United States Environmental Protection Agency

FINAL National Pollutant Discharge Elimination System (NPDES) Fact Sheet for the EPA Region 8 General Permit for Wastewater Lagoon Systems in Indian Country.

Agency: United States Environmental Protection Agency Region 8
Action: Notice of Draft Region 8 NPDES Lagoon General Permit

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I. Background

Clean Water Act
Section 301(a) of the Clean Water Act (CWA) provides that "the discharge of any pollutant by any person shall be unlawful" unless the discharge is in compliance with certain other sections of the Act. 33 U.S.C. § 1311(a). The CWA defines "discharge of a pollutant" as "any addition of any pollutant to navigable waters from any point source. A "point source" is any "discernible, confined and discrete conveyance" but does not include "agricultural stormwater discharges and return flows from irrigated agriculture." 33 U.S.C. § 1362(14).

NPDES Permits
An NPDES permit authorizes the discharge of a pollutant or pollutants into a receiving water under certain conditions. The NPDES program relies on two types of permits: individual and general. An individual permit is a permit specifically tailored for an individual discharger or situations that require individual consideration. Upon receiving the appropriate permit application(s), the permitting authority, develops a draft permit for public comment for that particular discharger based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). Following consideration of public comments, a final permit is then issued to the discharger for a specific time period (not to exceed 5 years) with a provision for reapplying for further permit coverage prior to the expiration date.

In contrast, a general permit covers multiple facilities/sites/activities within a specific category for a specific period of time (not to exceed 5 years). For general permits, the permitting authority develops and issues the permit in advance, with dischargers then generally obtaining coverage under the permit through submission of a Notice of Intent (NOI). A general permit is also subject to public comment prior to issuance.

Under 40 C.F.R § 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the significant number of tribal lagoons requiring NPDES permit coverage and the discharges common to these operations, EPA Region 8 believes that it makes administrative sense to issue the general permit, rather than issuing individual permits to each Operator. The general permit approach allows EPA to allocate resources in a more efficient manner and to provide more timely coverage and may significantly simplify the permitting process for the majority of tribal lagoon dischargers. As with any permit, the CWA requires the general permit to contain technology-based effluent limitations, as well as any more stringent limits when necessary to meet applicable state or tribal water quality standards.

History of Tribal Lagoon General Permit
This fact sheet is for the general permits that are being reissued in six states in Region 8 for the permitting of lagoon systems that discharge or have the potential to discharge treated sanitary wastewater in Indian country. Although the discharges consist primarily of sanitary wastewater that has been treated, the discharges may also include wastewater from other sources, such as industrial contributions.

The EPA Region 8's Lagoon General Permits (LGP) for the six states were initially issued in 1998, and subsequently reissued in 2004 and 2010. This reissuance is the continuation of these original permits. With this issuance EPA Region 8 is maintaining the previous general permit grouping, which utilizes reservation boundaries and in general combines Indian country areas geographically by state.

The permits and this fact sheet are similar to the previous permit and fact sheet. EPA reviewed data on effluent quality and compliance for these systems and evaluated the effectiveness of existing permit conditions to determine conditions and requirements for this permit. At the end of this fact sheet is a listing of the main changes that were made in the renewal permit from the previous permit. Minor editing changes are not listed.

Tribal Lagoon General Permit Formatting

The lagoon general permit authorizations and numbering is in the format of SSG589###, where:

SS	is for the state abbreviation,
G	indicates general permit,
58	indicates municipal sewerage system,
9 (or 7)	indicates that the permit is issued by EPA, and
###	is a number assigned to a reservation and specific facility/operation covered under the permit.

This standard numbering will remain the same with this permit issuance. Additionally, facilities with a previous general permit number (except in Montana) will maintain their previous specified NPDES number if they reapply for coverage under the new general permit. With this permit issuance Montana facilities will receive new numbering to assist with coverages within specific reservation boundaries.

II. Permit Area Coverages

Colorado: COG587###. This permit covers the Southern Ute Reservation and the Ute Mountain Reservation, including those portions of the Ute Mountain Reservation located in New Mexico and Utah; any land within the State of Colorado held in trust by the United States for an Indian tribe; and any other areas within the State of Colorado which are Indian country within the meaning of 18 U.S.C. § 1151.

