

September 2016
FACT SHEET
Authorization to Discharge under the
National Pollutant Discharge Elimination System
for the
Navajo Tribal Utility Authority – Pinon Wastewater Treatment Lagoon
NPDES Permit No. NN0024228

Applicant address: Navajo Tribal Utility Authority (“NTUA”)
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I. STATUS OF PERMIT

The NTUA was issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (No. NN0024228) on August 16, 2011, for its Pinon wastewater treatment lagoon facility, pursuant to the U.S. Environmental Protection Agency (“U.S. EPA”) regulations set forth in Title 40, Code of Federal Regulations (“CFR”) Part 122.21. The permit was effective September 1, 2011, through midnight, August 31, 2016. NTUA applied to U.S. EPA Region 9 for reissuance on August 4, 2016. Pursuant to 40 CFR 122.6, the terms of the 2011 permit are administratively extended until the reissuance of a new permit. This fact sheet is based on information provided by the applicant through its application and discharge data submittal, along with the appropriate laws and regulations.

Pursuant to Section 402 of the Clean Water Act (“CWA”), the U.S. EPA is proposing issuance of the NPDES permit renewal to NTUA (permittee) for the discharge of treated domestic wastewater to receiving waters named Wepo Wash, a tributary to Polacca Wash, an eventual tributary to the Little Colorado River, a water of the United States.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

1. The proposed permit, though similar to the previous permit issued in 2011, introduces a different calculation for determining compliance with total ammonia. In addition, measurements for temperature are required to be taken concurrently with ammonia and pH measurements.

2. The proposed permit includes a new requirement for submitting DMRs electronically through EPA's NetDMR system.

3. The proposed permit also includes a new requirement for submitting annual biosolids reports electronically using EPA's NPDES Electronic Reporting Tool ("NeT").

III. GENERAL DESCRIPTION OF FACILITY

The NTUA Pinon wastewater treatment facility ("WWTF") is located 0.6 miles southwest of Bashas Store in Pinon, Navajo County, Arizona, in the central portion of the Navajo Nation. The facility serves a population of about 1,855 and receives only domestic wastewater with a design flow rate of 0.3 million gallons per day ("MGD"). In addition, the facility receives septic waste from local septic haulers and effluent from the Pinon Health Center wastewater lagoon. The four-cell facultative lagoon system is originally designed as a total retention system but now discharges from Cell #4, which was constructed as a retention pond for wetland treatment. Cell #4 is divided into three smaller compartments and currently, only a third is being used. Facility headworks consists of a bar screen, a grit chamber, a Parshall Flume, a velocity meter and a splitter box that directs flow in succession from Cell #1 to Cell #2, then Cell #3 and Cell #4. A new aerator was installed in Cell #1 in 2009. Additionally, there are two (2) wind-powered mixers in Cell #2 and Cell #3. Disinfection is achieved via gas chlorination at the chlorine contact chamber prior to discharge. A sulfur dioxide dechlorination system was added to the plant to remove the excess chlorine.

The Pinon WWTF, a Publicly Owned Treatment Works ("POTW") is considered a minor discharge.

IV. DESCRIPTION OF RECEIVING WATER

The discharge of treated domestic wastewater is to Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River, which is a water of the United States.

V. EFFLUENT CHARACTERISTICS

Review of Discharge Monitoring Reports ("DMR") from November 2014 through May 2016 showed that the facility had experienced exceedances of limits for biochemical oxygen demand ("BOD₅"), ammonia, pH and *E. coli*. The review is detailed in Section VII.B.4.

The facility is under an Administrative Order on Consent ("AOC")[Docket No. NNCWA-AOC-2014-001, dated October 28, 2014) with NNEPA to achieve compliance with the NPDES permit. Under the AOC, NTUA committed to submit a Compliance Plan and develop an Operation and Maintenance Plan to ensure compliance by July 30, 2016.

