

NPDES Permit No. NN0020800

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES Permit No. NN0020800

In compliance with the provisions of the Clean Water Act (“CWA”) (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following permittee is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

Permittee Name	U.S. Department of the Interior -- Bureau of Indian Affairs (“BIA”)
Permittee Address	Navajo Regional Office P.O. Box 1060 Gallup, NM 87305
Facility Name	BIA Nenahnezad Community School
Facility Location Address	Off County Road 6675 Fruitland, NM 87416
Facility Mailing Address	P.O. Box 337 Fruitland, NM 87416
Facility Rating	Minor

Outfall Number	General Type Of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water(s)
001	Domestic Wastewater	36° 43’ 54.36” N	108° 24’ 18.57” W	Bitsui Wash, a tributary of the San Juan River

This permit was issued on:	October 25, 2019
This permit shall become effective on:	November 1, 2019
This permit shall expire at midnight on:	October 31, 2024
In accordance with 40 CFR 122.21(d), the permittee shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.	

Signed this 25th day of October, 2019, for the Regional Administrator.

/s/

Tomás Torres, Director
Water Division
U.S. EPA, Region 9

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PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limits and Monitoring Requirements

1. Effluent Limits – Outfall 001

The permittee is authorized to discharge treated domestic wastewater in compliance with the final effluent limits and monitoring requirements specified in Table 1. Compliance with these requirements is monitored at Monitoring Locations M-001 and M-influent.

2. The discharge of pollutants at any point other than the outfall number 001 to Bitsui Wash, a tributary to the San Juan River, specifically authorized in this permit, is prohibited.
3. The permittee shall ensure that its discharge does not result in any waters of the Navajo Nation containing pollutants in amounts or combinations that, for any duration:
 - a. Cause injury to, are toxic to, or otherwise adversely affect human public health, public safety, or public welfare.
 - b. Cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
 - c. Settle to form bottom deposits, including sediments, precipitates and organic materials, that cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
 - d. Cause physical, chemical, or biological conditions that promote the habitation, growth or propagation of undesirable, non-indigenous species of plant or animal life in the water body.
 - e. Cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.
 - f. Cause objectionable odor in the area of the water body.

- g. Cause objectionable taste, odor, color, or turbidity in the water body.
 - h. Cause objectionable taste in edible plant and animal life, including waterfowl that reside in, on or adjacent to the water body.
 - i. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses.
4. The permittee shall ensure that its discharge does not result in any waters of the Navajo Nation containing toxic pollutants from other than natural sources in amounts, concentrations, or combinations which affect the propagation of fish or which are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or which will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish, or other aquatic organisms to levels which will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers.
 5. The permittee shall not place animal carcasses, refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, motor vehicle parts, batteries, appliances, tires, or other solid waste into waters of the Navajo Nation or onto their banks.

B. Table 1. Effluent Limits and Monitoring Requirements – Outfall 001
 (Based upon the design flow capacity of 0.023 MGD)

Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sampling Type
Flow	MGD	-- ¹	--	-- ¹	Once/Month	Instantaneous
BOD ₅ ²	mg/L	30	45	--	Once/Month	Composite
	kg/day	2.6	3.9	--	Once/Month	Composite
TSS ²	mg/L	30	45	--	Once/Month	Composite
	kg/day	2.6	3.9	--	Once/Month	Composite
<i>E. coli</i>	#/100mL	126 ³	--	235 ⁴	Once/Month	Discrete
TRC ⁵	--	--	11.0	µg/l	Monthly	Discrete
TDS ⁶	mg/L	--	--	--	Once/Month	Discrete
Total Ammonia (as N) ⁷	mg/L	--	--	--	Once/Quarter	Discrete
Ammonia Impact Ratio (AIR) ⁸	--	1.0	--	--	Once/Quarter	Discrete
Di[2-ethylhexyl] phthalate (DEHP)	µg/L	-- ⁹	--	--	Once/Quarter	4-hour Composite
pH ^{10,11}	std. units	between 6.5 to 9			Once/Month	Discrete
Temp ¹⁰	deg C	--	--	--	Once/Quarter	Discrete
Priority Pollutant Scan ¹²	µg/L	--	--	--	Once/During Year 5	4-hour Composite

FOOTNOTES:

1. No effluent limits are set at this time but monitoring and reporting are required.
2. “BOD₅” = Biochemical Oxygen Demand (5-day test). “TSS” = Total Suspended Solids.

