

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
PHONE 800-277-8917
<http://www.epa.gov/region08>
REF: 8ENF-W-NP

2010 DEC 21 AM 8:37

FILED
EPA REGION VIII
HEARING CLERK

PERMIT NO.: SD-0020192
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

CITY OF EAGLE BUTTE

SUMMARY OF CORRECTIVE ACTIONS

12/14/2010

RE: Findings of Violation and Order for
Compliance under Section 309 of
the Clean Water Act
Docket No. **CWA-08-2010-0040**
AND
Proposed Assessment of Class I
Civil Penalty under Section 309 of
the Clean Water Act
Docket No. **CWA-08-2010-0041**

TO WHOM IT MAY CONCERN:

ANDREW M. GAYDOSH, ASSISTANT REGIONAL DIRECTOR
OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

✓ TINA ARTEMIS, REGIONAL HEARING CLERK (8RC)

NATASHA DAVIS (8ENF-W-NP)

MARGARET J. (PEGGY) LIVINGSTON, ENFORCEMENT ATTORNEY

Please find below copies of communications rendered by the City of Eagle Butte regarding this issue AND the response or Summary of Corrective Actions.

CITY OF EAGLE BUTTE SUMMARY OF CORRECTIVE ACTIONS

10/10/10

The USEPA issued a Findings of Violation and Order for Compliance (Order) and Penalty Complaint and Notice of Opportunity for Hearing (Complaint) on 09/30/10 which was received by the City of Eagle Butte on 10/08/10. The US EPA issued the Order and Complaint pursuant to § 309(a) of the Clean Water Act, as amended (Act), 33 U.S.C. § 1319(a). The EPA alleges that based upon their review of all available information, the EPA has determined that the City of Eagle Butte Wastewater Treatment Facility (City or Respondent) is in violation of the National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to section 402 of the Act, 33 U.S.C. § 1342. The Order specifies the nature of the violations of the NPDES permit and describes the actions necessary for the City to achieve compliance. Specifically the Order requires the City to comply with the NPDES permit (SD0020192) discharge notification requirements sampling and analysis stipulations if discharge monitoring reports. The Complaint proposes a penalty of \$10,000 be assessed for failure to comply with the NPDES permit. It is stated that the Respondent has a right to a hearing to contest the "factual allegation" in the Complaint, or the appropriateness of the proposed penalty. It is noted that a copy of 40 C.F.R. part 22, identifying the procedures EPA follows in administrative civil penalty assessments was enclosed.

It is indicated that if the City wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint the City must file an answer within thirty (30) days of our receipt of the enclosed Complaint to the EPA Region VIII Hearing Clerk at the following address:

Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Please consider this letter as a contest of the allegations in the Complaint and the penalty proposed in the Complaint. We are requesting a hearing to contest the "factual allegations" as reported by the US EPA. Further we are contesting the appropriateness of the proposed penalty.

If you have any questions please do contact me as follows: Sheila J. Ganje, Finance Officer
P.O. Box 150
Eagle Butte, SD 57625-0150
(605) 200-0266

Sincerely

Sheila J. Ganje



City of Eagle Butte

P.O. Box 150
209 Main Street
Eagle Butte, SD 57625-0150

605-964-8783
605-964-8785 Fax

cityofeb@lakotanetwork.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 8

1595 Wynkoop Street
Denver, CO 80202-1129

Attn: Margaret J. (Peggy) Livingston

Attn: Natasha Davis (8ENF-W-NP)

Re: Permit No. SD-0020192

Dear Ms. Davis / Ms. Livingston:

While there are a number of communications that must be responded to and we (the City) shall most certainly do so immediately, I shall start with the last communication received dated 11/24/2010 from Margaret J. (Peggy) Livingston.

Yes on 09/30/2010 the US EPA did issue an administrative order and an administrative penalty complaint to the City of Eagle Butte alleging that the City of Eagle Butte had violated a National Pollutant Discharge Elimination Permit as per your records this information was received by the City of Eagle Butte on 10/08/10. A number of documents were to be issued by the City of Eagle Butte within either ten days or within thirty days and to date the EPA has not received the required documents. We are aware that this omission may be subject to additional enforcement such as civil penalties.

This letter shall constitute the City of Eagle Butte's request to NOT perform any additional enforcement or assess any penalties at this time. While I have conferred with Ms. Davis several times regarding why this has become an issue for the city and why we feel that the City should be afforded some latitude, extensions and understanding, I shall also address this within this letter.

The explanation for why the City of Eagle Butte has been unable to fully comply with the number of requests is that I, the City Finance Officer, was diagnosed in August with endometrial cancer. I generally do act as the backup should the Superintendent have any issues with the completion of his job requirements. Therefore when the Superintendent was admitted to the hospital in Rapid City, SD on 09/15/10 with aseptic meningitis (West Nile) and later administered medication by the hospital that he was not supposed to have due to allergic reaction thereby resulting in respiratory distress and a code blue whereby he was oxygen deprived for over 8 minutes, both I and Mr. Ganje were rendered unable to act as was necessary for the EPA communication. Mr. Ganje was administered a number of drugs and after these did not work chest compressions were performed which did result in blown blood vessels behind the right eye and damage to the left and therefore blindness in the right eye/reduced vision in the left eye. These insults to the brain further resulted in a propofol induced coma in ICU for well over 25 days and an overall hospital stay for 3 months. Furthermore during this time I was tested via a number of testing devices for yet another cancer. Therefore neither B. Jon Ganje as the W/WW Superintendent nor I, Sheila J. Ganje, as the Finance Officer have been able to complete the items as required by you. That is not to say that we are not most distressed by this circumstance and desire greatly to be able to address these issues, but the number of health issues which just have kept coming just when we think it is over, have impeded us in our endeavors to comply with your demands. We do realize just how serious this is and the EPA is and we are so very sorry that we have not provided you with what you must have to date.

