

JOINT NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105

Navajo Nation Environmental Protection Agency
NPDES Program
P.O. Box 339
Window Rock, AZ 86515

On Application for National Pollutant
Discharge Elimination System (NPDES)
Permits to Discharge Pollutants to
Waters of the United States

On Request for Certification for Compliance
With Applicable Effluent Limitations and
Navajo Requirements

Public Notice No: AZ-10-W-01

Publication Date of Notice: October 29, 2009

Public Comment Period Closes: November 28, 2009

The U.S. Environmental Protection Agency, Region 9 (USEPA), and the Navajo Nation Environmental Protection Agency (Navajo EPA) are jointly issuing the following notice of proposed action under the Clean Water Act (CWA), as amended, the implementing regulations, and the Navajo Nation Surface Water Quality Standards, as amended. USEPA is today proposing to reissue an NPDES permit to the following three (3) dischargers subject to certain effluent limitations and special conditions:

(1) BIA Crystal Boarding School (NPDES Permit No. NN0020869)

The BIA Crystal Boarding School wastewater treatment lagoon facility is located in Crystal, San Juan County, New Mexico within the Navajo Nation. Treated effluent is intermittently discharged to Crystal Creek, a tributary to Whiskey Creek, a tributary to Wheatfields Creek, a tributary to Canyon De Chelly Wash, a tributary to Chinle Wash, an eventual tributary to San Juan River.

(2) BIA Nazlini Boarding School (NPDES Permit No. NN0110043)

The BIA Nazlini Boarding School wastewater treatment lagoon is located on North Navajo Route 27, approximately 18 miles north of State Route 264 and 0.5 miles west of the Nazlini Trading Post in the community of Nazlini, Apache County, Arizona. Treated effluent is intermittently discharged to an unnamed dry wash, a tributary to Tah-aith-cheed Wash, a tributary to Nazlini Wash, a tributary to Chinle Wash, and an eventual tributary to San Juan River.

(3) BIA Ojo Encino Day School (NPDES Permit No. NN0020915)

The BIA Ojo Encino Day School wastewater treatment lagoon is located in the community of Ojo Encino, McKinley County, New Mexico, within the eastern portion of the Navajo Nation, approximately 20 miles west of Cuba, New Mexico. Treated effluent is intermittently discharged to an unnamed dry wash, a tributary to Encino Wash, a tributary to Torreon Wash, a tributary to Arroyo Chico, a tributary to Rio Puerco, and an eventual tributary to Rio Grande.

USEPA has made a preliminary determination that the proposed permits would have no effect on any federally-listed threatened or endangered species.

Navajo EPA is considering a request to certify the discharges described above, pursuant to Section 401 of the CWA. The 401 Water Quality Certification will set forth any limitations and monitoring requirements necessary to ensure compliance with Navajo Nation surface water quality standards under Section 303, effluent limitations under Sections 301 and 302, standards of performance under Section 306, prohibitions, effluent standards or pretreatment standards under Section 307 of the CWA, and any other appropriate requirements of Navajo Nation law. The administrative record for the 401 Water Quality Certification, including the application and all data sent by the applicant for the complete application, are

available for public inspection. The administrative record may be viewed between the hours of 8:00 AM to 5:00 PM on weekdays (except for official Navajo Nation holidays) at the Navajo Nation EPA address below. A copy of these documents may be obtained by calling (928) 283-3080 or by writing to:

Mailing Address

Navajo EPA
P.O. Box 3780
Tuba City, AZ 86045

Physical Address

Navajo EPA
Building 2789
Edgewater Drive (across from NTUA)
Tuba City, AZ 86045

During the public comment period, any person may submit written comments on the proposed 401 Water Quality Certification. The public comment period is for thirty (30) days from the date of this public notice. Written comments can be submitted to the Navajo EPA, P.O. Box 3780, Tuba City, AZ 86045.

The Director of Navajo EPA shall, if requested and if deemed appropriate, hold a public hearing on the proposed 401 Water Quality Certification to allow any person the opportunity to present their views, data or arguments in Navajo or English. Procedures governing Navajo Nation EPA public notices and public hearings are found in the Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings, and Rulemakings Under Navajo Nation Environmental Acts.

The Administrative Record, which includes the draft permit, fact sheet, and other relevant documents, is available for public review Monday through Friday from 9:00 a.m. to 4:00 pm. at the EPA address listed below or may be obtained by contacting Ms. Linh Tran of USEPA by telephone at (415) 972-3511 or electronic mail at tran.linh@epa.gov, or Mr. Patrick Antonio by telephone at (928) 871-7185 or electronic mail at panto41815@aol.com. The draft permits and fact sheets may also be obtained by visiting EPA website at: <http://www.epa.gov/region09/water/npdes/publicnotices.html>

Persons wishing to comment upon the draft permit(s) or request a public hearing pursuant to 40 CFR 124.12 should submit their comments or request in writing within 30 days from the date of this notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region 9
Manager, NPDES Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Upon issuance of a final permit decision and response to comments, the EPA will notify by mail the applicants and persons who submitted written comments or requested notice of the final permit decision. If no comments are submitted on the draft permits, the final permits will become effective three (3) days from the date of mailing. If comments are submitted on the draft permits, the final permits will become effective 33 days from the date of mailing, unless a petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address above. Persons filing a request for review must have filed comments on the draft permit or participated in a public hearing.

Please bring the foregoing notice to the attention of all persons you know would be interested in this matter.