- For BOD₅ and TSS, the arithmetic means of values, by weight, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 percent of the arithmetic mean of values, by weight, for influent samples collected at approximately the same times during the same period.
3. Geometric mean of samples collected during any calendar month.
 4. Single sample maximum.
 5. "TRC" = Total Residual Chlorine. No monitoring is required when the UV disinfection system is in operation. If chlorination is used as a backup for disinfection prior to discharge, the permittee shall at all times operate the plant to achieve the lowest possible residual chlorine while still complying with permit limits for *E. coli*.
TRC shall also be measured once/month at the outfall and reported on the Discharge Monitoring Reports, along with an estimate of the natural flow of the stream. (When the only flow in the receiving water is the effluent, the "natural flow" should be reported as zero.)
 6. Salinity (as Total Dissolved Solids, "TDS") is determined by the "calculated method" (sum of constituents) as described in the latest edition of constituents) as described in the latest edition of "Techniques of Water Resources Investigation of the United States Geological Survey – Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases."
 7. For total ammonia (in mg-N/liter), the Navajo Nation Surface Water Quality Standards specify ammonia limitations for aquatic and wildlife (warm water habitat) for support and propagation of animals, plants, or other organisms. (See Attachment C for the monthly limit of total ammonia, consistent with the 2007 NNSWQS and the 2017 *draft* NNSWQS revisions.) The criteria for ammonia are pH and temperature dependent and field measurements shall all be taken concurrently.
 8. The Ammonia Impact Ratio (AIR) is calculated as the ratio of the measured ammonia and the ammonia limit as determined by the concurrent measurement of pH and temperature. See Attachment D for sample log to help calculate and record the AIR values.
 9. Monitoring and reporting required. No limit is set at this time.
 10. Temperature and pH measurements shall be taken concurrently with measurements for ammonia at the same location as the water samples destined for the laboratory analysis of ammonia.
 11. Effluent pH units are based on the numeric standards for aquatic, wildlife and livestock, consistent with the 2007 NNSWQS and the *draft* 2017 NNSWQS revisions.
 12. Priority Pollutants: The permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. No limit is set at this time.

C. *Sampling*

1. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Samples shall be taken at the following locations:
 - a. Influent samples shall be taken after the last addition to the collection system and prior to in-plant return flow and the first treatment process, where representative samples can be obtained.
 - b. Effluent samples shall be taken after in-plant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
 - c. Permittee may sample for BOD₅, TSS, total ammonia, TDS, pH and temperature after treatment but prior to disinfection. *E. coli* shall be sampled after disinfection.
3. If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the parameters listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent

discharge. The permittee is not required to take effluent samples when there is no discharge.

D. General Monitoring and Reporting

1. All monitoring shall be conducted in accordance with 40 CFR Part 136 test methods, unless otherwise specified in this permit. For effluent analyses required in this permit, the permittee shall utilize 40 CFR Part 136 test methods with published Method Detection Limit and Minimum Level (“MDL” and “ML”) that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML.

2. Monitoring and Records

Records of monitoring information shall include:

- a. Date, exact location, and time of sampling or measurements performed, preservatives used;
 - b. Individual(s) who performed the sampling or measurements;
 - c. Date(s) analyses were performed;
 - d. Laboratory(ies) which performed the analyses;
 - e. Analytical techniques or methods used;
 - f. Any comments, case narrative or summary of results produced by the laboratory. These should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether they met project and 40 CFE Part 136 requirements. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, holding times, and preservation.
 - g. Summary of data interpretation and any corrective action taken by the permittee.
 - h. Effluent limitations for analytes/compounds being analyzed.
3. As part of each DMR submittal, the permittee shall certify that there are no changes to the laboratory’s test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory’s test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

E. Reporting of Monitoring Results

1. All monitoring results shall be submitted in such a format as to allow direct comparison with effluent limitations, monitoring requirements and conditions of this permit. Monthly Discharge Monitoring Reports (“DMRs”) for the previous three (3)

months shall be submitted quarterly no later than the 28th day of the month following the previous quarterly reporting period. For example, the three (3) monthly DMR forms for the reporting period January through March shall be submitted by April 28th. A DMR shall be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating “No discharge” as required.