Montana: MTG589###. This permit covers the Blackfeet Indian Reservation of Montana; the Crow Indian Reservation; the Flathead Reservation; the Fort Belknap Reservation of Montana; the Fort Peck Indian Reservation; the Northern Cheyenne Indian Reservation; the Rocky Boy's Reservation; any land within the State of Montana held in trust by the United States for an Indian tribe; and any other areas within the State of Montana which are Indian country within the meaning of 18 U.S.C. § 1151.

North Dakota: NDG589###. This permit covers the Fort Berthold Reservation; the Spirit Lake Indian Reservation; the Standing Rock Sioux Reservation; the Turtle Mountain Reservation; any land within the State of North Dakota held in trust by the United States for an Indian tribe; and any other areas within the State of North Dakota which are Indian country within the meaning of 18 U.S.C. § 1151, except as provided in the following paragraph.

> This permit includes that portion of the Standing Rock Sioux Reservation and associated Indian country located within the State of South Dakota. It does not include any land held in trust by the

> United States for the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation or any other Indian country associated with that Tribe, which is covered under general permit SDG589###.

South Dakota: SDG589###. This permit covers the Cheyenne River Reservation; Crow Creek Reservation; the Flandreau Santee Sioux Indian Reservation; the Lower Brule Reservation; the Pine Ridge Reservation (including the entire Reservation, which is located in both South Dakota and Nebraska); the Rosebud Indian Reservation; the Yankton Sioux Reservation; any land within the State of South Dakota held in trust by the United States for an Indian tribe; and any other areas within the State of South Dakota which are Indian country within the meaning of 18 U.S.C. § 1151, except as provided in the following paragraph.

> This permit includes any land in the State of North Dakota that is held in trust by the United States for the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation or any other Indian country associated with that Tribe. It does not include the Standing Rock Sioux Reservation or any associated Indian country, which is covered under general permit NDG589###.

Utah: UTG589###. This permit covers the Northwestern Band of Shoshoni Nation of Utah Reservation (Washakie); the Paiute Indian Tribe of Utah Reservation; the Skull Valley Indian Reservation; Indian country lands within the Uintah & Ouray Indian Reservation; any land within the State of Utah held in trust by the United States for an Indian tribe; and any other areas within the State of Utah which are Indian country within the meaning of 18 U.S.C. § 1151, except as provided in the following paragraph.

> It does not include any portions of the Navajo Nation, the Goshute Reservation, the Ute Mountain Reservation in Utah, or any land held in trust by the United States for an Indian tribe that is associated with those Reservations, or any other areas which are Indian country within the meaning of 18 U.S.C. § 1151 that are associated with those Reservations.

Wyoming: WYG589###. This permit covers the Wind River Reservation; any land within the State of Wyoming held in trust by the United States for an Indian tribe; and any other areas within the State of Wyoming which are Indian country within the meaning of 18 U.S.C. § 1151.

A list of the mailing addresses and telephone numbers of the tribal environment directors for each Indian tribe covered by the general permits is included in Attachment A of this Fact Sheet. The names of the environmental directors are not included as they are subject to change.

III. Limitations on Eligibility for Coverage Under the Lagoon General Permit

Coverage under the lagoon general permit is limited to those wastewater lagoon systems that meet the following criteria:

1. The wastewater lagoon system is located in Indian country in EPA Region 8; and

2. The wastewater lagoon system treats primarily domestic wastewater (~80% or greater).

Applications for permit coverage from wastewater lagoon systems that treat wastewater and backwash water from water treatment plants (drinking water), and that otherwise meet the criteria above will be reviewed on a case-by-case basis for coverage under the general permit.

If the EPA determines that a facility receives significant industrial contributions, the operator of that facility may be required to submit an application for an individual permit and will not be covered under this general permit.

Facilities that have a record of frequent non-compliance with effluent limitations may also be required to submit an application for an individual permit.

ESA Consultation
The Endangered Species Act (ESA) of 1973 requires all Federal Agencies to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any Federal action carried out by the Agency is not likely to jeopardize the continued existence of any endangered species or threatened species (together, "listed" species), or result in the adverse modification or destruction of habitat of such species that is designated by the FWS as critical ("critical habitat"). See 16 U.S.C. § 1536(a)(2), 50 C.F.R. Part 402. When a Federal agency's action "may affect" a protected species, that agency is required to consult with the FWS, depending upon the endangered species, threatened species, or designated critical habitat that may be affected by the action (50 C.F.R. § 402.14(a)).