On August 9, 2016, the Navajo Nation EPA's ("NNEPA") conducted a compliance evaluation inspection (CEI) and observed as follows:

1. The aerator in Cell #1 was out of service at the time of the inspection; and Cell#1 had excessive vegetation growth along the bank of the cell. The color of the wastewater was brown and green on the eastern portion of the cell.

2. Cell#2 was not in use and the color of the wastewater was dark green with no objectionable odor. There is excessive vegetation growth noted along the banks of Cell #2. The operator indicated that wastewater flow increases during the school year and being that school started Cell#2 will definitely be in use within a couple of weeks.

3. The valves connecting Cell#1 to Cell# 3 are exercised on a quarterly basis. The valves connecting Cell#2 to Cell#3 are also exercised on a quarterly basis. There was 10ft of freeboard and excessive weed growth noted on the banks of Cell# 3. The operator was unaware if the mixers in Cell#2 and Cell#3 were operational. Wastewater in Cell #3 was dark green in color and erosion was occurring on the east bank of Cell #3.

4. Cell #4C had excessive growth of cattails and the depth of sludge appeared to be high. The piping from Cell #4C to Cell #4B was not inspected and the operator was not able to ascertain if the pipe was blocked. Cell #4C had 15 ft of freeboard and the wastewater was dark green in color.

5. Cell #4B and Cell #4A were not being utilized at the time of the inspection. The operator indicated that he has never seen Cell #4B and Cell #4A used since he began as an operator.

6. The chlorine contact chamber was a light green in color and the operator indicated the contact chamber is cleaned on a quarterly basis. The operator indicated that the contact time within the contact chamber was approximately 30 minutes.

7. The chlorinator building had leaking connections within the building. The wastewater was pooling within the northeast corner of the building. The operator was unaware of the problem until the day of the inspection. The operator indicated that the problem would be repaired within a month.

8. Effluent at the discharge point was light green in color and the operator indicated that cattle in the area had been congregating near the discharge pipe and were causing sedimentation to block flow downstream.

VI. BASIS OF PROPOSED PERMIT REQUIREMENTS

Section 301(a) of the Clean Water Act (“CWA”) provides that the discharge of any pollutant to waters of the United States is unlawful except in accordance with a National Pollutant Discharge Elimination System (“NPDES”) permit. Section 402 of the Act establishes the NPDES program. The program is designed to limit the discharge of pollutants into waters of the United States from point sources [40 CFR 122.1(b)(1)] through a combination of various requirements including technology-based and water quality-based effluent limitations.

Sections 402 and 301(b)(1)(C) of the CWA require that the permit contain effluent limitations to meet water quality standards. Specifically, the regulation under 40 CFR 122.44(d) states that an NPDES permit must contain:

“Water quality standards and State requirements: any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under Sections 301, 304, 306, 307, 318 and 405 of CWA necessary to:

(1) Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality.”

Section 40 CFR 122.44(d)(i) states the following:

“Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.”

A. Navajo Nation Surface Water Quality Standards

In accordance with 40 CFR 122.44(d), the need for discharge limitations for all pollutants that may impact applicable water quality criteria and water quality standards must be evaluated. As part of this evaluation, discharge limitations are based on application of the water quality standards. USEPA approved the 1999 Navajo Nation Surface Water Quality Standards (“NNSWQS”), on March 23, 2006. The NNSWQS were revised in 2007 and approved by the USEPA on March 26, 2009. A 2010 *draft* NNSWQS revision has been under review by USEPA. The approved 1999 NNSWQS, the 2007 revision and the 2010 *draft* revision will be used on a best professional judgment (“BPJ”) basis for purposes of developing water quality based effluent limitations.

B. Applicable Technology-Based Effluent Limitations, Water Quality-Based Effluent Limitations (“WQBELs”) and BPJ

Technology-based effluent limitations require minimum levels of treatment based on currently available treatment technologies. Section 301 of the CWA established a required performance level, referred to as “secondary treatment”, that all POTWs were required to meet by July 1, 1977. Federal secondary treatment effluent standards for POTWs are contained in Section 301(b)(1)(B) of the CWA. Implementing regulations for Section 301(b)(1)(B) are found at 40 CFR Part 133. The CWA requires POTWs to meet performance-based requirements based on available wastewater treatment technology. These technology-based effluent limits apply to all municipal wastewater treatment plants, and identify the minimum level of effluent quality attainable by secondary treatment in terms of Five-Day Biochemical Oxygen Demand (“BOD₅”) and Total Suspended Solids (“TSS”). The requirements contained in the draft permit are necessary to prevent violations of applicable treatment standards.