2. Submittal of DMRs and the Use of NetDMR

The permittee shall electronically submit compliance monitoring data and reports using the electronic reporting tools provided by USEPA (NetDMR and NeT) and cease mailing paper DMRs. NetDMR is a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection. NetDMR can be registered at <https://cdxnodengn.epa.gov/net-netdmr/> and accessed at <https://netdmr.zendesk.com/hc/en-us>. By using NetDMR, the permittee is no longer required to submit hard copies of DMRs to USEPA under 40 CFR §§ 122.41 and 403.12.

3. Submittal of Reports as NetDMR Attachments

After the permittee begins submitting electronic DMRs, the permittee shall electronically submit all reports as NetDMR attachments rather than as hard copies, unless otherwise specified in this permit. A report submitted electronically as a NetDMR attachment shall be submitted to USEPA by the 28th day of the month following the calendar quarter it was due.

4. Submittal of Sewage Sludge Reports and the Use of NeT

The requirement for submitting annual sewage sludge reports using EPA’s NPDES Electronic Reporting Tool (“NeT”) went into effect December 21, 2016. NeT is a web-based tool that allows permittees to electronically submit sewage sludge reports via a secure internet connection. Beginning with the annual report for calendar year 2019, which is due by February 19, 2020, the permittee shall submit sewage sludge reports using NeT and cease paper mailing. NeT can be accessed at: <http://www.epa.gov/compliance/national-pollutant-discharge-elimination-system-npdes-electronic-reporting-tool-net-fact>.

Part II. STANDARD CONDITIONS

The permittee shall comply with all U.S. EPA Region “*Standard Federal NPDES Permit Conditions*,” included in Attachment A of this permit.

Part III. SPECIAL CONDITIONS

A. Permit Reopeners

1. At this time, there is no reasonable potential to establish any other water quality-based limits. Should any monitoring indicate that the discharge cause, has the reasonable potential to cause, or contributes to excursion above a water quality criterion, the permit may be reopened for the imposition of water quality-based limits and/or whole

effluent toxicity limits. In accordance with 40 CFR 122 and 124, this permit may be modified to include appropriate conditions or effluent limits, monitoring, or other conditions to implement new regulations, including U.S. EPA-approved new Tribal water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

2. In accordance with 40 CFR 122.44(c), EPA may promptly modify or revoke and reissue any permit issued to a treatment works treating domestic sewage (including “sludge only facilities”) to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA, if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

B. Twenty Four-Hour Reporting of Noncompliance

1. In accordance with 40 CFR 122.41(l)(6), the following condition is expressly incorporated into this permit. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally¹ within 24 hours from the time the permittee becomes aware of the circumstances to the following persons or their offices:

U.S. EPA Region 9
Wastewater Enforcement Office (ENF-3-1)
Eric Magnan: (415) 947-4179
75 Hawthorne Street
San Francisco, CA 94105

Navajo Nation EPA
NPDES Program
Patrick Antonio: (928) 871-7185
P.O. Box 339
Window Rock, AZ 86515

The permittee shall follow up with a written submission within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall be emailed to R9NPDES@epa.gov and/or the EPA staff person initially notified. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the data and/or time it is expected to be corrected; and, steps and/or plans to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR 122.44(g)).
 - b. Any upset which exceeds any effluent limit in the permit.

¹Oral reporting means direct contact with both a USEPA and an NNEPA staff person. If the permittee is unsuccessful in reaching a staff person at both USEPA and NNEPA, the permittee shall provide a written notification by 9 a.m. on the first business day following the noncompliance.