To evaluate how the LGP may affect Endangered Species, the EPA is requiring the use of FWS criteria in Appendix B of this permit to evaluate potential impacts to threatened or endangered species and the designated critical habitat of such species by the discharges from lagoon systems covered under this final general permit. Applicants will provide EPA with information relating to their eligibility under one or more of the FWS criteria in Appendix B, and EPA will use this information to ensure that permitted discharges, will either have "no effect" or "may affect, but . . . [are] not likely to adversely affect" listed species or designated critical habitat. Where the FWS selection criteria are not supplied by an applicant seeking coverage under the LGP, EPA will withhold its notification of coverage and instead notify the applicant that they must apply for an individual permit.

NHPA Consultation
With regard to compliance with the National Historic Preservation Act (NHPA), based on previous permit information and pending construction activity, EPA is not aware of any impacts or potential impacts to historic properties by the discharges from the lagoon systems currently covered under an existing permit. No new ground disturbance is expected to occur because of the issuance of this permit, however, EPA is requiring applicants to provide certification regarding any pending construction and will evaluate NHPA prior to authorization for coverage under this general permit. Additionally, EPA

has included in the electronic notice of intent, the requirement for facilities to notify the applicable Tribal Historic Preservation Officers (THPO), or designated tribal officials, and State Historic Preservation Officers (SHPO) with information on the renewal of their coverage under this permit. If facilities that do not meet the criteria above seek coverage under this general permit, EPA will withhold its notification of coverage under the general permit and instead notify the facility that it must apply for an individual permit.

IV. Categories of Coverage Under the General Permit

The authorization for coverage is limited to one of the following two categories:

DISCHARGE (DIS) – Authorization to Discharge. This category is used for wastewater lagoon systems that either discharge on a continuous basis, discharge most of the time, or discharge seasonally.

NO DISCHARGE (NODIS) – No Authorization to Discharge. The lagoon system is required to have no discharge, this category is for those facilities that normally do not anticipate discharge to occur.

Facility operators may request inclusion in a particular category when submitting their NOIs, but EPA reserves the right to determine final facility categorization after reviewing information submitted in the permittee's NOIs or historical facility information. The basic requirements for these categories are specified in Parts 3 and 4, of the permit.

Obtaining Coverage
Coverage for eligible facilities/operations under the general permits may be obtained if one of the following occurs:

1. A complete NOI is submitted in accordance with the requirements of Part 2 of the permit and the applicant receives a written notice of coverage from the EPA; or,

2. A complete application has been submitted for renewal of an individual permit issued by EPA under the National Pollutant Discharge Elimination System (NPDES), for wastewater discharges to waters of the U.S., and the applicant receives written notification of coverage from the EPA; or

3. A facility/operation is notified by EPA that its lagoon facility/operation is covered by this general permit even if the facility/operation has not submitted a NOI to be covered by the general permit.

A facility/operation that has an EPA-issued individual permit, other than an individual permit required under Part 7.17 of the general permit, may request that the individual permit be revoked and that the coverage be provided under the applicable general permit.

Additionally, the Director may require submittal of an application for an individual NPDES permit based on a review of a discharger's NOI and/or other information.

Coverage under this general permit begins upon receipt of the written notice of coverage from the EPA.

How to Submit an eNOI

With this issuance, EPA is implementing the Electronic Notice of Intent (eNOI) for facilities to apply for coverage under the LGP. The eNOI system has online instructions and help menus that will guide applicants through the application process, is the fastest way to get your application process started, and contains eNOI tips to help avoid common mistakes that could cause additional delays. Unless an operator applies for and is granted a waiver to submit a paper NOI to EPA, use of the eNOI system is now mandatory with this LGP issuance.

To apply for coverage as a first time user of the eNOI system, applicants must first register to gain access to EPA's Central Data Exchange or CDX at the following address:

https://cdx.epa.gov/

The CDX site contains FAQs to guide you through the registration process. Additional information on the eNOI system, including contact numbers to access telephone assistance can be found here:

http://water.epa.gov/polwaste/npdes/basics/eNOI.cfm

As noted above, EPA general permits now require use of the eNOI system unless you are specifically granted a waiver from using the system. To request a waiver, a letter must be sent to the EPA R8 Wastewater program describing why the eNOI system cannot be utilized for submission of the information required for permit authorization. Request must be mailed to the address listed in section 2.3 of the permit.

