UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

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"), except as provided in Part 5 of this permit, operators of wastewater treatment lagoons located in the following areas

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.

are authorized to discharge at locations within the above described areas to waters of the United States, in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective (anticipated date **October 1, 2015**.)

This permit and the authorization to discharge shall expire at midnight, (anticipated date **September 30, 2020.)**

Signed this day of

_____
Authorized Permitting Official

Darcy O'Connor, Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

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1. COVERAGE UNDER THIS PERMIT

1.1. Introduction: This general permit is intended for the permitting of wastewater lagoon systems that treat primarily domestic sewage (~80 % or greater) and are located within the boundaries of the specified Indian Reservations or otherwise in Indian country as defined in Section 8 of this permit. Authorization for coverage under this permit will be limited to one of the following two categories of wastewater lagoon systems:

DISCHARGE (DIS) – Authorization to Discharge. No prior notification is required before starting to discharge;

NO DISCHARGE (NODIS) – No Authorization to Discharge. The lagoon system is required to have no discharge.

The basic requirements for each of the categories are specified in Parts 3 and 4, respectively, of the permit. If additional water quality-based effluent limitations are necessary to comply with applicable water quality standards, those requirements will be specified in the written notice of authorization of coverage or subsequent letter from the EPA.

1.2. Permit Area: This general permit covers the areas specified on the cover page of this permit.

1.3. Eligibility:

1.3.1. This permit provides coverage for wastewater lagoon systems treating primarily domestic sewage (~80 % or greater). The wastewater lagoon system may not receive any significant industrial discharge contributions. The EPA has the final determination as to whether any non-domestic wastewater is considered a significant industrial discharge contribution.

1.3.2. Limitations on Coverage: Wastewater lagoon systems that have been issued an individual permit, or required to obtain coverage under an alternative general permit, in accordance with Part 7.16 are not authorized by this permit.

1.3.3. A wastewater lagoon system that has an individual permit, other than an individual permit required under Part 7.16, may request that the individual permit be revoked, and that it be covered by this general permit. Upon submittal of the necessary notice of intent information, revocation of the individual permit and receipt of written notification of coverage from EPA, this general permit shall apply to the wastewater lagoon system.

1.3.5 Threatened and Endangered Species and Critical Habitat Protection. Coverage under this permit is available only if your wastewater discharges and related activities will not adversely affect any species that are federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as “critical habitat” under the ESA. You must meet one of the six eligibility criteria and follow the procedures in Appendix B.

Nothing in this permit authorizes take for the purposes of a facility’s compliance with the Endangered Species Act.

1.3.6. Historic Properties Preservation. Coverage under this permit is available only if your wastewater discharges and related activities meet one of four eligibility criteria, following the procedures in Appendix C.

You are reminded that you must comply with applicable laws concerning the protection of Threatened and Endangered Species, Critical Habitat Protection, and the protection of historic properties and places.

1.4. Authorization to Discharge:

1.4.1. Eligible wastewater lagoon systems may be authorized to discharge under this general permit in the following three circumstances:

1.4.1.1. The operator of a lagoon system has submitted a complete Notice of Intent (NOI) in accordance with the requirements of Part 2 and the operator receives a written notice of authorization from the EPA;

1.4.1.2. The operator of a lagoon system has submitted a complete application 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 operator instead receives written notification of coverage under the general permit from the EPA; or

1.4.1.3 The Director notifies the operator of a wastewater lagoon system that it is covered by this general permit, even if the operator has not submitted a notice of intent to be covered by the general permit.

1.4.2 The Director may withhold its notification of coverage and instead require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

2. NOTICE OF INTENT REQUIREMENTS

2.1 Obtaining Authorization for Coverage under the Lagoon General Permit: To obtain authorization under this permit, you must operate a wastewater lagoon located in Indian country and the lagoon must treat primarily domestic wastewater (~80 % or greater).

2.1.1 You must submit a complete and accurate Notice of Intent (NOI) using EPA's electronic Notice of Intent (eNOI) system (accessible at http://water.epa.gov/polwaste/npdes/basics/eNOI.cfm) or you must request a waiver from the eNOI system requirement and upon approval, submit the required information in Part 2.3 in paper format to the address listed in Part 2.4;

2.1.2 Based on a review of your NOI or other information, EPA may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.4.2 and 7.16. In these instances, EPA will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

2.2 Deadlines for Submitting a Notice of Intent:

2.2.1. Facilities that had coverage under the previous general permit that this permit replaces are required to submit a complete NOI within 90 days after the effective date of this permit if they want to maintain coverage under the general permit.

2.2.2. Facilities that did not have coverage under the previous general permit that this permit replaces must submit a complete NOI at least thirty (30) days before:

2.2.2.1. The expected start of discharge from the wastewater lagoon system; or,

2.2.2.2. The date when the operator wants authorization to begin.

2.3. Contents of Notice of Intent: The Notice of Intent to be authorized to discharge under the provisions of this permit shall be submitted via the EPA eNOI system. Information requested via the eNOI system includes the following.

2.3.1. Facility's official or legal name.

2.3.2. Legal name, mailing address, and phone number of the owner of the facility.

2.3.3. Name, mailing address and phone number of the organization or entity that operates the facility, if different from owner.

2.3.4. Name, title, and work phone number of the contact person for the facility. This should be a person that is familiar with the day-to-day operation of the facility.

2.3.5. Location of facility: Give section (to nearest quarter section) township, and range (e.g., NW 1/4 sec.5, T.33 N., R.9 W.); latitude and longitude to the nearest 15 seconds; and, if applicable, the street address, city, and county.

2.3.6. Is the discharge from this facility located in Indian country?

2.3.7 Is the facility tribally owned and/or operated or partially owned or operated? If yes, what percentage?

2.3.8. Does this facility have or did it previously have an individual NPDES permit? If yes, give the number of the permit and the status of the permit (e.g. effective, expired, pending, etc).

2.3.9. Name of the waterway that will receive the discharge from the lagoon system. If the name of the waterway is unknown, give the name of the first downstream waterway (stream or lake) that the name is known (e.g., unnamed tributary of Rock Creek).

2.3.10. For each discharge point from which the facility has either an existing or potential release of treated or untreated wastewater, assign an outfall number (e.g., 001, 002, 003, etc.,) and provide a brief description of the discharge point (e.g., 001, outlet from cell number 3; 002, overflow structure on cell no. 2; 003, bypass structure at headworks of lagoon system, etc.,). **Include discharge points for intermittent or non-continuous overflows, bypasses or seasonal discharges**. Include latitude and longitude to the nearest 15 seconds for each outfall. If outfall numbers have been assigned on a previous permit application for this facility, the same designation shall be used.

2.3.11. A map and/or diagram showing the location of the lagoon system, existing or potential discharge points, and the receiving waterway. Label discharge points by outfall number. All maps and diagrams are to be on 8 ½" by 11" paper. It is acceptable to use a photocopy of the appropriate part of a 7 ½ minute USGS quadrangle map with the necessary information added as appropriate, or satellite or aerial internet images.

2.3.12. Provide the following plant design and treatment data:

2.3.12.1. Give the year the lagoon system was originally constructed and the year(s) of any additions or modifications;

2.3.12.2. A line drawing (flow diagram) of the current treatment system. Show all treatment units and existing or potential discharge points. Label the discharge points with outfall numbers;

2.3.12.3. A brief description of the types of treatment units employed by the facility;

2.3.12.4. For each cell of the lagoon system, give the surface area (in acres or square feet) and the capacity (in million gallons);

2.3.12.5. The average and peak design flow (mgd);

2.3.12.6. The average and peak design organic treatment capacity (pounds of BOD_5 per day or design population);

2.3.12.7. Has sludge been removed from the lagoon system in the last 5 years? If yes, give the years when it was dredged and the approximate quantity removed.

2.3.12.8. The name of the nearest waterbody down gradient from the lagoon and the approximate distance from the lagoon to the waterbody.