VII. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. US EPA proposes the following provisions and effluent discharge limitations for flow, BOD₅, TSS, *E. coli*, total dissolved solids (“TDS”), TRC and ammonia taken concurrent with temperature and pH measurements. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge by prior to entry into the receiving water.

A. Federal Secondary Treatment Effluent Discharge Limitations

The proposed permit contains discharge limitations for BOD₅, TSS and priority toxic pollutants. For both BOD₅ and TSS, the arithmetic means of values, by weight, for effluent samples collected in a period of 30 consecutive calendar days cannot exceed 35 percent of the arithmetic mean of values, by weight, for influent samples collected at approximately the same times during the same period.

Discharge Limitations					
Discharge Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Monitoring Frequency
Flow ¹	MGD.	-- ²	n/a	-- ²	Instantaneous
BOD ₅ ³	mg/l	45	65	--	Monthly
	kg/day	51	73	--	
TSS ⁴	mg/l	90	135	--	Monthly
	kg/day	101	152	--	
Priority Pollutants ⁵	µg/l	-- ²	n/a	-- ²	Once/1 st Quarter during Year 5

NOTES:

1. No flow limit is set at this time but influent and effluent flows must be monitored and reported. The monitoring frequency is once/month.
2. Monitoring and reporting required. No limitation is set at this time.
3. Under 40 CFR Section 133.105, the discharge limits for BOD₅ shall not exceed a monthly average of 45 mg/l and a weekly average of 65 mg/l. The mass limits are calculated based upon the 0.3 MGD design flow.
4. Under 40 CFR Section, 122.45(f), the discharge limits for TSS shall not exceed a monthly average of 90 mg/l and a weekly average of 135 mg/l. These limitations (Alternative State Requirements) are consistent with 40 CFR 133.101(f), 133.103(c), 133.105(b) and (d). The mass limits are calculated based upon the 1.0 MGD design flow.
5. Priority Pollutants: During Year 5 of the permit, the permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. No limit is set at this time. Should the results reveal levels below the Navajo Nation Surface Water Quality Standards and EPA’s National Water Quality Criteria for priority pollutants, monitoring will no longer be required for the remainder of the permit cycle.

B. Water Quality Based Effluent Limitations (“WQBELs”)

Water quality-based effluent limitations, or WQBELs, are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard. (40 CFR 122.44(d)(1)).

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water [40 CFR 122.44 (d)(1)(ii)].

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers Manual* (Office of Water, U.S. EPA, December 1996). These factors include:

1. Applicable standards, designated uses and impairments of receiving water

The 2007 NNSWQS and 2015 draft NNSWQS revisions established water quality criteria for the following beneficial uses (Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River), as defined by the 2007 NNSWQS are Secondary Human Contact, Fish Consumption, Aquatic & Wildlife Habitat, and Livestock Watering (Table 205.1, page 22).

2. Dilution in the receiving water

Discharge from Outfall 001 flows to Wepo Wash, which may have no natural flow during certain times of the year. Therefore, no dilution of the effluent has been considered in the development of WQBELs applicable to the discharge.

3. Type of industry

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. Chlorine is of concern due to the treatment plant disinfection operations and therefore, dechlorination is necessary to minimize impact on WQBELs.

4. History of compliance problems and toxic impacts

Review of November 2014 to May 2016 DMR data showed numerous exceedances for ammonia as well as exceedances for BOD₅, pH and E. coli limits.

