s) shall also include facility-specific standard operating procedures for routine operation and maintenance activities including but not limited to cleaning, frequency of constituent removal, methods used to compensate for the variability in flow, emergency backup systems, and procedures necessary in the event of a bypass or upset. The O & M Manual(s) shall be signed and stamped by a Registered Professional Engineer and signed by the Owner;

2. Have the current O & M Manual(s) readily available to the operator of the wastewater treatment facility and collection system, and have the operator be familiar with the manual(s) and any updates;
3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility and collection system per manufacturer’s recommendations;
4. Submit the current O & M Manual(s) and schedule(s) to the EPA and Rosebud Sioux Tribe for their records;
5. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).
6. The permittee shall maintain a daily log in a **bound notebook(s)** containing a summary record of all operation and maintenance activities at the wastewater treatment facility and collection system. At a minimum, the notebook shall include the following information:
  - Date and time;
  - Name and title of person(s) making the log entry;
  - Name of the persons(s) performing the activity;
  - A brief description and result of the activity; and,
  - Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures, keep the notebook on-site and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Rosebud Sioux Tribe. A copy of specific section(s) of the notebook may be requested with the monthly DMR submittal.

**O & M Self-Monitoring and Reporting Requirements**

The following descriptions of additional minimum monitoring shall be provided:

Characteristic	Frequency	Sample/Monitoring Type
Influent BOD <sub>5</sub> , mg/L <u>a/</u>	Monthly	Composite
Influent Total Suspended Solids, mg/L <u>a/</u>	3 times per week	Composite
Dissolved Oxygen (Aeration tanks 1-4), mg/L <u>b/</u>	Weekly	Grab
Solids depth in primary separation tank, inches <u>c/</u>	Weekly	Lineal Measurement
Solids depth in final clarifier/settling tank, inches <u>c/</u>	Weekly	Lineal Measurement
Solids depth in aerobic digester, inches <u>c/</u>	Weekly	Lineal Measurement

a/ Percentage Removal Requirements (TSS and BOD<sub>5</sub> Limitation) In addition to the concentration limits for effluent total suspended solids and BOD<sub>5</sub> indicated above, the arithmetic mean of the concentration for effluent samples collected in a 30-day consecutive period shall not exceed 15 percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

- b/ The arithmetic mean of the concentration for dissolved oxygen collected in a 30-day consecutive period for each aeration tank (4) shall be analyzed, recorded in the daily log notebook and reported.
- c/ The vertical depth of the level of sludge within the tank shall be measured, recorded in the daily log notebook and reported.

## **Compliance Schedule**

### ***Escherichia coli***

The permittee shall achieve compliance with the effluent limitations on *Escherichia coli* in Part 1.3.1 of this permit in accordance with the following schedule.

The permittee shall submit a tabulation of all effluent monitoring data on *Escherichia coli* collected during the first 11 months after the effective date of this permit. In addition to the concentration of *Escherichia coli*, in number of organisms per 100 mL, the dates the samples were collected shall also be included. These data shall be tabulated in letter format and be submitted no later than **one (1) year after the effective date of this permit**.

The permittee shall submit the following to the permit issuing authority:

- a. An evaluation of all *Escherichia coli* data collected during the first 18 months after the effective date of this permit;
- b. An outline of the measures to be taken to achieve compliance with the effluent limitations on *Escherichia coli* in Part 1.3.1 of this permit; and
- c. A schedule for implementing the measures described in Part b above.

The above items shall be submitted no later than **19 months after the effective date of this permit**.

The permittee shall begin implementing the measures outlined in Part b above by no later than **two (2) years after the effective date of this permit**.

The permittee shall achieve compliance with the effluent limitations on *Escherichia coli* in Part 1.3.1 of this permit by no later than **three (3) years after the effective date of this permit**.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in this Compliance Schedule shall be submitted no later than 14 days following each schedule date described above. If noncompliance is being reported, the reason for noncompliance shall be reported and the expected date when compliance will be achieved shall be given. The letter shall include the certification statement given in Part 4.7.4 of this permit and the letter shall be signed by either a principal executive officer or ranking elected official.

### **Effluent Total Flow**

The permittee shall achieve compliance with the effluent self-monitoring requirement for Total Flow in Part 1.3.2 of this permit in accordance with the following schedule.

The permittee shall submit the following to the permit issuing authority:

- a. An outline of the measures to be taken to complete the installation of the effluent flow meter and achieve compliance with the effluent self-monitoring requirement for Total Flow in Part 1.3.2 of this permit.

The above item shall be submitted no later than **three (3) months after the effective date of this permit.**

The permittee shall achieve compliance with the effluent self-monitoring requirement for Total Flow in Part 1.3.2 of this permit by no later than **six (6) months after the effective date of this permit.**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in this Compliance Schedule shall be submitted within 14 days following each schedule date described above. The permittee shall submit a letter to EPA stating compliance or noncompliance with the requirements outlined above. If noncompliance is being reported, the reason for noncompliance shall be reported and the expected date when compliance will be achieved shall be given. The letter shall include the certification statement given in Part 4.7.4 of this permit and the letter shall be signed by either a principal executive officer or ranking elected official.

