

2011 JAN 25 AM 8:22

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

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

01/01/11 ADDENDUM

RE: Findings of Violation and Order for
Compliance under Section 309 of
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. GAYDOSIL, ASSISTANT REGIONAL DIRECTOR
OFFICE OF ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE

TINA ARTEMIS, REGIONAL HEARING CLERK (BRC)

NATASHA DAVIS (8ENF-W-NP)

MARGARET J. (PEGGY) LIVINGSTON, ENFORCEMENT ATTORNEY

ELYANA R. SUTIN, REGIONAL JUDICIAL OFFICER

As per a phone conference with Natasha Davis, the following responses are amended and attachment(s) included.

There was a phone conference to review these matters on 01/05/2010 at 1:00 p.m. whereby various EPA and City of Eagle Butte officials were in attendance to include:

NATASHA DAVIS (8ENF-W-NP)
MARGARET J. (PEGGY) LIVINGSTON, ENFORCEMENT ATTORNEY
DARCY O'CONNOR, NPDES ENFORCEMENT UNIT CHIEF
DANIELA GOLDEN, FINANCIAL BURDEN OFFICER (TITLE NOT EXACT)
JOHN P. BACHMAN, CITY MAYOR
JON GANJE, CITY SUPERINTENDENT
SHEILA GANJE, CITY FINANCE OFFICER

CITY OF EAGLE BUTTE

SUMMARY OF CORRECTIVE ACTIONS

(Initiated 10/10/2010 – Completed 12/14/2010)
REVISED 01/15/2011

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:

Please find attached the DMR found in the file as completed for the monitoring period of 04/01/10-06/30/10. Please note that the FLOW is reported.

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:

Please find attached the DMR found in the file as completed for the monitoring period of 04/01/10-06/30/10. Please note that the VISUAL MONITORING OF THE EFFLUENT FOR FLOATING SOLIDS OR FOAM is reported.

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:

Please find attached the DMR found in the file as completed for the monitoring period of 04/01/10-06/30/10. Please note that the OIL AND GREASE MONITORING is reported.

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:

Please find attached the DMR found in the file as completed for the monitoring period of 04/01/10-06/30/10. Please note that the PH AS PER THE GRAB SAMPLE is reported. Furthermore the pH test as per the grab sample (the method of sampling required by EPA/PERMIT) does NOT exceed 9.0 s.u.

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:

Because the grab sample is the actual sample results that are required for reporting purposes and because the results do NOT exceed the parameters, the city did not take any further action as the testing method as designated via the permit yielded a pH that did not exceed permit parameters.

NOTE: Mr. Ganje, WW Superintendent, does direct the SD State Lab to test for oil and grease as well as pH so that he may have comparative information to be utilized in addition to his on site collection of data and that he may have information that can be located on official state lab report (all on one page).