Upon submission of the eNOI, the operator will also be required to send a copy of the complete NOI to the applicable tribal environmental office

V. Effluent Limitations

DISCHARGE (DIS) - Baseline limitations

For those wastewater lagoon systems that discharge and meet the definition of a publicly owned treatment works (POTW), the effluent limitations on 5-day biochemical oxygen demand (BOD_5), total suspended solids (TSS), and pH are based on the Federal Secondary Treatment Regulation (40 C.F.R. Part 133) and the effluent limitations on oil and grease are based on best professional judgment and protecting water quality. For wastewater lagoon systems that discharge and may not meet the definition of a POTW because of ownership (i.e., not owned by a State, Tribe or "municipality" as defined in the NPDES regulations.) The Secondary Treatment Regulations do not apply to those facilities, however, their wastewater is essentially the same as that being discharged from the municipal lagoon systems. Therefore, based on best professional judgment, the effluent limitations will be set the same for the non-POTWs as for the POTWs.

DISCHARGE (DIS) facilities will have numerical effluent limitations for BOD_5, TSS, pH, and oil and grease. The baseline numerical effluent limitations are listed in Table 1.

TABLE 1 Baseline Effluent Limitations for DISCHARGE (DIS) Facilities			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
BOD_5, mg/L	30	45	N/A
Total Suspended Solids, mg/L	30 b/	45 b/	N/A
The pH of the effluent shall not be less than 6.0 nor greater than 9.0 in any single sample or analysis. c/			
The concentration of oil and grease in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water or adjoining shoreline.			

a/ See Definitions, (Part 8. in the permit), for definition of terms.

b/ The Secondary Treatment Regulation (40 C.F.R. § 133.103(c)) provides for higher effluent limitations for TSS for waste stabilization ponds provided that: (1) Waste stabilization ponds are the principal process used for secondary treatment; (2) The operation and maintenance data indicate that the above effluent limitations on total suspended solids cannot be achieved; and, (3) The above effluent limitations on BOD_5 are being met.

c/ The Secondary Treatment Regulation (40 C.F.R. § 133.102(c)) has provisions for pH limitations outside the range of 6.0 - 9.0 where it can be demonstrated that: (1) Inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0. The EPA may change the effluent limitations on pH to outside the range of 6.0 - 9.0 without going to public notice upon demonstration of the above criteria.

Alternate TSS limitations

The EPA's secondary treatment regulations at 40 C.F.R. § 133.105(b) establish both 30-day average effluent limitation for TSS (30 mg/L) and a 7-day average effluent limitation for TSS (45 mg/L). However, as noted in footnote b/ in the previous table, the EPA's secondary treatment regulations at 40 C.F.R. 133.103(c) also provide EPA with the discretion to adjust these minimum levels of effluent quality for waste stabilization ponds or lagoons that meet the three regulatory criteria described in the footnote. The EPA has previously employed this authority for certain lagoons in Region 8, and will continue to do so, as necessary in this final general permit. Thus, if a facility seeking coverage under this final general permit had higher effluent limitations on TSS in the previous permit pursuant to § 133.103(c), the EPA may again assign those effluent limitations to that facility upon authorization of coverage under this permit subject to the limitation at 40 C.F.R. § 133.105(f) and based upon the allowable higher effluent limitations for TSS provided in the next section.

The allowable higher effluent limitations for TSS are listed below by state boundary. The effluent limitations for facilities located within the boundary of the state of Utah are based on best professional judgment. The 30-day average limitations for the other states and associated geographical areas are based on 40 C.F.R. § 133.105(d) and as published in the Federal Register on November 15, 1978 (43 FR 53161). The 7-day average limitations are based on best professional judgment. The EPA will determine if a facility qualifies for the higher limitations on total suspended solids.

TABLE 2. Alternate Effluent Limitations on TSS for DISCHARGE (DIS) Facilities		
State	30-Day Average, mg/L	7-Day Average, mg/L
Colorado	105	160
Montana	100	135
North Dakota	--	--
North & East of Missouri River	60	90
South & West of Missouri River	100	150
South Dakota	110	165
Utah	45	65
Wyoming	100	150

The EPA may change the effluent limitations on total suspended solids to the higher limitations without going to public notice upon demonstration of the above criteria listed in paragraph above and as specified in Table 2.