2.3.12.9. The depth, in feet, from the bottom of the lagoon to the annual high groundwater level below the lagoon.

2.3.13. List any changes or improvements to the facility, either currently underway or anticipated over the next five (5) years, which will affect the quality of the discharge. Provide a narrative description of each improvement.

2.3.14. For each item identified in number 2.3.13 above, provide projected dates, as accurately as possible, for completion of each step listed below:

2.3.14.1. Beginning Construction Date: _____

2.3.14.2. Ending Construction Date: _____

2.3.14.3. Beginning Discharge Date: _____

2.3.14.4. Operational Level Attained: _____

2.3.15. What is the total estimated average daily waste inflow, in mgd, from all non-domestic industrial sources?

2.3.16. Manufacturing and Industrial Operations:

2.3.16.1 Check any facility in the service area of your treatment plant and estimate of daily flow.

- ❑ Beverage Manufacturing
- ❑ Concrete Ready-Mix
- ❑ Dairy Products
- ❑ Drinking Water Backwash
- ❑ Electroplating
- ❑ Food Manufacturing (e.g. bakery, etc.)
- ❑ Hospitals or dialysis treatment facilities
- ❑ Leather Tanning & Finishing
- ❑ Meat Products
- ❑ Metal Finishing (e.g. powder coating, etc.)
- ❑ Metal Molding & Casting (Foundry)
- ❑ Oil & Gas Extraction
- ❑ Petroleum Refining
- ❑ Pharmaceutical Manufacturing
- ❑ Transportation Equipment Cleaning
- ❑ Waste Treatment
- ❑ Other, (Describe)_____
  _____

2.3.17. Trucked-in Wastes:

2.3.17.1. Does the treatment system receive any trucked-in wastes, including septage haulers? If yes, describe the kinds of waste received and volume and if any such waste is subject to any other state, local or federal regulations. How many days per month is septage dumped, from how many septic companies?

2.3.17.2. Does the facility have a dedicated trucked waste discharge location? If no, where is the trucked waste discharged into the municipal facility?

2.3.18. List the name and actual (or, if unavailable, estimated) population for each municipality, quasi-municipality, or unincorporated area served. Information can be gathered from census data or internet queries (list source of data).

2.3.19. List any discharge sample analyses (e.g., BOD_5, TSS, and *Escherichia coli* or fecal coliforms) which are routinely performed by a contract laboratory or consulting firm. For each pollutant listed, give the name, mailing address, and telephone number of the contract laboratory or consulting firm doing the analysis.

2.3.20. Is a contractor responsible for any operational or maintenance aspects of your facility? If yes, give the name, mailing address, and telephone number of the contractor and describe the contractor's responsibilities.

2.3.21. Specify which of the following categories of operational requirements that you wish to be authorized for coverage under this permit:

2.3.21.1. 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.

2.3.21.2. 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.

The category of operational requirements authorized for the lagoon system will be specified by EPA in the letter authorizing coverage under this permit. The category of operational requirements approved by EPA may be different from that requested in the Notice of Intent.

2.3.22. Will the proposed action by the applicant affect endangered or threatened species or a specific critical habitat of an endangered or threatened species in your county? As required by Part 1.3.5, you must meet one or more of the following six criteria (A-F) to be eligible for coverage under the permit for your wastewater discharge and discharge-related activities. Use Appendix B of this permit to select the FWS criterion applicable:

☐ Criterion A	☐ Criterion D
☐ Criterion B	☐ Criterion E
☐ Criterion C	☐ Criterion F

If none of the six criteria apply, you cannot submit an NOI and you must apply for an individual permit.

2.3.23. Will the proposed action by the applicant affect properties listed, or eligible for listing, on the National Register of Historic Places? As required by Part 1.3.6, you must meet one or more of the following four criteria (A-D) to be eligible for coverage under the permit for your wastewater discharge and discharge-related activities. Select the NHPA criterion applicable:

☐ Criterion A
☐ Criterion B
☐ Criterion C
☐ Criterion D

If none of the four criteria apply, you cannot submit an NOI and you must apply for an individual permit.

2.3.24. Report the results of any monitoring of discharges that occurred during the past three (3) years. Include the dates and location of any samples that were taken.

2.3.25. The Notice of Intent must be submitted by the organization or entity that has the legal responsibility for operating the wastewater lagoon system, shall be signed in accordance with the signatory requirements of Part 7.7, and the person signing the Notice of Intent 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."

Typed or Printed Name: _____
Signature _____ Date_____
Title:_____

Upon review of the submitted eNOI, the Director may request additional information. **Authorization to discharge under this permit does not begin until the operator receives written authorization from the Director.**

2.4. Where to Submit Notice of Intent

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 Unit describing why the eNOI system cannot be utilized for submission of the information required for permit authorization. Requests for eNOI waivers and paper copies of NOIs not submitted electronically via EPA's eNOI system must be submitted to EPA at the following address:

U.S. EPA, Region 8
Wastewater Unit (8P-W-WW)
1595 Wynkoop Street
Denver, CO 80202-1129

A copy of completed NOIs shall also be submitted to the applicable Tribe (see Appendix A for list of Tribal Environmental Offices).

3. DISCHARGE (DIS) – AUTHORIZATION TO DISCHARGE

3.1. Effluent Limitations: Effective immediately and lasting through the life of this permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

TABLE 1 Effluent Limitations DISCHARGE Facilities			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
5-day Biochemical Oxygen Demand (BOD_5), mg/L	30	45	N/A
Total Suspended Solids (TSS), mg/L b/	30	45	N/A
The pH of the effluent shall not be less than 6.0 or 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.			

Additional Chlorine Parameter DISCHARGE Facilities d/:

TABLE 2 Additional Effluent Limitations for DISCHARGE Facilities that receive drinking water backwash or facilities that provide additional chlorine addition:			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Total Residual Chlorine (TRC), mg/L e/	0.011	N/A	0.019

Additional *Escherichia coli* Parameter for DISCHARGE Facilities d/:

TABLE 3 Additional Effluent Limitations for DISCHARGE Facilities that discharge to recreational or tribal use areas as determined by individual tribal uses:			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Escherichia coli, colonies/100 mL f/	A grab sample shall not exceed 235 colonies/100 mL. The 5-day geometric mean shall not exceed 126 colonies/100 mL.		

Additional Ammonia Parameter for DISCHARGE Facilities d/:

TABLE 4 Additional Effluent Limitations and/or monitoring for DISCHARGE Facilities where ammonia limitations are specified in tribal water quality standards:			
Effluent Characteristic	30-Day Average a/	7-Day Average a/	Daily Maximum a/
Total Ammonia Nitrogen (TAN) g/	1.9	N/A	17

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

b/ The Secondary Treatment Regulation (40 C.F.R. Part 133) 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 TSS cannot be achieved; and, (3) The above effluent limitations on BOD_5 are being met.

The EPA may change the effluent limitations on TSS to the higher limitations without going to public notice upon demonstration of the above criteria. If a facility had the higher effluent limitations on TSS in the previous permit, the EPA may assign those effluent limitations, based on 40 C.F.R. § 133.105(d) to that facility effective upon authorization of coverage under this permit.

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.

d/ Facility specific and/or water quality specific requirements apply to those facilities where additional effluent limitations or monitoring is required to ensure that water quality is protected. These facility specific and/or water quality specific requirements are in addition to any requirements specified elsewhere in this permit. Notification of additional permit parameters will be based on the limitations provided in this permit and will be listed in the letter of authorization.

e/ For the purposes of the permit, the minimum limit of analytical reliability in the analysis for total residual chlorine is considered to be 0.010 mg/L. For purposes of this permit and calculating averages and reporting in the DMR form, analytical values less than 0.10 mg/L shall be considered to be in compliance with this permit.

f/ 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.

g/ 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.

3.2. Self-Monitoring Requirements: At a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) Form (EPA No. 3320-1) that no discharge or overflow occurred.

3.2.1 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 sub-categories; A – Monthly, B – Quarterly, C – Semi-annual reporting.

3.2.1.1. **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 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.

3.2.1.2. **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.

3.2.1.3. **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.