- c. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR 122.44(g)).
3. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

C. Sewage Sludge Requirements

1. The permittee shall submit a report to USEPA and NNEPA within 90 days of permit effective date with an estimate of the quantity of sewage sludge currently on-site (in dry metric tons), and a projection of when sewage sludge shall next be removed.
2. At least 120 days prior to removing sewage sludge for use or disposal, the permittee shall submit a plan describing the quantity of sewage sludge (in dry metric tons) to be removed, mechanisms for removing, and a proposed sampling plan for pollutants regulated under the use or disposal option being selected. Upon approval of this plan by USEPA and NNEPA, the permittee shall have the sewage sludge removed as described.
3. The permittee shall comply with all applicable requirements of Section 405(d) of the Clean Water Act, and 40 CFR Part 258 (for sewage sludge sent to a municipal landfill) and 40 CFR Part 503 (for sewage sludge placed in a sludge-only surface disposal site, land applied as fertilizer, used in land reclamation, or incinerated.) The permittee shall be responsible for assuring that all sewage sludge produced at the facility is used or disposed of in accordance with these rules, whether the permittee uses or disposes of the sewage sludge directly, or transfers it to another party for further treatment, use, or disposal. The permittee shall be responsible for informing contractors of the requirements that they must meet under these rules, and providing any required monitoring results to the contractor.
4. No sewage sludge shall be allowed to enter wetlands or other waters of the United States, or to contaminate groundwater. Any sewage sludge treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and from the highest tidal stage that may occur.
5. Sewage sludge handling operations shall be performed in a manner as to minimize nuisances such as objectionable odors or flies.
6. The permittee shall assure that haulers transporting sewage sludge off site for further treatment, use, or disposal take all necessary measures to keep the sewage sludge contained within the hauling vehicle.

7. Sewage sludge reports shall be submitted to:

Regional Biosolids Coordinator (WTR 2-3)
U.S. Environmental Protection Agency
Water Division
NPDES Permits Section
75 Hawthorne Street
San Francisco, CA 94105-3901

Patrick Antonio
Navajo Nation EPA
WQ/NPDES Program
P.O. Box 339
Window Rock, AZ 86515

D. Operation and Maintenance of Ultraviolet (“UV”) Disinfection System

The permittee shall maintain a journal and/or an electronic log of the inspection(s) of the unit and any follow-up actions which shall be made available for review on site. The permittee shall inspect the UV system twice a week. Any UV bulbs that are not operational or that have a buildup of scum to a level that makes them ineffective must be immediately replaced or cleaned. If this is not immediately possible, a backup disinfection system shall be activated and operated until the UV system is fully operational again.

E. Asset Management Plan

The permittee shall develop an asset management program (“AMP”) to cover the treatment plant and collection system.

1. The permittee shall procure, populate, and utilize asset management and/or work order management software within two years of permit issuance. The software shall:
 - a. Inventory all critical assets and assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
 - (1) Name and identification number.
 - (2) Location (GPS coordinate or equivalent identifier).
 - (3) Current performance/condition.
 - (4) Purchase and installation date.
 - (5) Purchase price.
 - (6) Replacement cost.
 - b. Automate work order production and tracking.
 - c. Catalogue all daily, weekly, monthly, annual and other regular maintenance tasks.
2. The permittee shall submit to USEPA (Mail code: ENF-3-1) and NNEPA a description of its selected AMP system and status of its implementation by within two years of permit issuance.

3. The permittee may be deemed in compliance with the above asset management provisions by fully implementing EPA's Check Up Program for Small Systems ("CUPPS") Asset Management Tool (<https://www.epa.gov/dwcapacity/information-check-program-small-systems-cupss-asset-management-tool>).

Part IV. ATTACHMENTS

Attachment A: Standard Permit Conditions

A. All NPDES Permits

In accordance with 40 CFR § 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR § 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or

imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, such as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

2. Duty to reapply; at 40 CFR § 122.41(b).

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

3. Need to halt or reduce activity not a defense; at 40 CFR § 122.41(c).

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate; at 40 CFR § 122.41(d).