Additional Effluent Limitations

EPA expects that compliance with the effluent limitations in the permit will result in compliance with applicable water quality standards for most dischargers covered under this permit. However, there may be situations where additional and/or more stringent water quality-based effluent limitations are necessary to protect applicable water quality standards.

For applicants with unique lagoon characteristics, additional water quality-based effluent limitations will be applied on a site-specific basis and will be specified in the written authorization of coverage under the general permit. For example, chlorine limitations may be specified for facilities that receive drinking water backwash from connected drinking water facilities or *Escherichia coli* limitations may be specified where facilities discharge to receiving streams with recreational use or direct contact use.

If the EPA determines that additional water quality-based effluent limitations are necessary to comply with applicable water quality requirements or standards, etc., those limitations will be set utilizing the Table 3 below.

If additional water quality-based effluent limitations, not specified in this fact sheet and permit, are necessary for a wastewater lagoon systems being considered for coverage under the general permit, the discharger will be directed to obtain coverage under an individual permit so limitations may be included.

TABLE 3. Additional Effluent Limitations and for DISCHARGE (DIS) Facilities			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Total Residual Chlorine a/	0.011 a/	N/A	0.019 a/
Total Ammonia Nitrogen (TAN) c/	1.9*	N/A	17
Escherichia coli, colonies/100 mL	a grab sample shall not exceed 235 colonies/100 mL. The 5-day geometric mean shall not exceed 126 colonies/100 mL. b/		

a/ For the purposes of the permit, the minimum limit of analytical reliability in the analysis for total residual chlorine is considered to be 0.10 mg/L. For purposes of this permit and calculating averages and reporting in the Discharge Monitoring Report form, analytical values less than 0.10 mg/L shall be considered to be in compliance with this permit.
b/ The limits for *Escherichia coli* of 126 colonies/100mL based on the geometric mean, require a minimum of 5 samples be obtained during separate 24-hour periods for any 30-day period. In addition, any single sample result may not exceed 235 colonies/100 mL, nor shall more than 20 percent of the samples examined in this same 30-day period exceed 126 colonies/100 mL. The limits for *Escherichia coli* apply between May 1 and September 30 only.
c/ EPA recommends an acute criterion magnitude of 17 mg Total Ammonia Nitrogen (TAN) per liter at pH 7 and 20°C for a one-hour average duration, not to be exceeded more than once every three years on average. EPA recommends a chronic criterion magnitude of 1.9 mg TAN/L at pH 7 and 20°C for a 30-day average duration, not to be exceeded more than once every three years on average. In addition, the highest four-day average within a 30-day period should not exceed 2.5 times the chronic criterion magnitude (e.g. 1.9 mg TAN/L x 2.5 = 4.8 mg TAN/L at pH 7 and 20°C) more than once in three years on average. Receiving water temperature and pH must be taken concurrently with discharge.
*Not to exceed 2.5 times the criterion continuous concentration as a 4-day average within a 30-day period.

The Colorado River Basin Salinity Control Forum policy for the control of salinity includes discharges from municipalities. That includes facilities located in the Southern Ute Indian Reservation, Ute Mountain Ute Indian Reservation, and Indian country lands within the Uintah and Ouray Indian Reservation. Because there are insufficient data on the salinity contribution from municipal discharges in these areas to determine if effluent limitations on salinity (total dissolved solids (TDS)) are appropriate, there will not be any effluent limitations on TDS at this time. The permit will require monitoring of TDS in the water supply and the discharges from the lagoons to gather the necessary data. Where TDS data is available effluent limitations will be put in place to meet water quality standards, where applicable.

NO DISCHARGE (NODIS): NODIS facilities require that there be no discharge except in accordance with the bypass provisions of the permit. The no-discharge requirement is based on best professional judgment for the specific facility. In the case of an unauthorized discharge, the permittee must follow the requirement of the LGP section 5.8.

VI. Monitoring Requirements

DISCHARGE Monitoring Requirements
Self-monitoring frequency for DISCHARGE facilities will be based upon their discharge regimen and will be specified in the facility authorization letter. Monitoring schedules will be based upon frequency of discharges, and dischargers will be assigned one of three reporting sub-categories; A – Monthly, B – Quarterly, C – Semi-annual.