3.2.2. Sample Types:

Effluent Characteristic	Sample Type a/
Flow, MGD b/	Instantaneous
5-day Biochemical Oxygen Demand (BOD_5), mg/L	Grab
pH, standard units	Instantaneous
Total Suspended Solids (TSS), mg/L	Grab
Total Dissolved Solids (TDS), mg/L	Grab
Total Residual Chlorine (TRC), mg/L	Grab
Total Ammonia Nitrogen (TAN) c/	Grab
Escherichia coli, colonies/100 mL	Grab
Total Nitrogen (N), mg/L	Grab
Total Phosphorus (P), mg/L	Grab
Oil and Grease, Visual Observation	Observation
Oil and Grease, mg/L d/	Grab

a/ See 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/ 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.

d/ 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 DMR form.

3.3. Inspection Requirements

3.3.1. On at least a weekly basis, unless otherwise modified by written approval from the EPA, the permittee shall inspect its wastewater treatment facility. The permittee shall maintain a notebook recording all information obtained during the inspection. At a minimum, the notebook shall include the following:

3.3.1.1. Name of facility and permit number;
3.3.1.2. Date and time of the inspection;
3.3.1.3. Name of the inspector(s);
3.3.1.4. The facility's discharge status;
3.3.1.5. The flow rate of the discharge if occurring;
3.3.1.6. If a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in Parts 3.2 and 5.4 of this permit if not already done.);
3.3.1.7. Is there is any leakage through the dikes;
3.3.1.8. Are there are any animal burrows in the dike;
3.3.1.9. Is there any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
3.3.1.10. Are there are any rooted plants, including weeds growing in the water;
3.3.1.11. Does the vegetation growth on the dikes needs mowing (e.g. greater than 6” tall);
3.3.1.12. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
3.3.1.13. Identification of operational problems and/or maintenance problems;
3.3.1.14. Recommendations, as appropriate, to remedy identified problems;
3.3.1.15. A brief description of any actions taken with regard to problems identified; and,
3.3.1.16. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with required record-keeping items listed above and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe (see Part 5.10 of this permit).

3.3.3. Problems identified during the inspection shall be listed with corrective action and a time frame to correct the issue. Example: repair cracks in North berm, remove animal and repair burrow, within 7 days. (See Part 6.5 of this permit.)

4. NO DISCHARGE (NODIS) - NO AUTHORIZATION TO DISCHARGE

4.1. No Discharge Requirement: Effective immediately and lasting through the life of this permit, there shall be no discharge except in accordance with the bypass provisions of this permit. If an unauthorized release occurs or is expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants (see Part 6.7).

4.2. Self-Monitoring Requirements: If an unauthorized release is discovered or expected to occur, the discharge shall be monitored as shown below:

Effluent Characteristic	Frequency	Sample Type a/
Total Flow, gpm c/	b/	Instantaneous
5-day Biochemical Oxygen Demand (BOD_5), mg/L	b/	Grab
pH, standard units	b/	Grab
Total Suspended Solids (TSS), mg/L	b/	Grab
Total Ammonia Nitrogen (TAN), mg/L	b/	Grab
Total Nitrogen (N), mg/L	b/	Grab
Total Phosphorus (P), mg/L	b/	Grab
Oil and grease, Visual d/	b/	Observation
Oil and Grease, mg/L d/	d/	Grab

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

b/ The discharge shall be monitored three times per week for the first week of discharge (sample taken and flow rate measured), including once as soon as 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 lasts less than one week in duration, monitoring shall be performed at the beginning, middle, and end of the discharge event. The permittee shall report the monitoring results using the format on the last page of this permit in accordance with the instructions in Part 5.4.2. A photocopy of the page of Part 9 may be used.

c/ 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.

d/ 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 because no visible sheen was observed, enter “No Visible sheen observed, so no grab sample required.” or similar verbiage when reporting the monitoring data.

4.3. Inspection Requirements

4.3.1. On at least a weekly basis, unless otherwise modified by written approval from the EPA, the permittee shall inspect its wastewater treatment facility. The permittee shall maintain a notebook recording all information obtained during the inspection. At a minimum, the notebook shall include the following information: (see Appendix D for Example Lagoon Inspection Form)

4.3.1.1. Name of facility and permit number;
4.3.1.2. Date and time of the inspection;
4.3.1.3. Name of the inspector(s);
4.3.1.4. The facility's discharge status;
4.3.1.5. The flow rate of the discharge if occurring;
4.3.1.6. If a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in Parts 4.2 and 5.4.2 of this permit if not already done.);
4.3.1.7. Is there is any leakage through the dikes;
4.3.1.8. Are there are any animal burrows in the dike;
4.3.1.9. Is there any erosion of the dikes;
4.3.1.10. Are there are any rooted plants, including weeds growing in the water;
4.3.1.11. Does the vegetation growth on the dikes needs mowing (e.g. greater than 6” tall);
4.3.1.12. List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility.
4.3.1.13. Identification of operational problems and/or maintenance problems;
4.3.1.14. Recommendations, as appropriate, to remedy identified problems;
4.3.1.15. A brief description of any actions taken with regard to problems identified; and,
4.3.1.16. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with required record-keeping items listed above and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe (see Part 5.10 of this permit).

4.3.3. Problems identified during the inspection shall be listed with corrective action and a time frame to correct the issue. Example: repair cracks in North berm, remove animal and repair burrow, within 7 days. (See Part 6.5 of this permit.)

5. MONITORING, RECORDING AND REPORTING REQUIREMENTS

5.1. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Parts 3 and 4 shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

5.2. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this permit.

5.3. Penalties for Tampering. The Act 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 two years or both. Second conviction is punishable by a fine of not more than $20,000 or by imprisonment of not more than four years, or both.

5.4. Reporting of Monitoring Results.

5.4.1. Reporting of Effluent Monitoring Results for DISCHARGE Facilities. Effluent monitoring results obtained during the previous **month** shall be summarized and reported 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)

A copy of the laboratory reports for whole effluent toxicity testing shall be submitted along with the DMR for that reporting period. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 7.7), and submitted to the Planning and Targeting Program and the applicable Tribe at the addresses given in Part 5.4.3 below.

5.4.2. Reporting of Effluent Monitoring Results NO DISCHARGE Facilities. In the case of an unanticipated discharge, effluent monitoring results obtained during the duration of each discharge shall be summarized in **the format of Part 9 of this permit or on a photocopy of that page of this permit**, postmarked no later than the 28th day of the month following the beginning of the unauthorized release. If the discharge continues into the next month, monitoring results shall be reported monthly until the discharge is terminated. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 7.7), and submitted to the EPA Region 8 Policy, Information Management & Environmental Justice Program and the specified Tribe at the addresses given in Part 5.4.3 below.

5.4.3. Paper submission of discharge monitoring reports: Hard copies of DMRs shall be sent via U.S. Mail as follows:

Original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

Copy to: Applicable Tribe (see Appendix A for list of Tribes)

5.4.4. Electronic submission of discharge monitoring reports: NPDES permittees required to submit DMRs may use NetDMR after requesting and receiving permission from the EPA. After the EPA has approved the facility's request, the NetDMR tool enables permittees to complete their DMRs via a secure Internet connection.

For more information on getting started, please visit;

https://netdmr.epa.gov/netdmr/public/getting_started.htm.

5.5. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 C.F.R. Part 136 and 40 C.F.R. Part 503, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

5.6. Records Contents. Records of monitoring information shall include:

5.6.1 The date, exact place, and time of sampling or measurements;
5.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
5.6.3. The date(s) analyses were performed;
5.6.4. The time(s) analyses were initiated;
5.6.5. The initials or name(s) of individual(s) who performed the analyses;
5.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,
5.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

5.7. Retention of Records. 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, inspection records, notifications to the EPA per this permit, and DMRs, for a period of at least five years from the date of the sample, measurement, report, application or submittal. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 C.F.R. Part 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, a copy of this NPDES permit, and the notice of intent for permit coverage, must be maintained on site.

5.8. Twenty-four Hour Notice of Noncompliance Reporting.

5.8.1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Preparedness, Assessment and Response Program at (303) 293-1788 and the applicable Tribe (see Appendix A for list of Tribes and telephone numbers).