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper operation and maintenance; at 40 CFR § 122.41(e).

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6. Permit actions; at 40 CFR § 122.41(f).

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property rights; at 40 CFR § 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR § 122.41(h).

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

9. Inspection and entry; at 40 CFR § 122.41(i).

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10. Monitoring and records; at 40 CFR § 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
 - c. Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed
 - (iv) The individuals(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
 - d. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
 - e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
11. Signatory requirement; at 40 CFR § 122.41(k).
- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR § 122.22.)
 - b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of

not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR § 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR § 122.61; in some cases, modification or revocation and reissuance is mandatory.)
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 503, or as specified in

the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four-hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
 - (iii) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6) of this section, at the time

monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

- h. Other information. Where the permittee becomes aware that it has failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
 - i. Identification of the initial recipient for NPDES electronic reporting data. The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in Appendix A to 40 CFR Part 127) to the appropriate initial recipient, as determined by EPA, and as defined in 40 CFR § 127.2(b) of this chapter. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 CFR § 127.2(c) of this chapter]. EPA will update and maintain this listing.
13. Bypass; at 40 CFR § 122.41(m).
 - a. Definitions.
 - (i) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR § 122.41(m)(3) and (m)(4) of this section.
 - c. Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

- d. Prohibition of bypass.
- (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under paragraph (m)(3) of this section.
 - (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.
14. Upset; at 40 CFR § 122.41(n).
- a. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
 - b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and

- (iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24-hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph (d) of this section.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B. Specific Categories of NPDES Permits

In accordance with 40 CFR § 122.42, the following conditions, in addition to those set forth at 40 CFR § 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

- a. Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR § 122.42 (a).

All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have reason to believe:

- (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (i) One hundred micrograms per liter (100 µg/l);
 - (ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (iv) The level established by the Director in accordance with 40 CFR § 122.44(f).
- (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - (i) Five hundred micrograms per liter (500 µg/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7).
 - (iv) The level established by the Director in accordance with 40 CFR § 122.44(f).

b. Publicly-Owned Treatment Works (“POTW”); at 40 CFR § 122.42(b).

All POTWs must provide adequate notice to the Director of the following:

- (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 and 306 of the CWA if it were directly discharging those pollutants; and
- (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act:

- (1) Publicly-owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR § 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under 40 CFR § 261.31 through §§ 261-33. The Domestic Sewage Exclusion (40 CFR § 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

c. Municipal Separate Storm Sewer Systems; at 40 CFR § 122.42(c).

The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Director under 40 CFR § 122.26(a)(1)(v) must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

- (1) The status of implementing the components of the storm water management program that are established as permit conditions;
- (2) Proposed changes to the storm water management programs that are established as permit conditions. Such proposed changes shall be consistent with 40 CFR § 122.26(d)(2)(iii); and
- (3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under 40 CFR § 122.26(d)(2)(iv) and (d)(2)(v);
- (4) A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
- (5) Annual expenditures and budget for year following each annual report;

- (6) A summary describing the number and nature of enforcement actions, inspections, and public education programs;
- (7) Identification of water quality improvements or degradation.

d. Storm Water Discharges; at 40 CFR § 122.42(d).

The initial permits for discharges composed entirely of storm water issued pursuant to 40 CFR § 122.26(e)(7) shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the issuance of the permit.

e. Privately-Owned Treatment Works; at 40 CFR § 122.44(m).

For a privately-owned treatment works, any conditions expressly applicable to any user, as a limited co-permittee, that may be necessary in the permit issued to the treatment works to insure compliance with applicable requirements under this part. Alternatively, the Director may issue separate permits to the treatment works and to its users, or may require a separate permit application from any user. The Director's decision to issue a permit with no conditions applicable to any user, to impose conditions on one or more users, to issue separate permits, or to require separate applications, and the basis for that decision, shall be stated in the fact sheet for the draft permit for the treatment works.