Please do consider these circumstances and grant us some latitude.

Sincerely,

Sheila J. Ganje Finance Officer

sjg:SJG

cc: FILE, Mayor, Council, Superintendent

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

~~PERMIT NO.: SD-0020192~~

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

CITY OF EAGLE BUTTE SUMMARY OF CORRECTIVE ACTIONS

12/14/2010

VIOLATIONS AS PER USEPA / RESPONSE TO VIOLATIONS

1. In the Month of May 2009, the City of Eagle Butte received permission to discharge from the EPA. The City of Eagle Butte is purported to have failed to monitor the Facility's effluent for flow, in violation of Part 1.3.2.2. of the Permit.

Response: This is simply and irrevocably

On 10/10/2010 I did initiate a response to the Order & Complaint as issued 09/30/2010 and received by the City of Eagle Butte on 10/08/2010 as above. Further I did initiate a response to the actual itemized Complaint/Order as well. I did email these to my office for issuance to USEPA and the CRST. I am not able to determine if the office did then issue these documents as directed but last night (12/13/2010) I did issue the following documents:

1. Letter of request for an extension of deadline /abatement of penalty inclusive of reasoning for this request.

2. Copy of 10/10/10 letter of request for a hearing/review of the "factual allegations" as purported by the US EPA.

Today I shall complete the summary of corrective actions as initiated by me earlier. I do thank you for your assistance, consideration, and time with regard to this matter.

If you have any questions please do contact me as follows: Sheila J. Ganje, Finance Officer
P.O. Box 150
Eagle Butte, SD 57625-0150
(605) 200-0266

Sincerely

Sheila J. Ganje

CITY OF EAGLE BUTTE

SUMMARY OF CORRECTIVE ACTIONS

(Initiated 10/10/2010 – Completed 12/14/2010)

VIOLATIONS / RESPONSE

1. (17) In the Month of May 2009, Respondent received permission to discharge from EPA. Respondent failed to monitor the Facility's effluent for flow in violation of Part 1.3.2.2. of the Permit.

RESPONSE: The City of Eagle Butte did perform the required testing to include (1) grab sample results for BOD5, TSS pH, and E.coli prior to any discharge as well as required throughout discharge and after discharge. The City of Eagle Butte did issue a request via certified mail AND fax to USEPA requesting permission for discharge whereby the request did include the initial testing results, why the discharge was necessary, dates for intended discharge to include initiation, expected duration, the outfall from which the discharge will occur, the lagoon cell(s) that will be drawn down the approximate volume of water to be discharged and the estimated flow conditions of the receiving water – information required as per prior communications from USEPA-Region 8 communications as of the date of the request for release. The City of Eagle Butte did issue a request for permission to discharge prior to start of any discharge from the treatment system and the request for permission did include the required information.

Furthermore the City of Eagle Butte did issue notice via certified mail to the CRST EPD whereby a minimum of seventy-two hours notice prior a planned discharge was provided to the Tribe.

Part 1.3.2.2. of the Permit (p.6) requires the City of Eagle Butte to monitor the Facility's effluent for flow (as well as other requirements). The City of Eagle Butte did NOT fail to monitor the facility for flow.

2. (18) In the Month of May 2009, the City of Eagle Butte failed to visually monitor the Facility's effluent for floating solids or foam, in violation of Part 1.3.2.2. of the Permit

RESPONSE: The City of Eagle Butte DID visually monitor the Facility's effluent for floating solids or foam and did adjust flow rates for this purpose.

3. (19) In the Month of May 2009, the City of Eagle Butte failed to visually monitor the City's effluent for oil and grease, in violation if Part 1.3.2.2. of the Permit.

RESPONSE: The City of Eagle Butte DID visually monitor the Facility's effluent for oil and grease. Furthermore the City of Eagle Butte does test for oil and grease throughout the release and the testing for oil and grease is performed by the state health lab.

4. (20) In the Month of May 2009, the City of Eagle Butte allowed the pH in the Facility's effluent to exceed 9.0 s.u., in violation of Part 1.3.1. of the Permit.

RESPONSE: On 05/26/2010 the City of Eagle Butte did conclude the discharge as planned and approved for May. On site pH testing did not indicate any issues. Two samples were collected – one at 11:00 a.m. on 05/26/2010 (discharge – yes) and one at 11:15 a.m. (discharge -no). On 06/01/2010 we did receive the lab results for these tests whereby the 11:00 sample reflected a pH of 9.12 and the 11:15 sample reflected a pH of 8.98. Furthermore a ph collected on 06/16/10 showed the pH at 8.96. Since our on site pH testing and a sample taken 15 minutes after the first reflected acceptable pH levels, it was determined that the immediate testing on site was accurate. If you as the enforcement agency have a different viewpoint of this scenario please do state this and we shall comply in the future with the determination.

ATTACHMENT: State Lab Reports

5. (21) In the Month of May 2009, the City of Eagle Butte failed to provide EPA with any notification of the effluent pH daily maximum limit violation, in violation of Part 2.8. of the Permit.

RESPONSE: On 05/26/2010 the City of Eagle Butte did conclude the discharge as planned and approved for May. On site pH testing did not indicate any issues. Two samples were collected – one at 11:00 a.m. on 05/26/2010 (discharge – yes) and one at 11:15 a.m. (discharge -no). On 06/01/2010 we did receive the lab results for these tests whereby the 11:00 sample reflected a pH of 9.12 and the 11:15 sample reflected a pH of 8.98. Furthermore a ph collected on 06/16/10 showed the pH at 8.96. Since our on site pH testing and a sample taken 15 minutes after the first reflected acceptable pH levels, it was determined that the immediate testing on site was accurate. If you as the enforcement agency have a different viewpoint of this scenario please do state this and we shall comply in the future with the determination.