5.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, NPDES Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the applicable Tribe (see Appendix A for list of Tribes and telephone numbers) (8:00 a.m. - 4:30 p.m. local time) by the first workday following the day the permittee became aware of the circumstances:

5.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 6.7, Bypass of Treatment Facilities.);

5.8.2.2. Any unauthorized release, including sanitary sewer overflows;

5.8.2.3. Any upset which exceeds any effluent limitation in the permit (See Part 6.8, Upset Conditions.); or,

5.8.2.4. Any violation of a discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

5.8.3. A written submission shall also be provided to the EPA and to the applicable Tribe within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

5.8.3.1. A description of the noncompliance and its cause;

5.8.3.2. The period of noncompliance, including exact dates and times;

5.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

5.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The written submission shall be submitted to the following addresses:

Original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

Copy to: Applicable Tribe (see Appendix A for list of Tribes)

5.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 5.8.2 above, if the incident has been orally reported in accordance with the requirements of Part 5.8.2.

5.9. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part 5.4 are submitted. The reports shall contain the information listed in Part 5.8.3.

5.10. Inspection and Entry. The permittee shall allow the Regional Administrator or 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:

5.10.1. 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;

5.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

5.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

5.10.4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

6. COMPLIANCE RESPONSIBILITIES

6.1. Duty to Comply. The permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

6.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517), June 27, 1997 (62 Fed. Reg. 35037-35041), February 13, 2004 (69 Fed. Reg. 7121-7127) and December 11, 2008 (73 Fed. Reg. 75340-75346). On November 6, 2013 (78 Fed. Reg. 66643-66648) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of December 6, 2013, for violations of the Act (including permit conditions) are given below:

6.2.1. 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 Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation.

6.2.2. Any person who *negligently* violates Section 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 Section 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 for 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 for not more than 2 years, or both.

6.2.3. Any person who *knowingly* violates Section 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 Section 402(a)(3) or 402(b)(8) of the Act, 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 for not more than 6 years, or both.

6.2.4. 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 for not more than 15 years, or both. In the case of a 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 for not more than 30 years, or both. An organization, 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.

6.2.5. 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 of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $16,000 per violation, with a maximum amount not to exceed $37,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $16,000 per day for each day during which the violation continues, with the maximum amount not to exceed $187,500.

6.3. Need to Halt or Reduce Activity not a Defense. 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.

6.4. Duty to Mitigate. 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.

6.5. Proper Operation and Maintenance. 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 back-up 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. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

In addition to the operation and maintenance items in the manual for the lagoon system, the permittee shall do the following maintenance:

6.5.1. Take necessary action to promptly correct the problem of leakage through the dikes;
6.5.2. Take necessary action to promptly remove burrowing animals from the dikes;
6.5.3. Promptly repair damage to dikes caused by burrowing animals and/or erosion;
6.5.4. Remove rooted plants, including weeds, from the water on a regular basis or as needed; and
6.5.5. Keep the dikes mowed on a regular basis during the growing season or as needed (e.g., keep growth below 6" in height).

6.6. Removed Substances. Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (e.g., 40 C.F.R. Part 257, 40 C.F.R. Part 258, 40 C.F.R. Part 503). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

6.7. Bypass of Treatment Facilities.

6.7.1. 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 Parts 6.7.2 and 6.7.3.

6.7.2. Notice:

6.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the EPA Region 8 Technical Enforcement Program and to the applicable Tribe (see Part 5.8.3 for addresses).

6.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 5.8, Twenty-four Hour Notice of Noncompliance Reporting, to the EPA Region 8 Technical Enforcement Program and to the applicable Tribe.

6.7.3. Prohibition of bypass.

6.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

6.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

6.7.3.1.2. 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 preventive maintenance; and,

6.7.3.1.3. The permittee submitted notices as required under Part 6.7.2.

6.7.3.2. 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 Part 6.7.3.1.

6.8. Upset Conditions

6.8.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part 6.8.2 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 (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

6.8.2. 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:

6.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;

6.8.2.2. The permitted facility was at the time being properly operated;

6.8.2.3. The permittee submitted notice of the upset as required under Part 5.8, Twenty-four Hour Notice of Noncompliance Reporting; and,

6.8.2.4. The permittee complied with any remedial measures required under Part 6.4, Duty to Mitigate.

6.8.3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6.9. Industrial Waste Management

6.9.1. The Permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.

6.9.2. Pretreatment Standards (40 C.F.R. § 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

6.9.2.1. Any other pollutant which may cause Pass Through or Interference.

6.9.2.2. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 C.F.R. § 261.21;

6.9.2.3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;

6.9.2.4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

6.9.2.5. Any pollutant, including oxygen demanding pollutants (e.g., BOD_5), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;

6.9.2.6. 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 forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

6.9.2.7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

6.9.2.8. 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;

6.9.2.9. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

6.9.2.10. Any specific pollutant which exceeds a local limitation established by the Permittee in accordance with the requirements of 40 C.F.R. §§ 403.5(c) and (d).

6.9.3. For the POTWs covered by this permit, EPA presently is the Approval Authority for the Pretreatment Program and the mailing address for all reporting and notifications to the Approval Authority shall be: Office of Enforcement, Compliance, and Environmental Justice - Water (8ENF-W-NP), USEPA - Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

6.9.4. In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act.

6.9.5. The Permittee must notify the Approval Authority of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) days following the introduction or change. Such notice must identify:

6.9.5.1. Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections 301, 306, or 307 of the Act if it were directly discharging those pollutants; or

6.9.5.2. Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user;

6.9.5.3. For the purposes of this section, adequate notice shall include information on:

6.9.5.3.1. The identity of the industrial user;

6.9.5.3.2. The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and

6.9.5.3.3. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids or sludge produced at such POTW.

6.9.5.4. For the purposes of this section, an industrial user shall include:

6.9.5.4.1. Any discharger subject to Categorical Pretreatment Standards under 40 C.F.R. chapter I, subchapter N;

6.9.5.4.2. Any discharger, which has a process wastewater flow of 25,000 gallons or more per day;

6.9.5.4.3. Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

6.9.5.4.4. Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirements;

6.9.6. At such time as a specific Pretreatment Standard or requirement becomes applicable to an industrial user of the Permittee, the Approval Authority may, as appropriate:

6.9.6.1. Amend the Permittee's NPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;

6.9.6.2. Require the Permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's POTW for treatment. Such requirement shall be imposed in a manner consistent with the program development requirements of the General Pretreatment Regulations at 40 C.F.R. Part 403; and/or,

6.9.6.3. Require the Permittee to monitor its discharge for any pollutant which may likely be discharged from the Permittee's POTW, should the industrial user fail to properly pretreat its waste.

6.9.7. The Approval Authority retains, at all times, the right to take legal action against any source of non-domestic discharge, whether directly or indirectly controlled by the Permittee, for violations of a permit, order or similar enforceable mechanism issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 C.F.R. chapter I, subchapter N. In those cases where a NPDES permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the Approval Authority shall hold the Permittee and/or industrial user responsible and may take legal action against the Permittee as well as the Industrial user(s) contributing to the permit violation.

7. GENERAL REQUIREMENTS

7.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

7.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,

7.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.

7.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

7.2. 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.

7.3. Permit Actions. 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.

7.4. Continuation of the Expired General Permit. This permit expires five years after the effective date. However, an expired general permit may continue in force and effect. If a permittee wants to retain coverage under the continued permit until a new general permit is issued, the permittee must submit a letter containing the following to EPA, and a copy to the applicable Tribe, at the addresses given below:

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

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

7.4.3. A request that the facility be proved 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 to the following address no later than thirty (30) days before the expiration date of the permit:

U.S. EPA, Region 8
Wastewater Unit (8P-W-WW)
1595 Wynkoop Street
Denver, CO 80202-1129

Copy to: Applicable Tribe (see Appendix A for the list of tribal contacts)

7.5. Duty to Provide Information. 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.

7.6. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

7.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

7.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

7.7.2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

7.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

7.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

7.7.3. Changes to authorization. If an authorization under Part 7.7.2 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 Part 7.7.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

7.7.4. Certification. Any person signing a document under 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."

Typed or Printed Name: _____

Signature _____
Title: _____ Date _____

7.8. Penalties for Falsification of Reports. The Act 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 noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

7.9. Availability of Reports. Except for data determined to be confidential under 40 C.F.R. Part 2, Subpart B, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

7.10. Oil and Hazardous Substance Liability. 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 Act.

7.11. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.