A – Monthly Monitoring
For facilities with continuous discharges, flow, pH, and oil and grease are to be monitored weekly and BOD_5 and TSS, Total Ammonia as N, Total Nitrogen, Total Phosphorus, and additionally applied parameters are to be monitored monthly.

During monitoring periods, at least a weekly instantaneous reading is to be taken of the discharge flow rate, but the permittee has the option of taking more frequent flow measurements or even monitoring flow continuously. The normal monitoring for oil and grease is to be a weekly visual observation for an oil sheen or floating oil during the monitoring period. In the event that an oil sheen or floating oil is observed, then a grab sample shall be immediately taken, analyzed, and the results reported along with the other monitoring results for that reporting period.

B – Quarterly Monitoring
For facilities with quarterly discharges, BOD_5, TSS, flow, pH, and oil and grease, Total Ammonia as N, Total Nitrogen, Total Phosphorus, and additionally applied parameters are to be monitored quarterly during any discharge activity.

During discharge periods, at least a weekly instantaneous reading is to be taken of the discharge flow rate, but the permittee has the option of taking more frequent flow measurements or even monitoring flow continuously. The normal monitoring for oil and grease is to be a weekly visual observation for an oil sheen or floating oil during the monitoring period. In the event that an oil sheen or floating oil is observed, then a grab sample shall be immediately taken, analyzed, and the results reported along with the other monitoring results for that reporting period.

C – Semi-Annual or Periodic Monitoring
For facilities with semi-annual or periodic discharges, BOD_5, TSS, flow, pH, and oil and grease, Total Ammonia as N, Total Nitrogen, Total Phosphorus, and additionally applied parameters are to be monitored during any discharge activity.

During discharge periods, at least a weekly instantaneous reading is to be taken of the discharge flow rate, but the permittee has the option of taking more frequent flow measurements or even monitoring flow continuously. The normal monitoring for oil and grease is to be a weekly visual observation for an oil sheen or floating oil during the monitoring period. In the event that an oil sheen or floating oil is observed, then a grab sample shall be immediately taken, analyzed, and the results reported along with the other monitoring results for that reporting period.

Sample Types
For all sub-categories of facilities, the following monitoring sample types are required where specified in the final permit authorization:

Effluent Characteristic	Sample Type a/
Flow, MGD b/	Instantaneous
BOD_5, mg/L	Grab
pH, standard units	Instantaneous
Total Suspended Solids, mg/L	Grab
Total Dissolved Solids, mg/L c/	Grab
Total Residual Chlorine	Grab
Total Ammonia Nitrogen (TAN) d/	Grab
Escherichia coli, colonies/100 mL	Grab

Total Nitrogen, mg/L	Grab
Total Phosphorus, mg/L	Grab
Oil and Grease, Visual Observation	Observation
Oil and Grease, mg/L e/	Grab

a/ See permit Definitions, Part 8, for definition of terms in the permit.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in gallons per day) during the reporting period and the daily maximum flow (maximum volume discharged during a 24-hour period) shall be reported. Alternately, for facilities that do not have fixed flow measurement devices in place, flow may be estimated by performing calculations based on; the dimensions of the lagoon, discharge rate, length of discharge and depth markers.

c/ For those facilities associated with the Southern Ute Reservation, Ute Mountain Reservation, and Indian country lands within the Uintah & Ouray Reservation the permit will require monitoring of TDS of the water supply and the discharges from the lagoons. This is to determine if effluent limitations on TDS are necessary in accordance with the Colorado River Basin Salinity Control Forum's policy for regulating the discharge of salinity from municipalities.

d/ Ammonia monitoring is required for all discharges under the lagoon general permit. Ammonia monitoring data will be utilized to assess if water quality effects on streams require future limitations on ammonia to protect aquatic life. Receiving water temperature and pH must be taken concurrently with discharge.

e/ In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 C.F.R. Part 136. If no grab sample was taken during the reporting period because no visible sheen was observed, enter "No grab sample required this reporting period." or similar verbiage on the appropriate line of the discharge monitoring report form.