ATTACHMENT: State Lab Reports

6. (22) In the Month of March 2010, the City of Eagle Butte failed to request permission from the EPA prior to releasing a discharge from the Facility, in violation of Part 1.3.2. of the Permit.
7. (23) In the Month of March 2010, the City of Eagle Butte failed to request permission to discharge from the EPA, in violation of Part 1.3.2. of the Permit.
8. (24) In the Month of March 2010, the City of Eagle Butte failed to report the unauthorized discharge to EPA in violation of Part 2.9. of the Permit.
9. (25) In the Month of March 2010, the City of Eagle Butte failed to notify the Tribe of a discharge, in violation of Part 2.11. of the Permit.

*RESPONSE: The City of Eagle Butte did **NOT** release a discharge from the facility in the month of March 2010!! Therefore items 6-9 (22-25) cannot be responded to as they are **NOT** valid or factual allegations.*

10. For the month of July through December of 2009, and January through June of 2010, the City of Eagle Butte failed to submit any DMRs to the EPA in violation of Part 2.4. of the permit
-

RESPONSE: The City of Eagle Butte did complete DMRs all four quarters of 2009 as well as the first quarter of 2010 and did issue them to the USEPA, CRSTEPD and SDDENR. Please find attached a copy of a certified mail return slip from USEPA for this purpose. Furthermore as a result of this alleged violation, the City of Eagle Butte did scan these documents into the computer and issue them once again via email to Natasha Davis. As for the 2nd and 3rd quarters of 2010, as we have stated our staff was unavailable due to illness but as of their return to active employment this month these DMRs have been completed, faxed, mailed hard copy with original signatures and included with this document as copies.

*Sheila J. Ganje
Benjamin Jon Ganje*



DIVISION OF ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002604
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source
EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/26/2009
Time Rcvd: 1417
Date Coll: 5/26/2009
Time Coll: 1115
Spec Type: WATER

Coll By: SHAWN EBERHARD
Discharging?: No
Site Location: #2
medium WATER

Final Results

Solids (Suspended) EPA METHOD 160.2	40 mg/L
TSS SET UP ON 5-26-09 AF PH EPA Method 150.1	8.98 pH UNITS
PH SET UP ON 5-27-09 AF AMMONIA/WW E COLI SM 9223B	2.43 mg/L >2420 / 100 mL
E.Coli	



DIVISION OF ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002601
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source
EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/26/2009
Time Rcvd: 1417
Date Coll: 5/26/2009
Time Coll: 1100
Spec Type: WATER

Coll By: SHAWN EBERHARD
Discharging?: Yes
Flow-gpm: 2000
Site Location: #3
medium WATER

Final Results

Solids (Suspended)
EPA METHOD 160.2

24 mg/L

TSS SET UP ON 5-26-09 AF
PH
EPA Method 150.1

9.12 pH UNITS

PH SET UP ON 5-27-09 AF
AMMONIA/WW
E COLI
SM 9223B

1.59 mg/L
E.Coli 18.5 / 100 mL



**DIVISION OF
ADMINISTRATION**
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002357
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605) 773-3368

Source
EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/13/2009
Time Rcvd: 1600
Date Coll: 5/13/2009

Time Coll: 1330
Coll By: RICHARD BRIGGS
Tap Location: #3

Final Results

OIL & GREASE oil & grease <2.0 mg/L

Testing completed by MTL using EPA 1664 A SPE



**DIVISION OF
ADMINISTRATION**

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002411
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source
EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/14/2009
Time Rcvd: 1422
Date Coll: 5/14/2009
Time Coll: 1115

Coll By: SHAWN EBERHARD
Discharging?: Yes
Flow-gpm: 2000
Site Location: CELL #3

Final Results

OIL & GREASE oil & grease <2.0 mg/L

Testing completed by MTL using EPA 1664 A SPE



**DIVISION OF
ADMINISTRATION**
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002459
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605) 773-3368

Source
EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/19/2009
Time Rcvd: 1401
Date Coll: 5/19/2009

Time Coll: 1100
Coll By: SHAWN EBERHARD
Tap Location: #3

Final Results

OIL & GREASE oil & grease <2.0 mg/L

Testing completed by MTL using EPA 1664 A SPE



**DIVISION OF
ADMINISTRATION**
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/1/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002338
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/13/2009
Time Rcvd: 0658
Date Coll: 5/12/2009

Time Coll: 1100
Coll By: SHAWN EBERHARD
Tap Location: #3

Final Results

OIL & GREASE oil & grease <2.0 mg/L

Testing completed by MTL using EPA 1664 A SPE



DIVISION OF ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 5/28/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002460
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/19/2009
Time Rcvd: 1401
Date Coll: 5/19/2009
Time Coll: 1100
Coll By: SHAWN EBERHARD

Discharging?: Yes
Flow-gpm: 2000
Site Location: #3
medium WATER

Final Results

BOD-EPA METHOD 405.1		21 mg/L
BOD SET UP ON 5-21-09 1100 AF		
Solids (Suspended)		34 mg/L
EPA METHOD 160.2		
TSS SET UP ON 5-20-09 AF		
PH		8.99 pH UNITS
EPA Method 150.1		
PH SET UP ON 5-20-09 AF		
E COLI	E.Coli	16.1 / 100 mL
SM 9223B		

MAY 29 2009



DIVISION OF ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 5/20/2009

EAGLE BUTTE, CITY OF-0010
PO BOX 150
EAGLE BUTTE, SD 57625-0150

Spec #: E09EC002427
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

EAGLE BUTTE WWTF EFFLUENT

Date Rcvd: 5/18/2009 Discharging?: Yes
Time Rcvd: 1440 Field pH: 8.3
Date Coll: 5/18/2009 Flow-gpm: 1500
Time Coll: 1150 Site Location: CELL #3
Coll By: SHANE Temp when rec'd 11C
Chlorin Eff?: No