7.12. Severability. 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 the remainder of this permit, shall not be affected thereby.

7.13. Transfers. This permit may be automatically transferred to a new permittee if:

7.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

7.13.2. 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,

7.13.3. 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. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 7.13.2 above.

7.14. Permittees in Indian Country. EPA is issuing this permit pursuant to the Agency's authority to implement the Clean Water Act NPDES program in Indian country, as defined at 18 U.S.C. §1151.

7.15. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

7.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

7.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the applicable Tribe and/or EPA for incorporation in this permit.

7.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

7.16. Requiring an Individual Permit or an Alternative General Permit.

7.16.1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this part. Where the Director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Director shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address given in Part 2.3 of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Director under this part, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.

7.16.2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 C.F.R. § 122.21, with reasons supporting the request, to the Director at the address given in Part 2.3 of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

7.16.3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

8. DEFINITIONS

8.1. "The Act" means the Clean Water Act (CWA) or the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.

8.2. "Approval Authority" means the chief administrative officer of any State agency operating an approved program, or the delegated representative of the chief administrative officer, in an NPDES State with an approved State pretreatment program; and the appropriate Regional Administrator in a non-NPDES State or a NPDES State without an approved State pretreatment program.

8.3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

8.4. "Composite samples" shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

8.4.1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

8.4.2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

8.4.3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

8.4.4. Continuous collection of sample, with sample collection rate proportional to flow rate.

8.5. "Daily Maximum" ("Daily Max.") is the highest allowable discharge 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 pollutants discharged over the calendar 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 calendar day. If only one measurement or sample is taken during the calendar day, that will be considered the average for the calendar day.

8.6. "Director" means the Regional Administrator of EPA Region 8 or an authorized representative.

8.7. "EPA" means the United States Environmental Protection Agency.

8.8. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

8.9. "Indian country" is defined as in 18 U.S.C. § 1151 to mean (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

8.10. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

8.11. The "7-day (and weekly) average", other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

8.12. "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.

8.13. "Sewage sludge" is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

8.14. The "30-day (and monthly) average", other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

8.15. "Unauthorized Releases" mean the discharge of water from the lower end of the treatment or containment system through a release structure or over or through retention dikes when the permit requires "No Discharge" (NODIS). For No Discharge facilities, an unauthorized release is distinguished from a bypass in that a bypass discharges wastewater prior to the wastewater entering the wastewater lagoon system.

8.16. “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 caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

8.17. “Wastewater lagoon system” means waste stabilization pond(s), oxidation pond(s), facultative pond(s), aerated pond(s), aerobic or anaerobic pond(s), or similar treatment system.

9. FORMAT FOR REPORTING EFFLUENT MONITORING DATA FOR UNAUTHORIZED RELEASES

Permittee Name: _____
NPDES Permit No.: _____

Mailing Address: _____
_____
_____

Name of Facility Contact: _____ Phone: _____
When discharge started or discovered: _____ (time, date)
End of Discharge: _____ (time, date)

Time & date 24-Hour Notice of Noncompliance given to EPA & Tribe
_____

Describe Location of Discharge (use attachment if insufficient space)
_____
_____

ANALYTICAL RESULTS

	Sample No. 1	Sample No. 2	Sample No. 3	Sample No. 4
Date of Sample				
Time of Sample				
Flow while Sampling, gpm				
BOD_5, mg/L				
TSS, mg/L				
pH, s.u.				
Oil and Grease, Visual				
Oil and Grease, mg/L				

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein based on my inquiry of those individual(s) directly responsible for obtaining the information. The information submitted is, to the best of my knowledge, 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.

Typed or Printed Name: _____

Signature _____ Date _____

Title _____

APPENDIX A. LIST OF ENVIRONMENTAL COORDINATORS FOR APPLICABLE TRIBES IN WYOMING

Wind River Reservation **Northern Arapaho Tribe**	**Wind River Reservation** **Eastern Shoshone Tribe**
Environmental Director Northern Arapaho Tribe P.O. Box 217 Fort Washakie, WY 82514 (307) 332-3164	Director Wind River Environmental Quality Commission P.O. Box 217 Fort Washakie, WY 82514 (307) 332-3164

APPENDIX B. PROCEDURES RELATING TO ENDANGERED SPECIES PROTECTION

Assessing the Effects of Your Discharge and Discharge-Related Activities

Coverage under this permit is available only if your wastewater discharge and related activities were the subject of an Endangered Species Act (ESA) consultation or an ESA Section 10 permit, or if your wastewater discharge and related activities are not likely to affect any species that are federally-listed as endangered or threatened ("listed") under the ESA and are not likely to adversely affect habitat that is federally-designated as "critical" under the ESA. You must follow the procedures in this appendix to assess the potential effects of applicable wastewater discharges and related activities on listed species and their critical habitat and determine which of the eligibility criterion, if any, you qualify under. In accordance with Part 5.7 of this permit, you must keep documentation with your permit to support your determination of eligibility under Part 1.3.5, including the process employed and results of the endangered species investigation.

If you are seeking renewal of coverage under the Lagoon General Permit (LGP), you must complete this analysis using any data collected when your site was fully active and discharging, even if you are now claiming that your site is not discharging. If no such data exist for your facility, you should utilize the best available information from any facility(ies) expected to discharge substantially similar effluents. You should contact EPA if you need assistance in obtaining data from a facility with a substantially similar effluent.

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area." Action area is defined as all areas affected directly or indirectly by the wastewater activities, and not merely the immediate area involved in these discharges and activities. This includes areas beyond the footprint of the facility that are likely to be affected by planned or unplanned lagoon discharges, and discharge-related activities.

Eligibility Criterion

As required by Part 1.3.5, you must meet one or more of the following six criteria (A-F) to be eligible for coverage under the permit for your wastewater discharge and discharge-related activities:

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area".

Criterion B. Consultation between a Federal agency and the U.S. Fish and Wildlife Service (the "FWS") under section 7 of the ESA has been concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit).

The consultation must have addressed the effects of your facility's wastewater discharges and related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in either:

i. a biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat; or

ii. written concurrence from the Service(s) with a finding that the facility's wastewater discharges, and discharge-related are not likely to adversely affect federally-listed species or federally-designated critical habitat.

You must verify that the consultation remains valid, in accordance with 50 CFR § 402.15. If reinitiation of consultation is required, in order to be eligible under this Criterion you must conclude the reinitiated consultation and the result must be consistent with (i) or (ii) above. If

eligible, you must keep documentation with your permit, including the biological opinion (or PCTS tracking number) or concurrence letter.

Criterion C. Your activities are authorized through the issuance of a permit under section 10 of the ESA, and authorization addresses the effects of the wastewater discharges related activities on federally-listed species and federally-designated critical habitat. You must keep documentation with your permit, including a copy of the permit from the FWS.

Criterion D. Coordination between you and the FWS under Section 7 of the ESA has been concluded. The coordination must have addressed the effects of the facility's wastewater discharges and related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the FWS concluding that your wastewater discharges and related activities are not likely to adversely affect federally-listed threatened or endangered species and federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve consistency with the "not likely to adversely affect" determination become eligibility conditions for LGP coverage, and permit requirements under Part 1.3.5.

Criterion E. Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your facility's "action area," and your wastewater discharges and related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. To certify your eligibility under this criterion, you must follow the assessment procedures in this appendix. You must provide the following information with your completed NOI form:

i. If you are an existing discharger: (1) a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the "action area"; (2) a list of the pollutant parameters for which you have ever exceeded an applicable effluent limitations, or for which you have ever been found to have caused or contributed to an exceedance of an applicable water quality standard or to have violated a tribal water quality requirement; and (3) your rationale supporting your determination that you meet Criterion E, including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

ii. If you are a new discharger: (1) a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the "action area"; (2) a list of the potential pollutants in your discharge; and (3) your rationale supporting your determination that you meet Criterion E, including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects.

