

March 2018
FACT SHEET *(revised)*
**Authorization to Discharge under the
National Pollutant Discharge Elimination System
for the
Navajo Tribal Utility Authority – Twin Arrows Wastewater Treatment Facility
NPDES Permit No. NN0030344**

Applicant address: Navajo Tribal Utility Authority (“NTUA”)
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Facility Address: NTUA Twin Arrows Wastewater Treatment Facility
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I. STATUS OF PERMIT

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 NTUA was issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (No. NN0030344) on October 10, 2012, for its Twin Arrows Navajo Casino and Resort wastewater treatment facility in Coconino County, Arizona. The permit was effective December 1, 2012, through midnight, November 30, 2017. NTUA applied to U.S. EPA Region 9 for reissuance on June 1, 2017. This fact sheet is based on information provided by the discharger 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 for the discharge of treated domestic wastewater to an unnamed wash which is a tributary to Padre Canyon, a tributary to Canyon Diablo, a tributary to the Little Colorado River, all waters of the United States.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

1. The proposed permit, though similar to the previous permit issued in 2012, 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").

4. The proposed permit also includes a new requirement for developing an asset management program (AMP) to cover the treatment plant and collection system.

III. GENERAL DESCRIPTION OF FACILITY

The NTUA Twin Arrows Navajo Casino and Resort wastewater treatment plant ("WWTP") is located in Twin Arrows in the Southwestern portion of the Navajo Nation, approximately 1.0 mile north of I-40, 22.5 miles east of Flagstaff, Coconino County, Arizona.

The facility serves the Twin Arrows casino and resort population of about 14,800 per day, receiving only domestic sewage with a design flow of 125,000 gallons per day, or 0.125 million gallons per day ("MGD"). According to NTUA's 2017 permit application, the annual average flow rates were 0.05 MGD in 2015, 0.05 MGD in 2016 and 0.06 MGD in 2017. Maximum daily flow rates were 0.05 MGD, 0.06 MGD and 0.08 MGD for 2015, 2016 and 2017, respectively. The design flow capacity basis of 0.125 MGD is used in determining the permit limits in the proposed permit, as compared to 0.13 MGD used in the previous permit.

Wastewater generated from the casino and resort complex is conveyed by gravity to a lift station located south of the treatment plant. Influent entering the plant is sent to a flow equalization basin and combined with returned activated sludge before undergoing screening, aeration and sedimentation. The WWTP is designed on the premise that grease interceptors are installed and maintained at the casino restaurants. If grease reaches the plant, it would be intercepted in the equalization tank and removed. The WWTP comprises of two (2) Membrane Bioreactor ("MBR") package plants operating in parallel, with each having a capacity of 0.0625 MGD. The MBR utilizes the conventional activated sludge process with partitions of aerobic zone and pre-aeration zone and membrane tanks to allow permeate flow-through. Secondary effluent is then filtered prior to ultraviolet (UV) disinfection and discharge. Treated effluent that is not discharged is stored in a small irrigation pond on-site.

IV. DESCRIPTION OF RECEIVING WATER

The discharge of treated domestic wastewater is to an unnamed wash which is a tributary to Padre Canyon, a tributary to Canyon Diablo, a tributary to the Little Colorado River. It is approximately 0.6 miles from Outfall No. 001 to Padre Canyon.

According to a study conducted in 2011 entitled "**Floodplain Delineation of Padre Canyon Tributary within Coconino County, Arizona**" the estimated carrying capacity of the Padre Canyon waterway after drainage improvements is about 283 cubic feet per second (cfs) which translates to over 182 MGD. The discharge from Outfall No. 001 is designed to be 0.125 MGD, or less than 0.1% of the carrying capacity of Padre Canyon.

V. EFFLUENT CHARACTERISTICS

Review of DMRs from October 2012 to September 2017 shows consistent compliance with the limits for conventional pollutants. However, the results reveal likely presence of toxicity in the effluent. A compilation of compliance results is provided in Section VII.B.4.

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 applicable water quality standards. U.S. EPA approved the 1999 Navajo Nation Surface Water Quality Standards (“NNSWQS”), on March 23, 2006. The NNSWQS were revised in 2007 and approved by U.S. EPA on March 26, 2009. A 2015 *draft* NNSWQS revision has been under review by U.S. EPA. The approved 1999 NNSWQS, the 2007 revisions and the 2015 *draft* will be used on a best professional judgment (“BPJ”) basis for purposes of developing water quality based effluent limitations. The requirements contained in the proposed permit are necessary to prevent violations of applicable water quality standards.