Final Results

E-COLI E.Coli 3.1 / 100 mL
SM 9223B

Specimen Comments:

CONFLICT WITH HOLIDAY SCHEDULE. RUN ONLY ECOLI. WILL RESAMPLE.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: ENF-W-NP

May 4, 2009

Based on monitoring results collected April 20 and 27, 2009 and discharge request dated May 4, 2009, permission is granted for the City of Eagle Butte, SD to discharge starting May 10, 2009 and lasting approximately 15 days from the final cell of the wastewater treatment lagoons. Discharge will be undertaken in full compliance with NPDES permit SD0020192, including all stipulations listed in Section 1.3.1 (Effluent Limitations) as well as Section 1.3.2 (Self-Monitoring Requirements).

Section 1.3.2.2 states that during the period of discharge three effluent samples, captured from the discharge point, shall be taken during the first week (7 days) and one sample during each following week, measuring for BOD₅, TSS, and instantaneous pH and that *Escherichia coli* will be sampled each day during the first five days and weekly thereafter. Average and daily maximum flow rate must also be reported.

All measurements shall be reported on the Discharge Monitoring Report for the second quarter of 2009, April/May/June. Additionally, all effluent sample results collected during discharge must be certified by the Water/Wastewater Superintendent and mailed to:

U.S. EPA Region 8
Technical Enforcement Program (8ENF-W-NP)
Attention: Natasha Davis
1595 Wynkoop St.
Denver, CO 80202-1129

The certification statement is attached.

A handwritten signature in black ink that reads "Natasha Davis".

Natasha Davis
US EPA Region 8 (8ENF-W-NP)
1595 Wynkoop St
Denver, CO 80202-1129

303-312-6225



City of Eagle Butte

P.O. Box 150
209 Main Street
Eagle Butte, SD 57625-0150

605-964-8788
605-964-8785 Fax

cityofeb@lakotanetwork.com

Date: April 25, 2009

U.S. E.P.A. Region 8 ENF-W-NP

Technical Enforcement Program (8ENF-W-NP)
ATTN: NPDES Unit Chief
1595 Wynkoop
Denver, CO 80202-1129

To Whom It May Concern:

As per Permit No. SD-0020192 this letter shall constitute an official request to discharge. The City of Eagle Butte intends to release from the wastewater treatment facility located 3/8 of a mile west of the City in S18, T12N, R24E, Dewey County, South Dakota and shall release via the outfall pipe located at the northwest corner of the third cell of the wastewater lagoon system. While the City of Eagle Butte has only discharged twice from the wastewater facility for several years given drought conditions, we must now release in order to reduce the volume of water from Pond Three which is near capacity and to thereafter adjust the levels of water in the remaining two ponds via release from one pond to another. The estimated release volume will be 2 mgd. The estimated flow condition of the receiving water is dry to low. The projected date of release is on or around **May 10, 2009** and release will occur for a minimum of fifteen (15) days. Testing will continue to be performed for this purpose. The release waters will meet E.P.A. guidelines for release. The City shall not discharge until permission is granted by the EPA and we do hope for a prompt response given the aforesaid timeframe.

Please contact the City of Eagle Butte—B. Jon Ganje, Water/Wastewater Superintendent should you require additional information or assistance. Thank you for your cooperation in this matter.

Sincerely,

Sheila J. Ganje
Finance Officer

SJG/sjg
02: file, B/J, Mayor, Council



City of Eagle Butte

P.O. Box 150
209 Main Street
Eagle Butte, SD 57625-0150

605-964-8783
605-964-8785 Fax

cityofeb@lakotanetwork.com

Date: April 25, 2009

CRST DENR/EPA

P.O. Box 590
Eagle Butte, SD 57625-0590

To Whom It May Concern:

The City of Eagle Butte intends to release from the wastewater system. The projected date is on or around **May 10, 2009** and release will occur for a minimum of fifteen (15) days. Testing will continue to be performed for this purpose. The release waters will meet E.P.A. guidelines for release. Please contact the City of Eagle Butte—B. Jon Ganje, Water/Wastewater Superintendent should you require additional information or assistance. Thank you for your cooperation in this matter.

Sincerely,

Sheila J. Ganje
Finance Officer

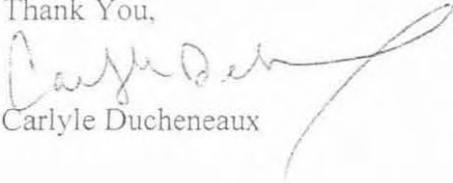
SJG/sjg

CC: file
BJG
Mayor
Council

To Whom It Concern,

On May 04, 2009 Carlyle Ducheneaux (The 106 Water Quality Coordinator for The Department of Environmental and Natural Resources), Misti Hebb (a 106 Water Quality Technician), and Shawn Eberhard (works for the City Water Maintenance) went out to the Eagle Butte Lagoon and tested the pH. The results are alas follows: (at point of Discharge) 8.20, and (on the South End) 8.13.