NO DISCHARGE (NODIS) Monitoring Requirements

Facilities covered under the NODIS category are not expected to discharge, and this permit does not authorize discharges from these facilities. However, if an unauthorized release is discovered or is expected to occur, the discharge is to be monitored. The discharge shall be monitored (sample taken and flow rate measured) three times per week during the first week of discharge, including as soon as is practical after the unauthorized release is discovered or when an expected unauthorized release begins, and at weekly intervals thereafter until the unauthorized release stops. If the discharge is less than one week in duration, monitoring shall be performed at the beginning, middle and end of the discharge.

The monitoring shall be performed for flow, BOD_5, TSS, pH, oil and grease, Total Ammonia as N, Total Nitrogen, and Total Phosphorus. If it is not possible to measure the rate of discharge, the rate of discharge shall be estimated. In addition, the permittee shall monitor the duration and approximate volume of each discharge.

Sample Types

The following monitoring sample types are required during an unauthorized release:

Flow, MGD b/	Instantaneous
BOD_5, mg/L	Grab
Total Suspended Solids, mg/L	Grab
pH, standard units	Instantaneous
Oil and Grease, Visual Observation	Observation
Oil and Grease, mg/L e/	Grab
Total Ammonia Nitrogen (TAN) d/	Grab
Total Nitrogen, mg/L	Grab
Total Phosphorus, mg/L	Grab

VII. Reporting of Monitoring Results and Other Information

The reporting of monitoring results requirements are given in Part 5.4 of the permit. They are summarized as follows:

DISCHARGE (DIS) Reporting Requirements
For discharge facilities, the effluent monitoring results obtained during the previous **month, calendar quarter, or semi-annual period**), shall be summarized and reported via the NetDMR reporting system or on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported, see example below.

Reporting Period	DMR Due Date
Monthly (e.g. January)	28th day of the following month (February 28th)
Quarterly (e.g. April – June)	28th day following the end of the quarter (July 28th)
Semi-annually (e.g. July – December)	28th day following the end of the 6th month (January 28th)

NPDES permittees required to submit DMRs may use NetDMR after requesting and receiving permission from the EPA. After the region has approved the facility's request, the NetDMR tool enables permittees to complete their DMRs via a secure Internet connection. The NetDMR Login page has links to additional resources that will give you more information on NetDMR. NetDMR can be found by searching the internet using the keywords "EPA, NetDMR, reporting". If no discharge occurs during the reporting period, "no discharge" shall be reported on the Net DMR reporting site.

The reports are to be signed in accordance with the Signatory Requirements given in Part 7.7 of the permit and submitted to the Region and to the applicable tribe.

NO DISCHARGE (NODIS) Reporting Requirements
The use of DMR Forms for reporting monitoring results from unauthorized discharges is not appropriate. Instead, the permittee shall report the monitoring results using the format given in Part 9 of the permit in accordance with the instructions in Part 5.4.2 of the permit. A photocopy of the format provided in Part 9 may be used. The monitoring results obtained during the duration of each discharge

are to be reported by the 28th day of the month following the beginning of the unauthorized release. If the discharge continues into the next month, monitoring results are to be reported for each month until the discharge is terminated.

The reports are to be signed in accordance with the Signatory Requirements given in Part 7.7 of the permit and submitted to the Region and to the applicable tribe.

Tribal Environmental Office Notification
(Applicable to both DISCHARGE and NO DISCHARGE facilities)
Operators are required to send copies of all DMRs, as well as written notifications of non-compliance and anticipated bypass, to the applicable Tribal environmental office.

When notification is required by telephone, EPA recommends that facility operators record the date and time of calls and the recipient of the call in their inspection record notebooks or similar record. Contact phone numbers for Tribal Environmental Offices are provided in Appendix A.

VIII. Inspection Requirements

Inspection requirements apply to all facilities covered under the general permit. The records of inspections are to be retained on-site at the facility or at a nearby office for the facility.

Parts 3.3, and 4.3, of the permit include routine inspection requirements. These are included as a preventative measure and require that the wastewater treatment facility be inspected on at least a weekly basis unless otherwise approved by the EPA. Permission for the less frequent inspections may be granted on a case-by-case basis where appropriate (e.g. a lagoon located in a remote area where access is a problem during the winter and compliance issues are not present).