After evaluation of your determination, EPA may require additional controls that you must implement to avoid or eliminate adverse effects on listed species and critical habitat from wastewater discharges and related activities.

Criterion F. The facility's wastewater discharges and related activities were already addressed in another operator's valid certification of eligibility for your "action area" and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area".

To certify eligibility under this criterion there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements imposed under the other operator's valid certification of eligibility to ensure that your wastewater discharges

and discharge-related activities are protective of listed species and/or critical habitat. If your certification is based on another operator's certification under Criterion E, that certification is valid only if you have documentation showing that the other operator had certified under Criterion E, and you provide EPA with the relevant supporting information required of existing dischargers in Criterion E (above, under subparagraph (i)) in your NOI form. You must also keep any documentation with your permit that supported the other operator's eligibility determination, as well as any terms and conditions imposed under the eligibility requirements that applied under the prior certification.

Detailed Steps to Assist in the Determination of ESA Eligibility

You must follow the step-by-step instructions in this worksheet in order to determine your eligibility under the criteria described above.

Step One: *Determine if the Eligibility Requirements of Criterion B, C, or F* can be met.

You should first determine whether you are eligible under Criterion B, C, or F because of a previously completed ESA section 7 consultation, a previously issued ESA section 10 permit, or because your activities were already addressed in another discharger's certification of eligibility. If your facility is not likely to be eligible under Criterion B, C, or F, you may proceed directly to Step 2.

Criterion B Eligibility Requirements
If consultation under ESA section 7 on a separate Federal action has been concluded, you may be eligible for coverage under Criterion B. In order to be eligible for coverage under Criterion B, you must confirm that all the following are true:

- ❑ Consultation between a Federal agency and the FWS under section 7 of the ESA has been concluded. The consultation may be either formal or informal, and would have occurred only as a result of a separate federal action. Consultation must have addressed the effects of your facility's wastewater discharge and related activities on all federally-listed threatened or endangered species and all federally-designated critical habitat in your action area. The result of this consultation must be either i) a biological opinion that concludes that the action in question is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or ii) written concurrence from the FWS with a finding that concludes your facility's wastewater discharge and related activities are not likely to adversely affect listed species or designated critical habitat.

- ❑ The consultation remains valid, in accordance with 50 C.F.R. § 402.16; or, if reinitiation is required you have concluded the reinitiated consultation and the result of the consultation is consistent with the statements above.

If all of the above are true, you may select Criterion B on your NOI. If any of the above are not true, you may not select Criterion B and must proceed to Step 2.

Criterion C Eligibility Requirements
If your activities have been addressed through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's wastewater discharges and related activities on all federally-listed threatened or endangered species and all federally-designated critical habitat, you may be eligible for coverage under Criterion C. In order to be eligible for coverage under Criterion C, you must confirm that the following is true:

- ❑ A permit has been issued under section 10 of the ESA. The permit authorization specifically addresses the effects of your facility's wastewater discharges and related activities on all federally listed species and designated critical habitat in your action area.

If the above is true, you may select Criterion C on your NOI. If the above is not true, you may not select Criterion C and must proceed to Step 2.

Criterion F Eligibility Requirements

If your facility's wastewater discharges and related activities were already addressed in another operator's valid certification of eligibility, you may be eligible for coverage under Criterion F. In order to be eligible for coverage, you must confirm the following are true:

- ❑ You have confirmed that the other operator's certificate of eligibility accounted for your action area and that the eligibility determination was valid.
- ❑ There has been no lapse of NPDES permit coverage in the other operator's certification.
- ❑ Your facility will comply with all terms and conditions imposed under the other operator's valid certification of eligibility, and those terms and conditions are listed in your NOI and maintained with your permit file.

If all of the above are true, you may select Criterion F on your NOI. If any of the above are not true, you may not select Criterion F and must proceed to Step 2.

Step Two: *Determine if Listed Threatened or Endangered Species and Critical Habitat are Present in the Action Area.*

Next, you should determine whether federally-listed species are likely to occur in your action area. You can do this by obtaining a list of threatened and endangered species that are likely to occur in your general area, including the appropriate receiving water for your discharges. County-specific or sometimes township-specific lists of federally threatened and endangered species are available from the local offices of FWS internet site. If there are listed species in your county or township, you must then determine, as best you are able, whether any of the species are likely to occur in your action area (use the Services or Tribal Heritage Centers, as necessary). General species information can be found at

www.fws.gov/endangered

You must also check to see if critical habitat has been designated and whether such areas overlap your action area. Critical habitat should be listed on the species list for your county or township available from the appropriate Service office. You can also find critical habitat designations at 50 C.F.R. §§ 17 and 226 and at http://ecos.fws.gov/crithab/.

Criterion A Eligibility Requirements
In order to be eligible for coverage under Criterion A, you must confirm the following are true:

- ❑ You have confirmed there to be no listed species and no critical habitat in your action area.

If the above is true, you may select Criterion A on your NOI.

If the above is not true, you may not select Criterion A. If there are listed species and if you determine or your local FWS, or Tribal Heritage Center indicates that these species could occur in the action area, you will need to evaluate whether your action area supports habitat(s) that are suitable for listed species or the constituent elements of critical habitat. Your evaluation may utilize one or more of the following approaches:

Gather information about the species and critical habitat that are likely to occur in your action area (http://ecos.fws.gov/crithab/ or http://www.fws.gov/endangered/). Conduct a visual inspection of the action area to assess the potential presence of listed species and their habitats. Compare the size and types of habitats available in your action area and adjacent areas with the size and types of habitats used by listed species and constituent elements of critical habitat.

Reference an environmental assessment completed for the site under the National Environmental Policy Act (NEPA). Such assessments may indicate whether listed species and critical habitats are likely to occur in the action area.

Proceed to Step 3.

Step Three: *Determine if your Activities Are Not Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat*

To receive LGP coverage, you must analyze the effects of your activities, which may include not only your wastewater discharge, but also any construction, operation, and maintenance activities related to wastewater management. You must be able to conclude that your wastewater discharge and wastewater management related activities are not likely to adversely affect threatened or endangered species or designated critical habitat that are likely to occur in your action area. To arrive at this conclusion, you should be able to conclude that listed species and critical habitat are not likely to be exposed to the effects of your activities, or if they are exposed, they are not likely to respond to the effects, or if they do respond, the responses are not sufficient to reduce an individual's chances of surviving and reproducing or diminish the amount or suitability of constituent elements of critical habitat. Construction, operation, and maintenance of facilities related to your wastewater discharge can potentially result in the following adverse effects:

- **Hydrological.** Wastewater discharges may adversely affect receiving waters from pollutant parameters such as temperature, salinity or pH. These effects will vary with the amount of wastewater discharged and the volume and condition of the receiving water. Where a wastewater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- **Habitat.** Outdoor activities, such as storage of materials and land disturbances associated with wastewater management-related activities, may adversely affect listed species, their habitat, and critical habitat.

- **Toxicity.** Pollutants in wastewater may have toxic effects on listed species and adversely affect critical habitat. Exceedances of effluent limitations, or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your facility is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS for assistance.

<u>Criterion E Eligibility Requirements</u>

- **If adverse effects to listed threatened or endangered species or their critical habitat are not likely, then you may select eligibility Criterion E on the NOI form**.

  As part of certifying your compliance with Criterion E, you must submit information to support your findings. If you are an existing discharger, you are required to (1) identify any pollutant parameters for which you have ever exceeded effluent limitations, or have ever been found to have caused or contributed to an exceedance of an applicable water quality standard, or violated a tribal water quality

requirement; (2) provide a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the action area; and (3) provide your rationale supporting your determination that you qualify under Criterion E. If you are a new discharger, you must provide the list of species or critical habitat and the technical evaluation (described in (2) and (3) above, respectively), and you must also include a list of the potential pollutants in your discharge.