Thank You,


Carlyle Ducheneaux

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Environmental Protection Agency
 Region 8
 1595 Wynkoop St.
 Denver, CO 80202-1129

2. Article Number 7007 2680 0000 7546 2020
 (Transfer from service)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Handwritten Signature]

B. Received by (Printed Name) C. Date of Delivery
[Handwritten Name] *8-2-05*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt *Jan-March 2009* *Discharge* *2009* 02555-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Environmental Protection Agency
 Region 8
 1595 Wynkoop St.
 Denver, CO 80202-1129

2. Article Number 7007 2680 0000 7546 2044
 (Transfer from s)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Handwritten Signature]

B. Received by (Printed Name) C. Date of Delivery
[Handwritten Name] *8-2-05*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt *Discharge April* *2009* 02555-02-M-1540

 EPA		United States of America Environmental Protection Agency	
A FAX FROM:			
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte		FAX NO.: (605) 964-8785	
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility			
FROM: Natasha Davls		PHONE NO.: (303) 312-6225	
OFFICE: Enforcement, Compliance, and Environmental Justice		FAX NO. FOR: (303) 312-7518	
COMMENTS: DMR Copy Q3 2010 10 07 01 to 10 09 30 also mailed certified EPA (as per permit address) CRST +BDDENR			
DATE and TIME: 5/4/09 1:54 pm		NO. of PAGES: 3	

Date/Time: Dec.13. 2010 6:54PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1811	Memory TX	13033127518	P. 3	OK	

Reason for error
 M.1) Hang up of line fall
 M.2) Busy
 M.3) No answer
 M.4) No facsimile connection

2009-May 04 01:58 PM U.S. EPA Reg. (60661) 303 312 7518

 EPA United States of America Environmental Protection Agency	
A FAX FROM:	
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte	FAX NO.: (605) 964-8785
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility	
FROM: Natasha Davis	PHONE NO.: (303) 312-6225
OFFICE: Enforcement, Compliance, and Environmental Justice	FAX NO. FOR: (303) 312-7518
COMMENTS: DMR Copy Q3 2010 10 07 01 to 10 09 30 also mailed certified EPA (as per permit address) CRST +BDDENR	
DATE and TIME: 5/4/09 1:54 pm	NO. of PAGES: 3

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: EAGLE BUTTE- CITY OF _____(E)
ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
ATTN:HONORABLE JOHN BACHMAN, MAYOR

SD0020192	001A
PERMIT NUMBER	DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

Page 1

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY
10	07	01	FROM	10	09	30
			TO			

FOURTH POND TO GREEN GRASS CRK
External Outfall

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
BOD, 5-day, 20 deg. C	SAMPLE MEASUREMENT	*****	*****		*****						
00310 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****		*****	30 30DA AVG	45 7 DA AVG	mg/L		See Permit	GRAB
pH	SAMPLE MEASUREMENT	*****	*****		*****						
00400 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****		6.5 MINIMUM		9 MAXIMUM	SU		See Permit	INSTAN
Solids, total suspended	SAMPLE MEASUREMENT	*****	*****		*****						
00530 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****		*****	110 30DA AVG	165 7 DA AVG	mg/L		See Permit	GRAB
Oil & grease	SAMPLE MEASUREMENT	*****	*****		*****						
00556 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****		*****		10 DAILY MX	mg/L		See Permit	GRAB
E. coli, MTEC-MF	SAMPLE MEASUREMENT	*****	*****		*****						
31648 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	*****		*****		Req. Mon. DAILY MX	#/100mL		See Permit	GRAB
Floating solids or visible foam-visual	SAMPLE MEASUREMENT	*****			*****						
45613 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	0 INST MAX	Y=1;N=0	*****					See Permit	VISUAL
Flow, in conduit or thru treatment plant	SAMPLE MEASUREMENT				*****						
50050 1 0 Effluent Gross	PERMIT REQUIREMENT	Req. Mon. 30DA AVG	Req. Mon. DAILY MX	Mgal/d	*****					See Permit	INSTAN

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER TYPED OR PRINTED	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
			AREA Code	NUMBER	YEAR	MO	DAY
			605-964-3183		10	12	13

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004

Page 2

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: EAGLE BUTTE- CITY OF _____(E)
ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
ATTN:HONORABLE JOHN BACHMAN, MAYOR

SD0020192
PERMIT NUMBER

001A
DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY
10	07	01	TO	10	09	30

FOURTH POND TO GREEN GRASS CRK
External Outfall

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
Oil and grease visual	SAMPLE MEASUREMENT	*****			*****	*****	*****				
84066 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	0 INST MAX	Y=1;N=0	*****	*****	*****			See Permit	VISUAL

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER B-Ton TYPED OR PRINTED	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT <i>R. Jon Hayes</i>	TELEPHONE		DATE		
			AREA Code	NUMBER	YEAR	MO	DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

Date/Time: Dec.14. 2010 6:15PM

File No. Mode	Destination	Page(s)	Result	Page Not Sent
1823 Memory TX	13033127518	P. 3	OK	

Reason for error

mE-1) Hang up or line fall
mE-3) No answer

mE-2) Busy
mE-4) No facsimile connection

2009-May-04 01:58 PM U.S. EPA Reg8 (6006M) 303-312-1548

1/3

 EPA United States of America Environmental Protection Agency	
A FAX FROM:	
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte	FAX NO.: (605) 964-8785
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility	
FROM: Natasha Davis	PHONE NO.: (303) 312-6225
OFFICE: Enforcement, Compliance, and Environmental Justice	FAX NO. FOR: (303) 312-7518
COMMENTS: DMR Q2 2010 10 04 01 to 10 06 30	
DATE and TIME: 5/4/09 1:54 pm	NO. of PAGES: 3

**EPA**United States of America
Environmental Protection Agency**A FAX FROM:****TO:**Sheila J. Ganje & B. Jon
Ganje
City of Eagle Butte**FAX NO.:**

(605) 964-8785

SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater
Treatment Facility**FROM:**

Natasha Davis

PHONE NO.:

(303) 312-6225

OFFICE:Enforcement, Compliance, and
Environmental Justice**FAX NO. FOR:**

(303) 312-7518

COMMENTS:

DMA Q2 2010

10 04 01 to 10 06 30

DATE and TIME:

5/4/09 1:54 pm

NO. of PAGES:

3

EPA

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
CMB No. 2040-0004

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

Page 1

NAME: EAGLE BUTTE- CITY OF _____(E)