The following conditions are established to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR § 122.44(m). Privately owned treatment works are defined at 40 CFR § 122.2. "Privately owned treatment works" means any device or system which is (a) used to treat wastes from any facility whose operator is not the operator of the treatment works and (b) not a POTW, as defined at 40 CFR § 403.3.

- (1) Materials authorized to be disposed of into the privately-owned treatment works and collection system are typical of domestic sewage. Unauthorized materials are hazardous waste (as defined at 40 CFR § 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in this permit.
- (2) It is the permittee's responsibility to inform users of the privately-owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capacity to sample all discharges to the collection system, including any from septic haulers or other un-sewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA, State, or Tribal inspector. The permittee must provide adequate security to prevent unauthorized discharges to the collection system.
- (3) Should a user of the privately-owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and

an application, pursuant to 40 CFR § 122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using EPA Forms 1 and 2C, unless another format is requested by the permitting authority. If the privately-owned treatment works or collection system user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the permit modification upon request. The application and request for modification shall be submitted at least six months before authorization to discharge non-domestic wastes to the privately-owned treatment works or collection system is desired.

C. Standard Conditions Established by EPA Region 9 for All NPDES Permits

1. Duty to reapply; at 40 CFR § 122.21(d).
 - a. Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
 - b. All other permittees with currently effective permits shall submit a new application at least 180 days before the existing permit expires, except that the Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.
2. Signatories to permit applications and reports; at 40 CFR § 122.22.
 - a. Applications. All permit applications shall be signed as follows:
 - (i) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR § 122.22(a)(1)(i). The

Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR § 122.22(a)(1)(ii) rather than to specific individuals.

- (ii) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (iii) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (i) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (iii) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

“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.”

3. Reopener Clause; at 40 CFR § 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

4. Transfer of permits; at 40 CFR § 122.61.

- a. Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR § 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
- b. Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (i) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (ii) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (iii) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

5. Minor modifications of permits; at 40 CFR § 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR Part 124 draft permit and public notice as required in 40 CFR § 122.62. Minor modifications may only:

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. (1) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.

(2) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- f. [Reserved]
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW's permits.

6. Termination of permits; at 40 CFR § 122.64.

- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
 - (i) Noncompliance by the permittee with any conditions of the permit;
 - (ii) The permittee's failure in the application or during the permit issuance

process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(iii) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(iv) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

b. The Director shall follow the applicable procedures in 40 CFR Part 124 or 40 CFR § 122.22, as appropriate (or State procedures equivalent to 40 CFR Part 124) in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Director may terminate the permit by notice to the permittee. Termination by notice shall be effective 30 days after notice is sent, unless the permittee objects within that time. If the permittee objects during that period, the Director shall follow 40 CFR Part 124 or applicable State procedures for termination. Expedited permit termination procedures are not available to permittees that are subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use part 22 of this chapter's procedures for NPDES permit terminations.

7. Availability of Reports; pursuant to CWA section 308

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

8. Removed Substances; pursuant to CWA section 301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

9. Severability; pursuant to CWA section 512

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

10. Civil and Criminal Liability; pursuant to CWA section 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

11. Oil and Hazardous Substances Liability; pursuant to CWA section 311

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

12. State, Tribe, or Territory Law; pursuant to CWA section 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

Attachment B: Definitions

1. An **“average monthly discharge limitation”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. An **“average weekly discharge limitation”** means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. A **“composite”** sample means a time-proportioned mixture of not less than eight (8) discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
4. A **“daily discharge”** means the **“discharge of a pollutant”** measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with

limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

5. A “**daily maximum allowable effluent limitation**” means the highest allowable “daily discharge” measured during a calendar day or 24-hour period representing a calendar day.
6. A “**DMR**” is a “**Discharge Monitoring Report**” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
7. A “**grab**” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
8. The “**method detection limit**” or “**MDL**” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
9. The “**minimum level**” or “**ML**” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR Part 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals than non-metals:
 - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
 - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of $(1, 2, \text{ or } 5) \times 10^n$, where n is zero or an integer. (For example, if an MDL is $2.5 \mu\text{g/L}$, then the calculated ML is: $2.5 \mu\text{g/L} \times 3.18 = 7.95 \mu\text{g/L}$. The

multiple of (1, 2, or 5) x 10ⁿ nearest to 7.95 is 1 x 10¹ = 10 µg/L, so the calculated ML, rounded to the nearest whole number, is 10 µg/L.)