**NPDES Permit Effluent Limitation Exceedances
 November 2014 through May 2016**

DATE	PARAMETER	LIMIT	RESULT	UNIT
November 2014	Total Ammonia	45	46.6	mg-N/liter
April 2015	Chronic Ammonia	1.29	1.89	mg-N/liter
	Acute Ammonia	1.89	3.88	Mg-N/liter
May 2015	pH	9	9.2	su
June 2015	Chronic Ammonia	0.464	1.20	mg/L
September 2015	Chronic Ammonia	1.23	1.35	mg/L
October 2015	E. coli Geometric Mean	1299.7	126	#100 mg/L
	E. coli Daily Max	1299.7	575	#100 mg/L
December 2015	BOD ₅	65	65.5	mg/L
	Chronic Ammonia	3.98	4.83	mg-N/liter
February 2016	Chronic Ammonia	2.80	6.85	mg-N/liter
March 2016	Missing DMRs			
April 2016	Missing DMRs			

5. Existing data on toxic pollutants - Reasonable Potential analysis

No existing data is available on toxic pollutants.

C. Rationale for WOBELs

Pursuant to the narrative surface water quality standards (Section 202 of 2007 NNSWQS and *draft* 2010 NNSWQS revisions), the discharge shall be free from pollutants in amounts or combinations that cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.

1. Determination of Effluent Limitation for *E. coli*

Presence of pathogens in untreated and treated domestic wastewater indicates that there is a reasonable potential for *E. coli* bacteria levels in the effluent to cause or contribute to an excursion above the WQS. In the proposed permit, the monthly geometric mean of *E. coli* bacteria shall not exceed 126/100 ml as a monthly average and 575/100 ml as a single

sample maximum. These limits are based on the NNSWQS for secondary human contact (p. 14). The monitoring frequency is once per month, consistent with the previous permit.

2. Total Dissolved Solids (TDS)

Presence of solids in untreated and treated domestic wastewater indicates that there is a reasonable potential for TDS levels in the effluent to cause or contribute to an excursion above the WQS. The regulations at 40 CFR 122.44(i) allow requirements for monitoring as determined to be necessary. The monitoring frequency is once per quarter, consistent with the previous permit.

3. Total Residual Chlorine (TRC)

Chlorination for disinfection purposes indicates that there is reasonable potential for TRC levels in the effluent to cause or contribute to an excursion above the WQS. Therefore, a TRC limit of 11 µg/l has been established in the proposed permit to protect the beneficial uses of the receiving waters (Wepo Wash). The monitoring frequency is once per month, consistent with the previous permit.

4. Ammonia (as N) and Ammonia Impact Ratio (“AIR”)

Presence of ammonia in untreated and treated domestic wastewater indicates that there is a reasonable potential for levels in the effluent to cause or contribute to an excursion above the WQS. In accordance with the NNSWQS for protection of aquatic and wildlife habitat, the proposed permit contains effluent limitations for total ammonia. The ammonia limits are temperature and pH dependent and are listed in Table 206.2 and Table 206.3 (pages 36-37) of 2007 NNSWQS and *draft* 2010 NNSWQS revisions. They are also provided in Appendices A and B of the permit. The monitoring frequency is once per month, consistent with the previous permit.

Because ammonia criteria are pH and temperature-dependent, the permittee is required to calculate an AIR. The AIR is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standards as determined by using pH data to derive an appropriate value from the ammonia criteria table in Appendix C of the permit. The AIR limitation has been established as a monthly average of 1.0, equivalent to the standard. The permittee is required to report maximum daily and average monthly ammonia (as N) concentrations in addition to an average monthly AIR.

5. pH

Untreated and treated domestic wastewater could be contaminated with substance that affects the pH. Therefore, there is a reasonable potential for pH levels in the effluent to cause or contribute to an excursion above the WQS. In order to ensure adequate protection of beneficial uses of the receiving water, a maximum pH limit of 9.0 and a minimum limit of 6.5 S.U. are established in Section 206.C. of 2007 NNSWQS and *draft* 2010 NNSWQS revisions. The monitoring frequency is once per month, consistent with the previous permit. Measurements for pH are required to be taken concurrently with ammonia and temperature measurements.