SD0020192
PERMIT NUMBER

001A
DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625

FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625

MONITORING PERIOD						
YEAR	MO	DAY	YEAR	MO	DAY	
10	04	01	TO	10	06	30

FOURTH POND TO GREEN GRASS CRK
External Outfall

ATTN:HONORABLE JOHN BACHMAN, MAYOR

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
BOD, 5-day, 20 deg. C 00310 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****		*****	13	13	mg/L	0	7/2m	Grab
	PERMIT REQUIREMENT	*****	*****		*****	30 30DA AVG	45 7 DA AVG	mg/L		See Permit	GRAB
pH 00400 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****		7.65	*****	8.82	SU	0	7/2mo.	Instan
	PERMIT REQUIREMENT	*****	*****		6.5 MINIMUM	*****	9 MAXIMUM	SU		See Permit	INSTAN
Solids, total suspended 00530 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****		*****	22.75	22.75	mg/L	0	7/2mo	Grab
	PERMIT REQUIREMENT	*****	*****		*****	110 30DA AVG	165 7 DA AVG	mg/L		See Permit	GRAB
Oil & grease 00556 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****		*****	*****	4.2	mg/L	0	7/2mo	Grab
	PERMIT REQUIREMENT	*****	*****		*****	*****	10 DAILY MX	mg/L		See Permit	GRAB
E. coli, MTEC-MF 31648 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	*****		*****	*****	3.1		0	7/2mo.	Grab
	PERMIT REQUIREMENT	*****	*****		*****	*****	Req. Mon. DAILY MX	#/100mL		See Permit	GRAB
Floating solids or visible foam-visual 45613 1 0 Effluent Gross	SAMPLE MEASUREMENT	*****	0		*****	*****	*****		0	7/2mo	Visual
	PERMIT REQUIREMENT	*****	0 INST MAX	Y=1;N=0	*****	*****	*****			See Permit	VISUAL
Flow, in conduit or thru treatment plant 50050 1 0 Effluent Gross	SAMPLE MEASUREMENT	2000	2000	gal/min	*****	*****	*****		0	7/2mo	Instan
	PERMIT REQUIREMENT	Req. Mon. 30DA AVG	Req. Mon. DAILY MX	Mgal/d	*****	*****	*****			See Permit	INSTAN

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER B. Jon Ganje TYPED OR PRINTED	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT B. Jon Ganje	TELEPHONE		DATE		
			AREA Code	NUMBER	YEAR	MO	DAY
			605-964-8713	10	12	13	

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004

Page 2

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: EAGLE BUTTE- CITY OF _____(E)
ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
ATTN:HONORABLE JOHN BACHMAN, MAYOR

SD0020192	001A
PERMIT NUMBER	DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY
10	04	01	TO	10	06	30

FOURTH POND TO GREEN GRASS CRK
External Outfall

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
Oil and grease visual	SAMPLE MEASUREMENT	*****	D		*****	*****	*****		D	1/2 mo	Visual
84066 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	0 INST MAX	Y=1;N=0	*****	*****	*****			See Permit	VISUAL

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	TELEPHONE		DATE		
		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		AREA Code	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED						

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

* * * Transmission Result Report (MemoryTX) (Dec.14. 2010 6:29PM) * * *

13
2)

Date/Time: Dec.14. 2010 6:25PM

File No.	Mode	Destination	Page(s)	Result	Page Not Sent
1825	Memory TX	13033127518	P. 3	OK	

Reason for error
E.1) Hang up or line fall
E.3) No answer

E.2) Busy
E.4) No facsimile connection



2009-11-27-04 01:58 PM U.S. EPA Reg# 16000PL2 304 317 / 1018

1/3

 EPA United States of America Environmental Protection Agency	
A FAX FROM:	
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte	FAX NO.: (605) 964-8785
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility	
FROM: Natasha Davis	PHONE NO.: (303) 312-6225
OFFICE: Enforcement, Compliance, and Environmental Justice	FAX NO. FOR: (303) 312-7518
COMMENTS: DMR Q4 2010 10 10 01 to 10 12 31	
DATE and TIME: 5/4/09 1:54 pm	NO. of PAGES: 3

**EPA**United States of America
Environmental Protection Agency**A FAX FROM:**

TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte	FAX NO.: (605) 964-8785
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility	
FROM: Natasha Davis	PHONE NO.: (303) 312-6225
OFFICE: Enforcement, Compliance, and Environmental Justice	FAX NO. FOR: (303) 312-7518
COMMENTS: DMR Q4 2010 10 10 01 to 10 12 31	
DATE and TIME: 5/4/09 1:54 pm	NO. of PAGES: 3

RPN

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
DMR No. 2040-0004

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

Page 1

NAME: EAGLE BUTTE- CITY OF (E)
ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
ATTN: HONORABLE JOHN BACHMAN, MAYOR

SD0020192	001A
PERMIT NUMBER	DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY
10	10	01	FROM	10	12	31
			TO			

