



REGION 6
1201 Elm Street
DALLAS, TEXAS 75270

NPDES Permit No OK0044733

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

New Gaming Enterprise
Kickapoo Casino Harrah Wastewater Treatment Plant
25230 E. Highway 62
Harrah, OK 73045

is authorized to discharge from a facility located at 25230 Highway 62 East, Harrah, Lincoln County, Oklahoma. The discharge will be to unnamed tributary on Kickapoo Trust land, thence to Quapaw Creek (WBID 520700040260 of the Canadian River Basin), from a point located at the following coordinates:

Outfall 001: Latitude 35° 29' 36.47" North and Longitude 97° 04' 29.66" West

in accordance with this cover page and the effluent limitations, monitoring requirements and other conditions set forth in Part I, Part II, III and Part IV hereof.

This permit prepared by Quang Nguyen, Environmental Engineer, NPDES Permitting and Wetlands Section (6WQ-PE) shall become effective on August 1, 2023

This permit and the authorization to discharge shall expire at midnight, July 31, 2028

Issued on June 28, 2023

Charles W. Maguire
Director
Water Division (6WQ)

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

7Q2	7-day, 2-year low flow
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
DO	Dissolved oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
lbs	Pounds
MGD	Million gallons per day
ML	Minimum quantification level
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and grease
OAC	Oklahoma Administrative Code
ODEQ	Oklahoma Department of Environmental Quality
OWRB	Oklahoma Water Resources Board
OWQS	Oklahoma Water Quality Standards
POTW	Publicly owned treatment works
RP	Reasonable potential
SS	Settleable solids
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plan

As used in this document, references to State water quality standards and/or rules, regulations and/or management plans may mean the State of Oklahoma and/or Tribal or both

PART I – REQUIREMENTS FOR NPDES PERMITS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. OUTFALL 001 - FINAL Effluent Limits – 0.05 MGD Design Flow

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated domestic wastewater from Outfall 001 to an unnamed tributary on Kickapoo Trust land, thence to Quapaw Creek (WBID 520700040260 of the Canadian River Basin). Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT ^(#1)	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.5 Standard Units	9.0 Standard Units	Five/Week	Grab

POLLUTANT ^(#1)	30-DAY AVG	7-DAY AVG	DAILY MAX	30-DAY AVG	7-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	N/A	N/A	N/A	Report ^(#2)	N/A	Report ^(#2)	Daily	Continuous Recorder
CBOD ₅								
Summer (June – October)	4.2 lbs/day	6.3 lbs/day	N/A	10 mg/L	15 mg/L	N/A	One/week	24-hr Composite
Winter (November – March)	7.5 lbs/day	11.3 lbs/day	N/A	18 mg/L	27 mg/L	N/A		
Spring (April – May)	5.0 lbs/day	7.5 lbs/day	N/A	12 mg/L	18 mg/L	N/A		
CBOD ₅ Influent ^(#5)	---	---	---	Report ^(#5)	---	---	One/month	Grab
CBOD ₅ % removal, minimum	≥85 ^(#4)	N/A	N/A	N/A	N/A	N/A	One/month ^(#3)	Grab
TSS	12.5 lbs/day	18.8 lbs/day	N/A	30 mg/L	45 mg/L	N/A	One/month ^(#3)	24-hr Composite
TSS Influent ^(#5)	---	---	---	Report ^(#5)	---	---	One/month	Grab
TSS % removal, minimum	≥85 ^(#4)	N/A	N/A	N/A	N/A	N/A	One/month ^(#3)	Grab
NH ₃ -N								
Summer (June – October)	0.8 lbs/day	1.25 lbs/day	N/A	2 mg/L	3 mg/L	N/A	One/week	24-hr Composite
Winter (November – March)	2.5 lbs/day	3.75 lbs/day	N/A	6 mg/L	9 mg/L	N/A		
Spring (April – May)	2.5 lbs/day	3.75 lbs/day	N/A	6 mg/L	9 mg/L	N/A		
DO	N/A	N/A	N/A	4 mg/L (instantaneous minimum) ^(#6)			One/week	Instantaneous Grab ^(#7)
<i>E. coli</i> bacteria	N/A	N/A	N/A	126 cfu/100 ml	N/A	406 cfu/100 ml	One/month ^(#3)	Grab ^(#12)
TRC	N/A	N/A	N/A	N/A	N/A	19 ug/l ^(#8)	One/month ^(#3)	Instantaneous Grab ^(#7)