### **Operation & Maintenance Program**

The permittee shall achieve compliance with Part 3.5 of this permit, which specifies that the permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment and control. To ensure proper operation and maintenance of the collection, treatment and control systems, the permittee shall perform the activities described in Part 3.5.1 and Part 3.5.2 of this permit as part of the operation and maintenance program in accordance with the following schedule.

The permittee shall submit the following to the permit issuing authority:

- a. An outline of the measures to be taken to achieve compliance with the operation and maintenance program in Part 3.5 of this permit;

The above item shall be submitted no later than **three (3) months after the effective date of this permit.**

The permittee shall begin implementing the measures outlined in Part a above by no later than **four (4) months after the effective date of this permit.**

The permittee shall achieve compliance with the operation and maintenance program in Part 3.5 of this permit by no later than **six (6) months after the effective date of this permit.**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in this Compliance Schedule shall be submitted within 14 days following each schedule date described above. The permittee shall submit a letter to the EPA stating compliance or noncompliance with the requirements outlined above. If noncompliance is being reported, the reason for noncompliance shall be reported and the expected date when compliance will be achieved shall be given. The letter shall include the certification statement given in Part 4.7.4 of this permit and the letter shall be signed by a principal executive officer.

**Inspection and Maintenance Requirements**

Unless otherwise approved by the permit issuing authority, the permittee shall visually inspect and record findings in the daily log notebook, its wastewater treatment facility and collection system, including but not limited to the following:

**Ultraviolet Disinfection System:** On a daily basis, the permittee shall visually inspect the condition of the UV bulbs/tubes surface for constituent coverage and the quality of effluent entering the UV inlet (i.e. floating debris and turbidity or clarity (low, medium, high)). The bulbs/tubes shall be cleaned on a frequent basis per manufacturer's recommendations to provide maximum disinfection. Date of visual inspection and cleaning shall be recorded in the daily log notebook;

**Lift Station:** On a monthly basis, the permittee shall visually inspect the condition of the pump(s), wet well, controls, etc. Cleaning frequency of facility shall be as required per manufacturer's recommendations to provide maximum station efficiency. Date of visual inspection and cleaning shall be recorded in the daily log notebook;

**Grease Interceptor Trap:** On a weekly basis, the permittee shall visually inspect the condition of the trap for accumulation of oil and grease. The permittee shall maintain and remove the contents of the mechanical grease interceptor at appropriate intervals to ensure that the accumulated solids and oil-grease layers are hauled off-site and do not bypass the capacity of the grease interceptor. Also to be avoided is the bypassing of the functionality or intended purpose of the interceptor as a means of separating solids, grease and oils from the wastewater prior to the wastewater entering the treatment facility. The permittee shall maintain records in the daily log notebook, receipts, and manifests of interceptor maintenance pumping events and off-site hauling, according to the recordkeeping requirements in Section 2 of this permit;

**Endangered Species Act (ESA) Requirements**

Section 7(a) of the Endangered Species Act requires federal agencies to insure that any actions authorized, funded, or carried out by an agency are not likely to jeopardize the continued existence of any federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species. Federally listed threatened, endangered and candidate species found in Todd County, South Dakota include:

<u>Group</u>	<u>Species</u>	<u>Status</u>
Birds	Whooping Crane ( <i>Grus americana</i> )	E
Mammals	Black-footed ferret ( <i>Mustela nigripes</i> )	E
Insects	American burying beetle ( <i>Nicrophorus americanus</i> )	E
Flowering Plants	Western prairie fringed orchid ( <i>Platanthera praeclara</i> )	T

T = Threatened, E = Endangered

The EPA finds that this permit is Not Likely to Adversely Affect any of the species listed by the U. S. Fish and Wildlife Service under the Endangered Species Act. This facility discharges into unnamed ephemeral tributary of Rock Creek, which flows into the Keya Paha River. The permit limitations are protective of water quality and flows are expected to not be excessive.

### **National Historic Preservation Act (NHPA) Requirements**

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The EPA has evaluated its planned reissuance of the NPDES permit for the Rosebud Casino and Hotel WWTP facility to assess this action's potential effects on any listed or eligible historic properties or cultural resources. The EPA does not anticipate any impacts on listed/eligible historic properties or cultural resources because this permit is a renewal and will not be associated with any new ground disturbance or significant changes to the volume or point of discharge.

### **Miscellaneous**

The permit will be issued for approximately five years, but not to exceed five years. The effective date and expiration date of the permit will be determined at the time of permit issuance.

Permit drafted by Craig Jorgenson, P.E., SEE, 8P-W-WW, May 4, 2011

Permit reviewed by Robert Shankland, SEE, 8P-W-WW, June 1, 2011

Permit reviewed by Bruce Kent, Senior Environmental Scientist, 8P-W-WW, June 24, 2011

Permit reviewed by Bob Brobst, P.E., 8P-W-WW, June 24, 2011

### **Addendum**

No comments were received during the 30-day public notice period which began August 3, 2011 and therefore, the permit is being issued as public noticed. The effective date will be October 1, 2011 and the expiration date will be September 30, 2016 for a five year permit.

Craig Jorgenson, SEE, 8P-W-WW, September 16, 2011.