FOURTH POND TO GREEN GRASS CRK
External Outfall

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
BOD, 5-day, 20 deg. C 00310 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	10.8	12	mg/L	0	5/mon	Grab
	PERMIT REQUIREMENT	.....	.....	.....	.....	30 30DA AVG	45 7 DA AVG	mg/L		See Permit	GRAB
pH 00400 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	7.0	.....	8.51	su	0	5/mon	Grab
	PERMIT REQUIREMENT	.....	.....	.....	6.5 MINIMUM	.....	9 MAXIMUM	SU		See Permit	INSTAN
Solids, total suspended 00530 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	27.6	27.6	mg/L	0	5/mon	Grab
	PERMIT REQUIREMENT	.....	.....	.....	.....	110 30DA AVG	165 7 DA AVG	mg/L		See Permit	GRAB
Oil & grease 00556 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	6.2	mg/L	0	5/mon	Grab
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	10 DAILY MX	mg/L		See Permit	GRAB
E. coli, MTEC-MF 31648 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	.....	.....	.....	.....	7.4	#/100	0	5/mon	Grab
	PERMIT REQUIREMENT	.....	.....	.....	.....	.....	Req. Mon. DAILY MX	#/100mL		See Permit	GRAB
Floating solids or visible foam-visual 45613 1 0 Effluent Gross	SAMPLE MEASUREMENT	.....	0	.....	.....	.....	.....	.....	0	5/mon	Visual
	PERMIT REQUIREMENT	.....	0 INST MAX	Y=1;N=0	.....	.....	.....	.....		See Permit	VISUAL
Flow, in conduit or thru treatment plant 50050 1 0 Effluent Gross	SAMPLE MEASUREMENT	2000	2000	gal/min	.....	.....	.....	.....	0	5/mon	Inst
	PERMIT REQUIREMENT	Req. Mon. 30DA AVG	Req. Mon. DAILY MX	Mgal/d	.....	.....	.....	.....		See Permit	INSTAN

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER <i>B. Tom Goye</i> TYPED OR PRINTED	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT <i>B. Tom Goye</i>	TELEPHONE		DATE		
			AREA Code	NUMBER	YEAR	MO	DAY
			605-964-8182		10	12	15

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004

Page 2

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: EAGLE BUTTE- CITY OF (E)
ADDRESS: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
FACILITY: EAGLE BUTTE- CITY OF
LOCATION: 208 SOUTH MAIN
EAGLE BUTTE, SD 57625
ATTN:HONORABLE JOHN BACHMAN, MAYOR

SD0020192	001A
PERMIT NUMBER	DISCHARGE NUMBER

DMR MAILING ZIP CODE: 57625
MINOR

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY
10	10	01	TO	10	12	31

FOURTH POND TO GREEN GRASS CRK
External Outfall

No Discharge

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
Oil and grease visual	SAMPLE MEASUREMENT	*****	0		*****	*****	*****		0	5/mo	Visual
84066 1 0 Effluent Gross	PERMIT REQUIREMENT	*****	0 INST MAX	Y=1;N=0	*****	*****	*****			See Permit	VISUAL

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	TELEPHONE		DATE		
		AREA Code	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT				

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

IF NO DISCHARGE OCCURS DURING THE REPORTING PERIOD, "NO DISCHARGE" SHALL BE REPORTED.

INDIAN-EPA

 EPA		United States of America Environmental Protection Agency	
A FAX FROM:			
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte		FAX NO.: (605) 964-8785	
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility			
FROM: Natasha Davis		PHONE NO.: (303) 312-6225	
OFFICE: Enforcement, Compliance, and Environmental Justice		FAX NO. FOR: (303) 312-7518	
COMMENTS: Response to Violations (9/30/10 Issued) (10/08/10 Received) 			
DATE and TIME: 5/4/09 1:54 pm		NO. of PAGES: 3	

CITY OF EAGLE BUTTE

SUMMARY OF CORRECTIVE ACTIONS

(Initiated 10/10/2010 – Completed 12/14/2010)

ORDERS / RESPONSE

1. (27) Effective immediately Respondent shall perform all monitoring required by Part 1.3.2.2. of the Permit for any discharge, including monitoring the Facility's effluent for (a) flow, (b) BOD5, (c) TSS, (d) pH (e) visible floating solids, and (d) visible oil sheen at the beginning, middle, and end of the discharge if the discharge is less than one week, while discharge is occurring, and (g) E.coli each day for the first five (5) days of discharge and then weekly thereafter until the discharge is terminated, if the discharge occurs between May 1 and September 30.

Response: As per our response to the violations, the City has always followed the permit directions/conditions for each and every release of discharge from the Facility. We shall continue to be diligent in our efforts to comply with each and every condition of the permit for any each and every future release of discharge from the Facility.

2. (28) Effective immediately, Respondent shall submit quarterly DMRs to the EPA and the Tribe, using EPA Form No. 3320-1 and postmarking each DMR no later than the 28th day of the month following the completed reporting period, as required by section 2.4 of the Permit.

Response: As per our response to the violations, the City did issue the 2009 DMRs via certified mail to the USEPA using EPA Form No. 3320-1 and did also issue a copy to the CRS Tribe and SDDENR for each and every reporting period. Furthermore this is also true for the first quarter of 2010. The quarter 2-3 have been issued as of this date and we do acknowledge that due to the health condition of our key employees, we were unable to comply with the deadlines for these reports. We have also issued the quarter 4 report as of today which is issued prior to the specified deadline. The Respondent shall submit quarterly DMRs to the EPA and the Tribe, using EPA Form No. 3320-1 and postmarking each DMR no later than the 28th day of the month following the completed reporting period, as required by section 2.4 of the Permit.

3. (29) Effective immediately, Respondent shall submit all sample analysis data with quarterly DMRs to the EPA and the Tribe.

Response: While the City of Eagle Butte did NOT violate any sampling requirements or analysis requirements, while the USEPA has set forth violations as factual allegations when in fact the violations are NOT factual but rather purported and false in most instances of the Findings of Violations and Order of Compliance, the City of Eagle Butte continues to have more and more orders effective immediately that are in addition to the original permit document in spite of the fact that we have not committed the violations as alleged! Furthermore given a limited employee base and limited budget, the added strain of even more reporting requirements does seem

unfair especially given the fact that they are imposed as a result of alleged violations. Nonetheless if the USEPA is determined to penalize the city by requiring additional actions beyond the original permit, the City of Eagle Butte shall of course comply with the directive.