10. A “**NODI(B)**” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
11. A “**NODI(Q)**” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

Attachment C: Total Ammonia Limit Chronic Standard for Aquatic and Wildlife Habitat

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*(From 2017 Navajo Nation Surface Water Quality Standards
 Table 207.21 Maximum Total Ammonia Concentration)
 (Total Ammonia mg-N/liter)*

Temperature (°C)

pH	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2.0	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1
6.6	4.8	4.5	4.3	4.0	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3.0	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.4	2.3	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1
6.9	4.5	4.2	4.0	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.0
7.0	4.4	4.1	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.4	2.3	2.2	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	0.99
7.1	4.2	3.9	3.7	3.5	3.2	3.0	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.0	0.95
7.2	4.0	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1.0	0.96	0.90
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1.0	0.97	0.91	0.85
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2.0	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1.0	0.96	0.90	0.85	0.79
7.5	3.2	3.0	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.0	0.95	0.89	0.83	0.78	0.73
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2.0	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	0.98	0.92	0.86	0.81	0.76	0.71	0.67
7.7	2.6	2.4	2.3	2.2	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1.0	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60
7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.0	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.0	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.50	0.47
8.0	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1.0	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60	0.56	0.53	0.50	0.44	0.44	0.41
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	0.99	0.92	0.87	0.81	0.76	0.71	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.40	0.38	0.35
8.2	1.3	1.2	1.2	1.1	1.0	0.96	0.90	0.84	0.79	0.74	0.70	0.65	0.61	0.57	0.54	0.50	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.30
8.3	1.1	1.1	0.99	0.93	0.87	0.82	0.76	0.72	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.40	0.38	0.35	0.33	0.31	0.29	0.27	0.26
8.4	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.50	0.47	0.44	0.41	0.39	0.36	0.34	0.32	0.30	0.28	0.26	0.25	0.23	0.22
8.5	0.80	0.75	0.71	0.67	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.40	0.37	0.35	0.33	0.31	0.29	0.27	0.25	0.24	0.22	0.21	0.20	0.18
8.6	0.68	0.64	0.60	0.56	0.53	0.49	0.46	0.43	0.41	0.38	0.36	0.33	0.31	0.29	0.28	0.26	0.24	0.23	0.21	0.20	0.19	0.18	0.16	0.15
8.7	0.57	0.54	0.51	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.30	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13
8.8	0.49	0.46	0.43	0.40	0.38	0.35	0.33	0.31	0.29	0.27	0.26	0.24	0.23	0.21	0.20	0.19	0.17	0.16	0.15	0.14	0.13	0.13	0.12	0.11
8.9	0.42	0.39	0.37	0.34	0.32	0.30	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.12	0.11	0.10	0.09
9.0	0.36	0.34	0.32	0.30	0.28	0.26	0.24	0.23	0.21	0.20	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.11	0.10	0.09	0.09	0.08

Notes: pH and temperature are field measurements taken at the same time and location as the water samples destined for the laboratory analysis of ammonia.

If the field measured pH value falls between the tabular values, round the field measured value according to standard scientific rounding procedures to the nearest tabular value, and then determine the ammonia standard using linear interpolation when the temperature value is between the values provided in the table.

Attachment D: Ammonia Impact Ratio (AIR)

Sample AIR Data Log

AIR = $\frac{\text{Ratio of Measured Ammonia Value over Ammonia Limit}}{\text{Effluent Ammonia} \div \text{Ammonia Limit}}$

A	B	C	D	E	F
Date of Sample	Ammonia Value In Effluent (mg/L N)	Effluent pH	Effluent Temperature (Celsius)	Ammonia Limit as Determined from Appendix A	AIR Value (Column B/Column E)

Please copy and complete for each month of each year for permit term. Attach any additional pages as necessary.

Signature of Authorized Representative: _____