POLLUTANT ^(*1)	30-DAY AVG	7-DAY AVG	DAILY MAX	30-DAY AVG	7-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
PFAS Analytes ^(*9)	---	---	---	---	---	Report ng/L	One/permit term	24-hr Composite
PFAS Analytes, Influent ^(*9)	---	---	---	---	---	Report ng/L	One/permit term	24-hr Composite
PFAS Analytes ^(*10)	---	---	---	---	---	Report ng/g	One/permit term	Composite ^(*11)

Footnotes:

- *1 See Appendix A of Part II of the permit for minimum quantification limits.
- *2 Report monthly average and daily maximum as million gallons per day (MGD) by instantaneous measurement.
- *3 For any reporting period, samples shall be taken at least ten (10) days from the first sample of the previous reporting period.
- *4 Percent removal is calculated using the following equation: $[\text{average monthly influent concentration (mg/l)} - \text{average monthly effluent concentration (mg/l)}] \div [\text{average monthly influent concentration (mg/l)}] \times 100$.
- *5 The influent data is not required to be submitted but must be made available to EPA or its agents upon request.
- *6 Instantaneous Minimum. Dissolved Oxygen must be equal to/or always exceed the permit limit.
- *7 Instantaneous grab samples are to be taken between the times of 10:00am-2:00pm. Analyzed within 15 minutes of collection.
- *8 This facility uses chlorine for disinfection. Total Residual Chlorine (TRC) shall be monitored any time chlorine is used within the treatment plant for disinfection, equipment cleaning, maintenance, or any other purpose. Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. The effluent shall contain NO MEASURABLE total residual chlorine at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR 136.
- *9 Report in nanograms per liter (ng/L). This reporting requirement for the 40 PFAS parameters takes effect the first full calendar quarter after the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in wastewater, monitoring shall be conducted using Draft Method 1633. Additionally, report in NetDMR the results of all 40 PFAS analytes required to be tested as part of the method as shown in Appendix B of Part II. Any parameters that are removed from the method based on multi-lab validation of the method will not be required for reporting and the Permittee may report "NODI: 9" for any such parameters.
- *10 Report in nanograms per gram (ng/g). This reporting requirement for the 40 PFAS parameters takes effect the first full calendar quarter after the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in sludge, monitoring shall be conducted using Draft Method 1633. Additionally, report in NetDMR the results of all 40 PFAS analytes required to be tested as part of the method, as shown in Appendix B of Part II. Any parameters that are removed from the method based on multi-lab validation of the method will not be required for reporting and the Permittee may report "NODI: 9" for any such parameters.
- *11 Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidance-document.pdf>
- *12 Analysis procedures shall follow EPA-600/4-85/076, "Test Methods for Escherichia coli and Enterococci in Water by the Membrane Filter Procedure."

2. FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

3. SAMPLE LOCATION

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit prior to the receiving stream. The sample point shall be clearly marked by the facility if it is not at the final outfall location. There shall be no flow from any source into the piping system after the sample point and prior to the final outfall.

B. SCHEDULES OF COMPLIANCE

None

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

1. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.
2. Applicable reports (DMRs, Biosolids/Sewage Sludge, Sewer Overflow/Bypass Event Pretreatment Program) shall be electronically reported to EPA at <https://cdx.epa.gov/>. The permittee may seek a waiver from electronic reporting or until approved for electronic reporting, the permittee shall first submit an electronic reporting waiver request to: U.S. EPA - Region 6, Water Enforcement Branch, Oklahoma State Coordinator (6EN-WC), (214) 665-6468. If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and other agencies as required (See Part III.D.IV of the permit).

Applicable e-Reporting Program	e-Reporting Compliance Date	Reporting Frequency
DMRs	Permit effective date	Quarterly
Biosolids/Sewage Sludge Report	Permit effective date	Annually
Pretreatment Program Reports	By 21 December 2025	Annually
Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices	By 21 December 2025	Monthly

3. If any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
4. Any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value reported in the required Discharge Monitoring Report which is in excess of the effluent limitation specified in Part I.A shall constitute evidence of violation of such effluent limitation and of this permit.
5. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for five-day Biochemical Oxygen Demand (BOD₅) or for five-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), as applicable, where the permittee can demonstrate long term correlation of the method with BOD₅ or CBOD₅ values, as applicable. Details of the correlation procedures used must be submitted and prior approval granted by the permitting authority for this procedure to be acceptable. Data reported must also include evidence to show that the proper correlation continues to exist after approval.