The objectives of the inspections include checking on the discharge status of the lagoon system; checking for specified items that will require corrective maintenance (e.g., leakage through the dikes, animal burrows in the dike, excessive erosion of the dikes, rooted plants growing in the water, and the vegetation growth on the dikes need mowing); and determining if proper operation and maintenance procedures are being undertaken. If an inspection shows that a discharge has occurred or is likely to occur before the next inspection, the appropriate monitoring and reporting requirements are to be performed if not already done.

With this permit issuance, the specification on the “bound” notebook requirement has been replaced with the requirement to maintain a notebook. Notebooks should be used for the maintenance of field/facility records. All entries should record the date and time of inspection or maintenance. The record must also include; the name(s) of the person(s) making the inspection; any problems identified; recommendations, as appropriate, to remedy identified problems; and a brief description of any actions taken with regards to identified problems. Documentation should be recorded in notebooks using indelible ink pens in sufficient detail so that decision logic may be traced back, once reviewed. Additionally, with this issuance, in Appendix D an example form for Lagoon Inspections is provided to support facility operators with inspection requirements. These forms may be printed out, completed and maintained in the inspection notebook.

Effective Date and Duration of Permit

The permit will be issued for a period of five years, with the effective date and expiration date determined at the time of permit issuance.

Continuation of the Expired Permit
The permit will expire within five years after the effective date. If the permit has not been renewed or terminated, the expired permit may continue in force and effect until a new permit is issued. In order to obtain coverage under the continued permit until a new general permit is issued, the permittee must submit a letter to EPA containing the following:

1. Name, address, and telephone number of the operator of the facility;

2. The existing permit number for the facility; and,

3. A request that the facility be approved coverage under the continued permit until a new general permit is issued.

The letter must be signed in accordance with Part 7.7, Signatory Requirements, and mailed no later than thirty (30) days before the expiration date of the permit.

Certification of the Permit
With the exception of those Reservations where the Tribe(s) has Clean Water Act § 401(a)(1) certification authority, EPA intends to certify that the permit complies with the applicable provisions of the Clean Water Act so long as the permittees comply with all permit conditions.

Changes from Previous Permits

Although the new general permit is similar to the permit issued in 2010, some changes have been made, with the following being the most significant:

1. Modification of categories. The previous LGP contained three categories of coverage. With this issuance, the LGP will have two categories; a discharging (DIS) and non-discharging (NODIS) category. Within the discharging category three monitoring frequency sub-categories are provided to streamline sampling and reporting requirements.

2. The use of an electronic Notice of Intent (e-NOI) has been established with this permit issuance to enhance the application process and reduce the application and processing burden. Electronic submission of NOIs through the e-NOI system is operated by EPA Headquarters, with automated email explanations and reminders of monitoring requirements.

3. As a supplementary requirement of the eNOI system, electronic submission of monitoring results via the NetDMR reporting system is being required with this permit issuance.

4. In order to meet U.S. FWS Endangered Species Act requirements, the previous permit provided a list of facilities able to be covered under the 2010 LGP. With the 2015 LGP issuance this requirement has been replaced with self-certification and ESA selection requirements listed in Appendix B. This modification will enable new facilities that meet the 2015 LGP criteria to apply for coverage under the permit.

5. Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) requirements are being incorporated into the 2015 LGP permit and eNOI system to ensure proper certification of actions that may affect ESA or NHPA sites. The use of selection criteria for both ESA and NHPA actions is being utilized to ensure continuity with EPA national general permit practices.

6. With the 2015 general permit issuance, Total Ammonia as N, Total Nitrogen, and Total Phosphorus, monitoring were added to the monitoring requirements to establish a data baseline for future permitting decisions and protection of water quality.

7. Land application of wastewater language was removed due to lack of application and threshold limitations. Any permittees wishing to land apply wastewater for irrigation purposes may be required to apply for an individual permit.

8. At the request of the Tribal Environmental Directors, with this issuance, the requirement for facilities to notify their applicable Tribal Environmental Office prior to discharge, in addition to the requirement to provide monitoring data from discharges is being established. This requirement is listed in section VII. Reporting of Monitoring Results and Other Information.

IX. Changes to Final Fact Sheet from the Draft Fact Sheet

Permit and Fact Sheet by:

VelRey A. Lozano, Environmental Scientist, EPA Region 8 (8P-W-WW), March 17, 2015

Reviewed by Lisa Kuznierz (8P-MOO), Everett Volk (8-ORC), April 10, 2015