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”), total residual chlorine (“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 15 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.	-- ¹	n/a	-- ¹	Instantaneous
BOD ₅ ²	mg/l	30	45	--	Month
	kg/day	14.1	21.2	--	
TSS ²	mg/l	30	45	--	Month
	kg/day	14.1	21.2	--	
Priority Pollutants ³	µg/l	n/a	n/a	-- ¹	Once/1 st Quarter during Year 1

NOTES:

1. No limit is set at this time but influent and effluent flows must be monitored and reported. The monitoring frequency is once/month.

2. Under 40 CFR Section 122.45(f), mass limits are required for BOD₅ and TSS. The concentration limits for BOD₅ and TSS shall not exceed a monthly average of 30 mg/l and a weekly average of 45 mg/l, consistent with 40 CFR Section 133.102(a). The mass limits are calculated based upon the 0.125 MGD design flow.
3. Priority Pollutants: During Year 1 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 2015 draft NNSWQS and established water quality criteria for beneficial uses (Padre Canyon, mouth to Navajo Nation boundary) as defined by the NNSWQS are: secondary human contact, fish consumption, aquatic & wildlife habitat, and livestock watering (Table 205.1, page 24).

2. Dilution in the receiving water

Discharge from Outfall 001 is to an unnamed wash which is tributary to Padre Canyon. This unnamed wash has no natural flows most of the year. Therefore, no dilution of the effluent has been considered in the development of water quality based effluent limits 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 when using for disinfection, and therefore dechlorination is necessary to minimize impact on WQBELs.

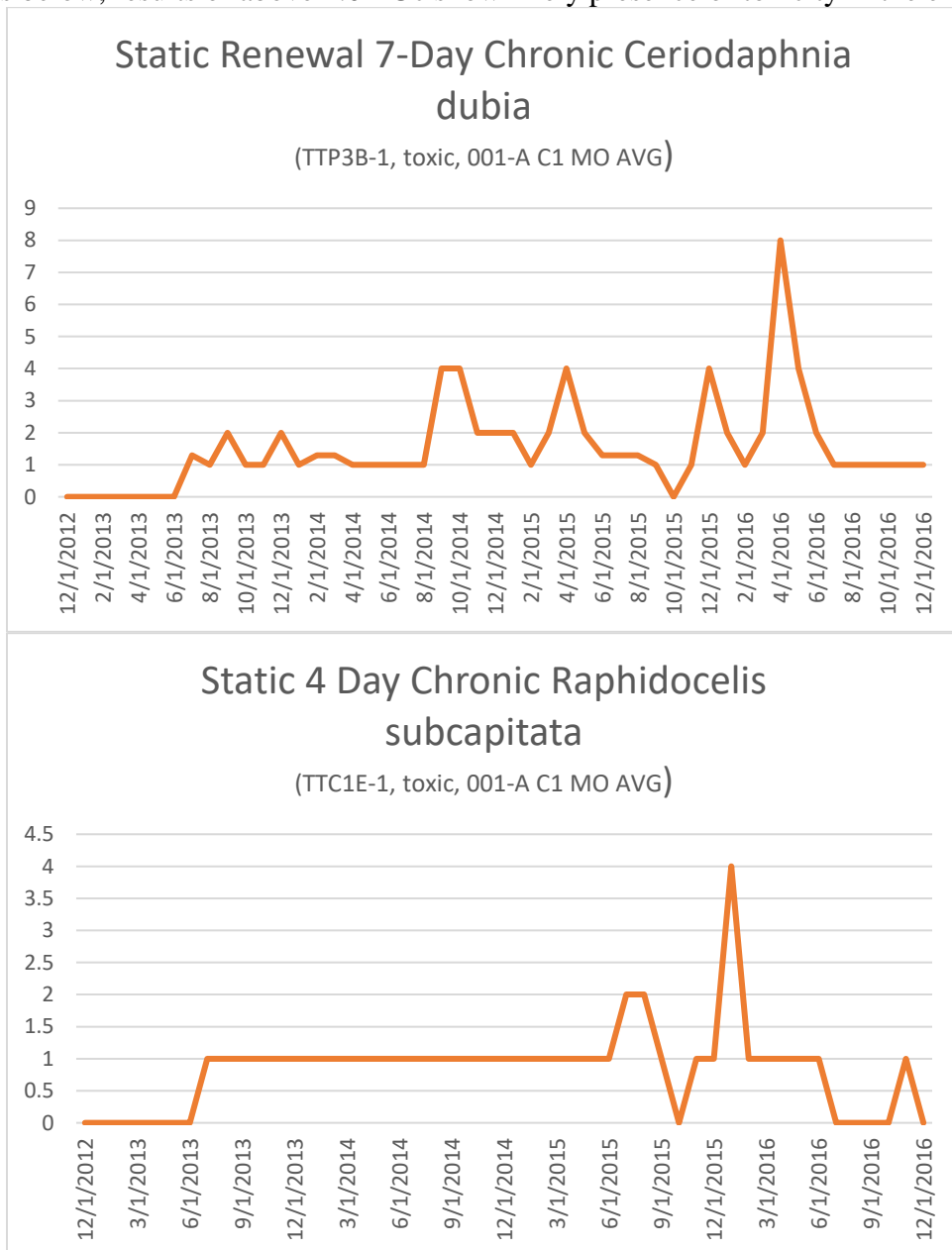
4. History of compliance problems and toxic impacts