4. (30) Effective immediately, Respondent shall not allow the pH of the Facility's effluent to exceed 9.0 or be less than 6.0.

Response: It would seem that this order is somewhat impossible to comply with especially if you review the testing reports from the 2009 release whereby the initial and mid release pH levels were all in compliance. Furthermore the one pH level which did exceed 9.0 was determined by the state lab but a second test taken fifteen minutes later was under 9.0 as were the immediate on site pH testing levels. We shall do our best to maintain acceptable pH levels for each and every release (as well as for all other sampling parameters) and shall immediately cease initiation for or discharge if any one parameter is determined to be outside of the parameters as provided for within the permit. Furthermore the City shall report any testing parameter limit violations as soon as they are determined or within the scope of the permit.

5. (31) No later than ten days after receiving this Order, Respondent shall submit to the EPA and the Tribe any monitoring results for the Facility that Respondent has not previously submitted to EPA and the Tribe.

Response: As per our response to the violations, the City did issue the 2009 DMRs via certified mail to the USEPA using EPA Form No. 3320-1 and did also issue a copy to the CRS Tribe and SDDENR for each and every reporting period. Furthermore this is also true for the first quarter of 2010. The quarter 2-3 have been issued as of this date and we do acknowledge that due to the health condition of our key employees, we were unable to comply with the deadlines for these reports. We have also issued the quarter 4 report as of today which is issued prior to the specified deadline. The Respondent shall submit quarterly DMRs to the EPA and the Tribe, using EPA Form No. 3320-1 and postmarking each DMR no later than the 28th day of the month following the completed reporting period, as required by section 2.4 of the Permit. As a result of this order, the City has issued many additional copies of the same DMRs.

6. (32) No later than ten days after receiving this Order, Respondent shall submit to the EPA and the Tribe DMRs for each of the months of July through December of 2009, and January through June of 2010.

Response: As per our response to the violations, the City did issue the 2009 DMRs via certified mail to the USEPA using EPA Form No. 3320-1 and did also issue a copy to the CRS Tribe and SDDENR for each and every reporting period. Furthermore this is also true for the first quarter of 2010. The quarter 2-3 have been issued as of this date and we do acknowledge that due to the health condition of our key employees, we were unable to comply with the deadlines for these reports. We have also issued the quarter 4 report as of today which is issued prior to the specified deadline. The Respondent shall submit quarterly DMRs to the EPA and the Tribe, using EPA Form No. 3320-1 and postmarking each DMR no later than the 28th day of the month following the completed reporting period, as required by section 2.4 of the Permit. As a result of this order, the City has issued many additional copies of the same DMRs.

7. (33) No later than thirty days after receiving this Order, Respondent shall submit to the EPA and the Tribe a written explanation of the reasons for each violation cited in this Order and a description of the steps Respondent has taken and intends to take to ensure future compliance with the Permit.

Response: Please see the City of Eagle Butte's "Response to Violations" section of this document.

8. (34) No later than thirty days after receiving this Order, Respondent shall demonstrate the capability to analyze pH within fifteen (15) minutes of an effluent sample by either acquiring a field pH meter or use of a laboratory pH meter within 15 minutes of taking a pH sample.

Response: The City did acquire a field pH meter and does use the meter to test pH within 15 minutes of an effluent sample and therefore this should not be an issue.

9. (35) All notices and reports required by this order to be given to the EPA shall be given to: Natasha Davis (8ENF-W)
U.S. EPA Region 8
1595 Wyhkoop Street
Denver, CO 80202-1129

Response: The City has since received various instructions and therefore has issued all information/response to those listed on page one of this document whereby Natasha Davis is included as a recipient.

10. (36) All notices and reports required by this Order to be given to the Tribe shall be given to: Cheyenne River Sioux Tribe
P.O. Box 590
Eagle Butte, SD 57625

The 2009 DMR were sent at the completion of each DMR for the 2009 reporting period and the is also true for the 2010 first quarter report. The second and third quarter DMRs have also been issued to the CRST. The fourth quarter of 2010 DMR due 12/28/10 was issued 12/14/2010.

11. (37) All reports and information required by this order shall include the following certificate of statement, signed and dated by either a principal executive officer or a ranking elected official for Respondent, or a duly authorized representative of such person.

CITY OF EAGLE BUTTE

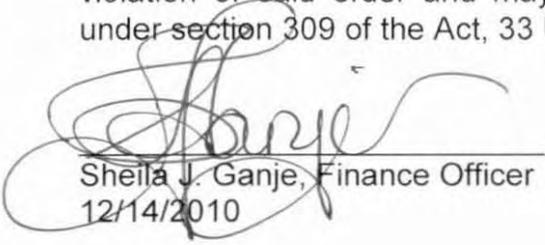
SUMMARY OF CORRECTIVE ACTIONS

(Initiated 10/10/2010 – Completed 12/14/2010)

CERTIFICATION

I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violation.

Any failure to comply with the requirements of this Order shall constitute a violation of said order and may subject Respondent to penalties as provided under section 309 of the Act, 33 U.S.C. §1319.



Sheila J. Ganje, Finance Officer
12/14/2010

 EPA		United States of America Environmental Protection Agency	
A FAX FROM:			
TO: Sheila J. Ganje & B. Jon Ganje City of Eagle Butte		FAX NO.: (605) 964-8785	
SUBJECT: Discharge Authorization for City of Eagle Butte Wastewater Treatment Facility			
FROM: Natasha Davis		PHONE NO.: (303) 312-6225	
OFFICE: Enforcement, Compliance, and Environmental Justice		FAX NO. FOR: (303) 312-7518	
COMMENTS: Response to Orders Certification I hope this does conclude the matter. Please issue a communication indicating that we have supplied all the necessary information as per the order/complaint.			
DATE and TIME: 5/4/09 1:54 pm		NO. of PAGES: 3	