6. Temperature

Measurements for temperature are required to be taken concurrently with ammonia and pH measurements.

VIII. REPORTING

The proposed permit requires discharge data obtained during the previous three months to be summarized on monthly DMR forms and reported quarterly. If there is no discharge for the month, report “C” in the No Discharge box on the DMR form for that month. The proposed permit includes a new requirement for electronically submitting compliance monitoring data by July 28, 2016, using the electronic reporting tools (NetDMR) provided by EPA Region 9. These reports are due January 28, April 28, July 28, and October 28 of each year. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the U.S. EPA and the Navajo Nation EPA.

IX. GENERAL STANDARDS

The proposed permit sets general standards that are narrative water quality standards contained in the Navajo Nation Water Quality Standards, Section 203. These general standards are set forth in Section B. General Discharge Specifications of the permit.

X. PERMIT REOPENERS

A. At this time, there is no reasonable potential to establish any other water quality-based limits. Should any monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursion above a water quality criterion, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. The proposed permit may be modified, in accordance with 40 CFR 122 and 124, to include appropriate conditions or effluent limits, monitoring, or other conditions to implement new regulations, including U.S. EPA-approved new Tribal water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedences of water quality standards.

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

XI. SEWAGE SLUDGE REQUIREMENTS

The proposed permit includes a requirement for submitting a report 60 days prior to disposal of sewage sludge. The proposed permit also includes a new requirement that goes into effect December 21, 2016, for submitting reports electronically using EPA’s NPDES Electronic Reporting Tool (“NeT”). For example, the annual report for calendar year 2016, which is due by

February 19, 2017, must be submitted electronically. The report shall discuss an estimate of the quantity of sewage sludge currently on site, and a projection of when sewage sludge will next be removed. Ninety (90) days prior to removing sewage sludge for use or disposal, the permittee is required to submit a plan describing the quantity of sewage sludge to be removed, mechanisms for removing, and a proposed sampling plan for pollutants regulated under the use or disposal option being selected. Upon approval of this plan by U.S. EPA and NNEPA, the permittee will have the sewage sludge removed as described. The permit also requires compliance with all applicable requirements of Section 405(d) of the CWA, and 40 CFR 258 (for sewage sludge sent to a municipal landfill) and 503 (for sewage sludge placed in a sludge-only surface disposal site, land applied as fertilizer, used in land reclamation, or incinerated).

XII. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Anti-Degradation

USEPA's antidegradation policy at 40 CFR Section 131.12 and the NNSWQS require that existing water uses and level of water quality necessary to protect the existing uses be maintained. As described in this fact sheet, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone; therefore, these limits will apply at the end of the pipe without consideration of dilution in the receiving water. Therefore, due to the low levels of toxic pollutants present in the effluent, the high level of treatment being obtained, and water quality-based effluent limitations, it is not expected that the discharge will adversely affect receiving water bodies.

B. Anti-Backsliding

Section 402(o) of the CWA prohibits the renewal or reissuance of an NPDES permit that contains effluent limits less stringent than those established in the previous permit, except as provided in the statute. The proposed permit is a renewal and therefore does not allow backsliding.

C. Threatened and Endangered Species and Critical Habitat

1. Background:

Section 7 of the Endangered Species Act (ESA) of 1973 requires Federal agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any actions authorized, funded or carried out by the Agency are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species.

Since the issuance of NPDES permits by EPA is a Federal action, consideration of a permitted discharge and its effect on any federally-listed species is appropriate. The proposed NPDES permit authorizes the discharge of treated domestic wastewater into Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River, a water of the United States.

The information below is listed in the Navajo Nation's Department of Fish & Wildlife Natural Heritage Program (NHP) database. <http://www.nndfw.org/> The FWS has deferred all of its survey and information collection in the Navajo Nation to the Navajo Nation NHP. EPA has yet to receive new species information requested from the NHP on July 18, 2016. Based on review of the NHP database, NHP has identified no federally-listed species or threatened species known to occur on or near the project site; and Mountain Plover (*Charadrius montanus*), a proposed federally-listed threatened species, to occur on the 7.5 minute Pinon, Arizona quadrangle containing the project boundaries.