- **If you cannot yet conclude your wastewater discharge is not likely to adversely affect listed species or critical habitat, or if you conclude that your wastewater discharge could potentially adversely affect listed species or critical habitat, you must follow Step Four**.

Step Four: *Determine if Measures Can Be Implemented to Avoid Adverse Effects or If Further Analysis Supports the Conclusion that Adverse Effects Are Not Likely.*

If you could not make a preliminary determination in Step 3 that adverse effects to listed species and/or critical habitat are not likely to occur, you can still receive coverage under Criterion E if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for LGP coverage. These measures may be relatively simple, e.g., rerouting a wastewater discharge to bypass an area where species are located.

Criterion E Eligibility Requirements

- **If you are able to install and implement appropriate measures to avoid the likelihood of adverse effects, you may proceed to submitting your NOI for coverage under the LGP**. The measures you adopt to avoid or eliminate adverse effects must be implemented.

  As part of certifying your compliance with Criterion E, you must submit information to support your findings. If you are an existing discharger, you are first required to (1) identify any pollutant parameters for which you have ever exceeded an effluent limitations guideline, or have ever been found to have caused or contributed to an exceedance of an applicable water quality standard, or violated a Tribal water quality requirement; (2) provide a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the action area; and (3) provide your rationale supporting your determination that you qualify under Criterion E, including a description of measures you will implement to avoid or eliminate the likelihood of adverse effects. If you are a new discharger, you must provide the list of species or critical habitat and the technical evaluation (described in (2) and (3) above, respectively), and you must also include a list of the potential pollutants in your discharge.

- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow Step Five.**

Step Five: *Determine if the Eligibility Requirements of Criteria D Can Be Met.*

Where adverse effects are likely and you are unable to avoid or eliminate the likelihood of adverse effects, you must contact the FWS. However, you may still be eligible for LGP coverage if any likely adverse effects can be addressed through meeting Criteria D as follows:

You have coordinated your activities with the appropriate Service office (see Criterion D). In the absence of any other conditions set forth in Step Four, you may still be able to qualify for coverage under this LGP if you coordinate with the FWS and the Service provides a letter or memorandum concluding that permitting your wastewater discharges under the LGP is consistent with the “not likely to adversely affect” determination for the LGP. If you adopt measures to avoid or eliminate

adverse effects, per the Service's requirements or recommendations, you must abide by those measures for the duration of your coverage under the LGP.

You must comply with any terms and conditions imposed under the eligibility requirements to ensure that your wastewater discharges and discharge-related activities are protective of listed species and/or critical habitat. See Part 1.3.5 of the permit. If the eligibility requirements cannot be met, and maintained, then you are not eligible for coverage under this LGP. In these instances, you may consider applying to EPA for an individual permit.

APPENDIX C. PROCEDURES RELATING TO HISTORIC PROPERTIES

Background

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their "undertakings" on historic properties. "Undertaking" is defined in the NHPA regulations as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval." 36 C.F.R. § 800.16(y). Historic properties include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places; the term encompasses artifacts, records, and remains related to and located within such properties, and also includes properties meeting the National Register criteria that are of traditional religious and cultural importance to an Indian tribe. See 36 C.F.R. § 800.16(1).

EPA Region 8's reissuance of the Lagoon General Permit (LGP) is a federal undertaking within the meaning of the NHPA regulations. Although individual applications for coverage under the general permit do not constitute separate undertakings, the screening criteria and certifications in this Appendix provide an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the permit. Applicants seeking coverage under the LGP are thus required to make certain certifications regarding the potential effects of their wastewater discharge and related activities on historic properties.
You must meet one or more of the four criteria (A-D), which are also required under Part 1.3.6 in the permit, to be eligible for coverage under this LGP. To help make your criterion selection, you must follow the historic properties screening procedures in this appendix, and then enter the criterion on your NOI. If you cannot meet any of the certification criteria relating to historic properties, you must apply for an individual permit.

At various times the NHPA regulations and this permit require communication with the Tribal Historic Preservation Officer (THPO) for the tribe on whose lands the facility is located. ("Tribal lands" is defined for this purpose at 36 C.F.R. § 800.16(x).) If the tribe in question does not have an appointed THPO, then these communications should be with the State Historic Preservation Officer (SHPO) *and* a representative designated by the tribe. In this Appendix, the term Historic Preservation Official (HPO) refers to whichever official(s) may be appropriate to involve under the circumstances.

Historic Properties Eligibility Criteria

Criterion A. Your wastewater discharges and related activities do not have the potential to have an effect on historic properties, because there will be no new ground-disturbing activity on your site and no new discharges; or

Criterion B. Your wastewater discharges and related activities may have the potential to have an effect on historic properties, but there are no historic properties within the area of potential effects (APE); or

Criterion C. Your wastewater discharges and related activities have the potential to have an effect on historic properties, and there are historic properties within the APE, and you have obtained and are in compliance with a written agreement with the HPO regarding measures to mitigate or prevent any adverse effects on historic properties, and you have either (1) obtained and are

in compliance with a written agreement that outlines all such measures, or (2) been unable to reach agreement on such measures; or

Criterion D. Your wastewater discharges and related activities have the potential to have an effect on historic properties, and there are historic properties within the APE; you have contacted EPA and the HPO, informing them in writing that you have the potential to have an effect on historic properties; and EPA has provided the additional measures, if any, required for you to be eligible for permit coverage.

If you have been unable to reach agreement with the HPO regarding appropriate measures to mitigate or prevent adverse effects, EPA may notify you of additional measures you must implement in order to be eligible for coverage under this permit.

Historic Properties Screening Procedures: Initial Considerations

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency's obligations under the NHPA. The overwhelming majority of sources covered under this permit will be facilities seeking renewal of previous permit coverage. These existing dischargers should have already addressed NHPA issues in the 2010 LGP as they were required to certify that they were either not affecting historic properties or they obtained written agreement from the applicable HPO regarding ways to avoid, minimize, or mitigate potential impacts. Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility. EPA is not aware of any impacts on historic properties from activities covered under the 2010 LGP, or, for that matter, any need for a written agreement. Therefore, to the extent this permit authorizes renewal of prior coverage without relevant changes in operations, with documented prior compliance with NHPA requirements, it has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties where permittees construct or install wastewater control measures that involve ground disturbance of up to one acre of land to comply with this permit. (Ground disturbances of one acre or more require coverage under a different permit, the Construction General Permit.) Where you have to disturb the land through the construction or installation of control measures, there is a possibility that historic properties could be impacted. Therefore, if you are establishing new or altering existing control measures to manage your wastewater that will involve subsurface ground disturbance of up to one acre, you will need to ensure (1) that historic properties will not be impacted by your activities or (2) that you have consulted with the appropriate HPO regarding measures that would mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures That Involve Ground Disturbance

EPA has reviewed typical control measures currently employed to determine which practices involve some level of earth disturbance. The types of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch Basins

- Ponds
- Ditches
- Trenches
- Culverts
- Land manipulation: contouring, sloping, and grading
- Channels
- Perimeter Drains
- Swales

EPA cautions dischargers that this list is non-inclusive. Other control measures that involve earth-disturbing activities not on this list must also be examined for the potential to affect historic properties.

Contact information
Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (www.achp.gov/programs.html). In instances where a Tribe does not have a Tribal Historic Preservation Officer, you should contact the appropriate Tribal government office to obtain contact information for their designated representative.

Historic Properties Screening Procedures: Steps for Assessing Eligibility

You should follow the following process to assess and certify your compliance with historic property eligibility requirements under this permit (see Part 1.3.6). Note that after you submit your NOI, there is a 30-day waiting period during which the HPO may review your NOI and may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

Step One: *Are you an existing facility reapplying for certification under the 2015 LGP?*

If you are an existing facility you should have already addressed NHPA issues. To gain coverage under the 2010 LGP you were required to certify that you were either not affecting historic properties or had obtained written agreement from the relevant HPO regarding methods of addressing potential impacts. As long as you are not constructing or installing any new wastewater treatment facility modifications then you have met eligibility Criterion A.