D. OVERFLOW REPORTING

The permittee shall report all overflows with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary).

Overflows that endanger health or the environment shall be orally reported at (214) 665-6595 and ODEQ Water Quality Division at (800) 256-2365 or 405-702-8290 (Oklahoma City Metropolitan Area), within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows that endanger health or the environment shall be provided to EPA and the ODEQ Water Quality Division within 5 days of the time the permittee becomes aware of the circumstance.

E. POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute a program within 12 months of the effective date of the permit (or continue an existing one) directed towards optimizing the efficiency and extending the useful life of the facility. The permittee shall consider the following items in the program:

- a. The influent loadings, flow and design capacity;
- b. The effluent quality and plant performance;
- c. The age and expected life of the wastewater treatment facility's equipment;
- d. Bypasses and overflows of the tributary sewerage system and treatment works;
- e. New developments at the facility;

- f. Operator certification and training plans and status;
- g. The financial status of the facility;
- h. Preventative maintenance programs and equipment conditions and;
- i. An overall evaluation of conditions at the facility.

PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL) & SUFFICIENTLY SENSITIVE METHODS

EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters, including for the purposes of compliance monitoring/DMR reporting, permit renewal applications, or any other reporting that may be required as a condition of this permit, shall be sufficiently sensitive. A method is "sufficiently sensitive" when (1) the method minimum level (ML) of quantification is at or below the level of the applicable effluent limit for the measured pollutant or pollutant parameter; or (2) if there is no EPA-approved analytical method with a published ML at or below the effluent limit (see table below), then the method has the lowest published ML (is the most sensitive) of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or (3) the method is specified in this permit or has been otherwise approved in writing by the permitting authority (EPA Region 6) for the measured pollutant or pollutant parameter. The Permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future Discharge Monitoring Report (DMR) reporting requirements.

Current EPA Region 6 minimum quantification levels (MQLs) for reporting and compliance are provided in Appendix A of Part II of this permit. The following pollutants may not have EPA approved methods with a published ML at or below the effluent limit, if specified:

POLLUTANT	CAS Number	STORET Code
Total Residual Chlorine	7782-50-5	50060
Cadmium	7440-43-9	01027
Silver	7440-22-4	01077
Thallium	7440-28-0	01059
Cyanide	57-12-5	78248
Dioxin (2,3,7,8-TCDD)	1764-01-6	34675
4, 6-Dinitro-0-Cresol	534-52-1	34657
Pentachlorophenol	87-86-5	39032
Benzidine	92-87-5	39120
Chrysene	218-01-9	34320
Hexachlorobenzene	118-74-1	39700
N-Nitrosodimethylamine	62-75-9	34438
Aldrin	309-00-2	39330
Chlordane	57-74-9	39350
Dieldrin	60-57-1	39380
Heptachlor	76-44-8	39410
Heptachlor epoxide	1024-57-3	39420
Toxaphene	8001-35-2	39400

Unless otherwise indicated in this permit, if the EPA Region 6 MQL for a pollutant or pollutant parameter is sufficiently sensitive (as defined above) and the analytical test result is less than the MQL, then a value of zero (0) may be used for reporting purposes on DMRs. Furthermore, if the EPA Region 6 MQL for a pollutant or parameter is not sufficiently sensitive, but the analytical test result is less than the published ML from a sufficiently sensitive method, then a value of zero (0) may be used for reporting purposes on DMRs.

B. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas and concurrently to ODEQ within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

TRC

E. Coli Bacteria

C. PERMIT MODIFICATION AND REOPENER

In accordance with 40 CFR Part 122.44(c), the permit may be reopened and modified during the life of the permit if relevant portions of Oklahoma's Water Quality Standards are revised, or Kickapoo Tribe of Oklahoma obtains treatment same as state and develops Tribal Water Quality Standards. Additionally, if any other State or Tribal policy, if a Total Maximum Daily Load is established for the receiving stream, or if the State and/or the Tribe adopt procedures and implementation guidelines that change applicable water quality standards and permit implementation.

In accordance with 40 CFR Part 122.62(a)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

D. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The following pollutants may not be introduced into the treatment facility:
 - (a) Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less

than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;

(c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves the alternate temperature limit;

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

(h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR §403.

3. The permittee shall provide adequate notice of the following:

(a) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into the treatment works.

(c) Any notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of such change in the quality or quantity of effluent to be discharged from the publicly owned treatment works.