2. EPA's Finding:

This permit authorizes the discharge of treated wastewater in conformance with the federal secondary treatment regulations and the Navajo Nation Surface Water Quality Standards. These standards are applied in the permit both as numeric and narrative limits. The standards are designed to protect aquatic species, including threatened and endangered species, and any discharge in compliance with these standards should not adversely impact any threatened and endangered species.

EPA believes that effluent released in compliance with this permit will have no effect on any federally-listed threatened or endangered species or its critical habitat that may be present in the vicinity of the discharge. The treatment facility has been in existence for some time, and no new construction or modifications will be made to it due to the proposed NPDES permit. Therefore, no requirements specific to the protection of endangered species are proposed in the permit.

D. Consideration of Environmental Justice (EJ) Impact

USEPA has conducted a screening level evaluation of the potential impact of this facility and other permitted facilities within the immediate area on local residents through use of USEPA's EJSCREEN tool. Specifically, USEPA used EJSCREEN to identify facilities near the NTUA Pinon facility that could pose risk to local residents through discharge of environmental contaminants. USEPA has also evaluated whether demographic characteristics of the population living in the vicinity of the Pinon facility indicate that the local population might be particularly susceptible to such environmental risks. The results show that, at the time of this analysis conducted on July 19, 2016, the area in which the Pinon facility is located was above the 92nd percentile nationally for ozone. The EJSCREEN analysis of demographic characteristics of the community living near the facility indicates the local population may be at relatively higher risk if exposed to environmental contaminants than the national population. Demographic characteristics that showed potentially sensitive scores were a high proportion of minority and low income population and population with less than high school education.

USEPA also considers the characteristics of the wastewater treatment facility operation and discharges, and whether those discharges, in combination with discharges from local ozone sources, pose exposure risks that the NPDES permit needs to further address. The NTUA Pinon facility is unlikely to discharge any noticeable ozone. USEPA finds no evidence to indicate the wastewater facility discharge poses a significant risk to local residents. USEPA concludes that the facility is unlikely to contribute to any EJ issues. Furthermore, USEPA believes that by

implementing and requiring compliance with the provisions of the Clean Water Act, which are designed to ensure full protection of human health, the permit is sufficient to ensure the facility discharges do not cause or contribute to human health risk in the vicinity of the wastewater facility.

XIII. ADMINISTRATIVE INFORMATION – PUBLIC NOTICE, PUBLIC COMMENTS AND REQUESTS FOR PUBLIC HEARINGS

In accordance with 40 CFR 124.10, public notice shall be given by the U.S. EPA Director that a draft NPDES permit has been prepared by mailing a copy of the notice to the permit applicant and other Federal and State agencies, and through EPA Region 9 website at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>. The public notice shall allow at least 30 days for public comment on the draft permit.

In accordance with 40 CFR 124.11 and 12, during the public comment period, any interested person may submit written comments on the draft permit, and may request a public hearing if no hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. In accordance with 40 CFR 124.13, all persons must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position within thirty (30) days from the date of the public notice. Comments may be received either in person or mailed to:

U.S. Environmental Protection Agency, Region 9
NPDES Permits Section (WTR-2-3)
Attn: Linh Tran
75 Hawthorne Street
San Francisco, CA 94105
Telephone: (415) 972-3511

Interested persons may obtain further information, including copies of the draft permit, fact sheet/statement of basis, and the permit application, by contacting Linh Tran at the U.S. EPA address, above. Copies of the administrative record (other than those which U.S. EPA maintains as confidential) are available for public inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

In accordance with 40 CFR 124.12, the U.S. EPA Director shall hold a public hearing when, on the basis of requests, a significant degree of public interest in the draft permit exists. The Director may also hold a public hearing when, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of such hearing shall be given as specified in 40 CFR 124.10.