If you are a new facility, or an existing facility without documented NHPA compliance, then proceed to Step Two.

Step Two: *Are you constructing or installing a new wastewater treatment facility that requires ground disturbance of up to one acre?*

If your compliance with this permit will not involve any ground disturbance, then you may select eligibility Criterion A on your NOI form and you have no further obligations relating to historic properties. However, if at any time during the permit term you determine that ground disturbance is needed and you initially chose eligibility Criterion A, then you must follow the procedures in Steps Three through Five to ensure that your eligibility for continued authorization to discharge is maintained before any ground disturbance occurs.

If you are building or installing wastewater treatment facilities on your site that cause up to one acre of ground disturbance, or if you have no documentation of NHPA compliance for your facility, then proceed to Step Three.

Step Three: *Within your APE, determine whether (a) there is a property listed in, or eligible for listing in, the National Register of Historic Places; or (b) prior earth disturbances, surveys or other activity have revealed the existence of a historic property or provided evidence that a historic property may exist.*

Under this step your must consider the APE associated with your facility as described in (a) and (b) below. The APE includes each lagoon facility covered by the permit and any locations that may be physically affected (for instance, as a result of downstream scouring) by facility discharges. *See* 36 C.F.R. §§ 800.4(a)(1), 800.16(d).

> (a) *Determine whether your APE includes any portion of a property listed in the National Register of Historic Places.* Listed properties can be identified by consulting the National Register of Historic Places website at www.nps.gov/nr/. Note that this website may not be up to date, and that the connection between your APE and a listed historic property may not be obvious. For any questions regarding listings in the National Register of Historic Places you should contact your HPO.

If the result of your inquiry is yes then proceed to Step Five. If no, consider part (b).

> b) *Determine whether any prior ground disturbance, survey of historic resources, or other activity has revealed the presence of historic properties or provided other evidence that a National Register-eligible historic property may exist within your APE.* Evidence that a National Register-eligible historic property may exist includes any artifacts, records or remains that may have been found indicating the presence of a potential historic property even if such evidence or property has not yet been evaluated for eligibility for listing in the National Register of Historic Places. Be aware that discovery of human remains may trigger separate requirements under state law or the federal Native American Graves Protection and Repatriation Act (NAGPRA), but any such requirements are not associated with LGP permit eligibility.

If a prior ground disturbance, survey, or other activity has revealed the presence of historic properties or other evidence that a National Register-eligible historic property may exist within your APE, proceed to Step Five.

Alternatively, if you substitute or modify your activities to eliminate any ground disturbance, you may select eligibility Criterion A on your NOI form and you have no further obligations relating to historic properties.

If a prior ground disturbance, survey, or other activity has not conclusively revealed the existence of historic properties or other evidence that a National Register-eligible historic property may exist within your APE, or if there has been no prior earth disturbance, survey, or other activity with which to make this assessment, then proceed to Step Four.

Step Four: *In coordination with your HPO, or by retaining a qualified historical or archaeological consultant, determine whether any historic properties identified in Step Three may be within your APE.*

This step assumes that you are disturbing up to one acre of land in connection with this permit, and that the APE for your project does not include any site listed in the National Register of Historic Places, and that no prior earth disturbance, survey, or other activity has revealed the presence of historic properties or other evidence that a National Register-eligible historic property may exist within your APE. In these circumstances, you must still determine, in coordination with the relevant HPO, whether any properties eligible for listing in the National Register of Historic Places exist within your APE.

You may contact the appropriate HPO to request their help in determining the presence of historic properties. Alternatively, you may opt to contact a qualified historical or archaeological consultant without first contacting the HPO. If the HPO indicates to you within 30 calendar days after your contact that they are unable to assist you, then you must engage the services of a qualified professional consultant. If the HPO does not respond within 30 days after your contact, you may assume there are no historic properties or National Register of Historic Places-eligible property within your APE, and you may certify your eligibility under Criterion B on your NOI form, and you have no further obligations relating to historic properties.

The HPO and/or a qualified professional consultant can assist your analysis and determination in many ways, including examining local records to determine whether historic artifacts have been found in nearby areas, conducting surveys of your APE, and performing limited surface and subsurface examinations. Your historic resource survey assistance provider and results must be documented and retained. If you determine there are no historic properties within your APE, you should inform the appropriate HPO of that finding in writing. If the HPO provides written concurrence or does not respond within 30 days after your contact, you may assume there are no historic properties or National Register of Historic Places-eligible property within your APE, and you may certify your eligibility under Criterion B on your NOI form, and you have no further obligations relating to historic properties.

If you determine that there are or may be historic properties within your APE, continue to Step Five.

Alternatively, if you substitute or modify your activities to eliminate any controls involving ground disturbance, you may select eligibility Criterion A on your NOI form and you have no further obligations relating to historic properties.

Step Five: *Contact the EPA and appropriate historic preservation authorities.*

This step assumes that you are constructing treatment facilities affecting up to one acre of land to control wastewater discharges associated with this permit, and that you have determined that there are or may be historic properties within your APE. In that case, you must contact the EPA and the relevant HPO in writing and request to discuss mitigation or prevention of any adverse effects. The letter should state that you are seeking coverage under this permit, that historic properties may be present within the APE. It should also describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state that if the HPO does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation. EPA encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property. Contact with all parties should be made as soon as possible, but in no event less than 30 days before you submit your NOI.

If you enter into, and comply with, a written agreement with the HPO regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion C. In this case, you should retain a copy of the written agreement consistent with Part 5.7 of the LGP. As noted above, the HPO may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties. However, EPA would generally accept any written agreement as addressing such concerns unless new information was brought to the Agency's attention that was not considered in your previous discussions with the HPO.

If you do not receive a response from your HPO within 30 days after making contact in this step, or if you consult with the HPO regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached, EPA may require you to obtain coverage under an individual permit. Alternatively, EPA may determine what additional measures, if any, are required for you to become eligible

for LGP coverage. After you comply with any such additional measures you must document your compliance and retain that documentation. If no additional measures are required for you to become eligible for permit coverage, retain the written statement from EPA informing you of this. You may then select eligibility Criterion D on your NOI form and you have no further obligations regarding historic properties.

APPENDIX D. EXAMPLE LAGOON INSPECTION FORM

Note: Inspections are required weekly unless otherwise approved by the EPA. Fill out this form completely. If something is not applicable, write N/A.

Facility Name		NPDES Permit Number	
Inspection Date		Inspection Time	
Inspector Name(s)			

		Comments/Descriptions
1. Is the lagoon discharging?	**Yes No**	
2. Has the lagoon discharged since the last inspection?	**Yes No**	
3. Is the lagoon likely to discharge before the next inspection?	**Yes No**	
Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements, if not already done. DISCHARGE (DIS) – See Parts 3.2 and 5.4.1 of permit NO DISCHARGE (NODIS) – See Parts 4.2 and 5.4.2 of permit		
4. Flow rate if discharge is occurring (note gallons per minute or gallons per day)		
5. Is there any leakage through the dikes?	**Yes No**	
6. Are there any animal burrows in the dikes?	**Yes No**	
7. Is there erosion of the dikes? Check to see if there has been any visible signs of erosion (e.g., rills, cracks or other structural indications of erosion) in the dikes.	**Yes No**	
8. Are there any rooted plants, including weeds growing in the water?	**Yes No**	
9. Does the vegetation on the dikes need mowing (greater than 6” in length)?	**Yes No**	
10. In addition to problems identified in items 5-9 above, are there any operational and/or maintenance problems? a. If yes, describe problems. b. If the facility is a NO DISCHARGE facility, include problems related to any discharges.	**Yes No**	
11. List recommendations to remedy identified problems in items 5-10. If the facility is a NO DISCHARGE	**Yes No**	

facility, include problems related to any discharges.		
12. List any actions taken regarding identified problems.	**Yes No**	
13. Are operation and maintenance procedures being undertaken at the wastewater treatment facility? List corrective actions taken →	**Yes No**	
14. Other information		