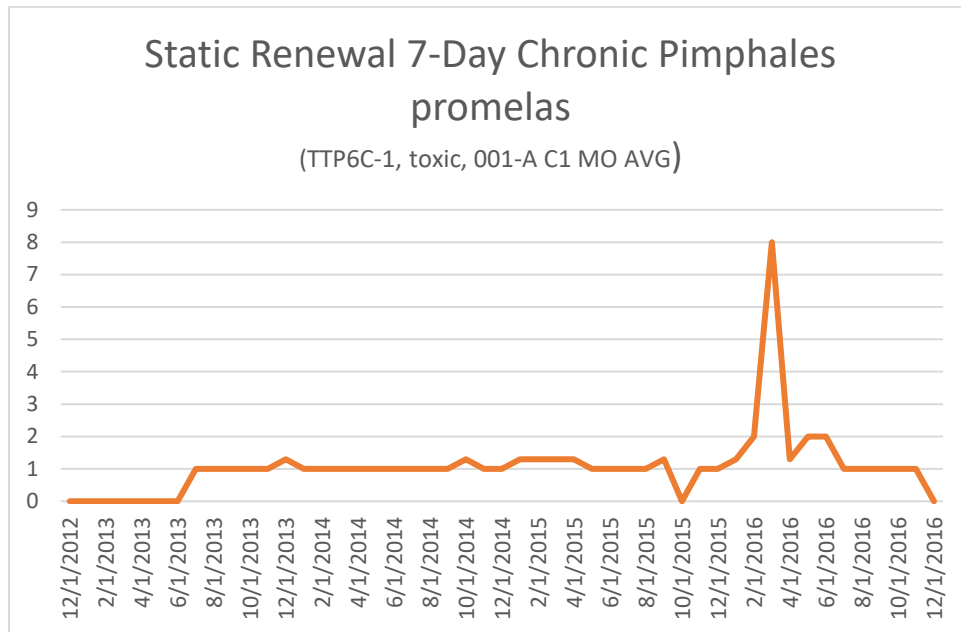
Review of October 2012 to September 2017 DMR data showed presence of toxicity in the effluent. Reports were often submitted late, 56 days or more.

DATE	PARAMETER	LIMIT	RESULT	UNIT
July 2013	<i>E. coli</i> , geometric mean	126	727	#/100ml
July 2013	<i>E. coli</i> , daily maximum	575	727	#/100ml
January 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
January 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
April 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
April 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
May 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
May 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
June 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
June 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
July 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
July 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
August 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
August 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
September 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
September 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
October 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
October 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
November 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
November 2016	WET, pimphales promelas	Pass=0 Fail=1	1	
December 2016	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
January 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
January 2017	WET, pimphales promelas	Pass=0 Fail=1	1	
February 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
March 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	

March 2017	WET, pimphales promelas	Pass=0 Fail=1	1	
April 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
April 2017	WET, pimphales promelas	Pass=0 Fail=1	1	
May 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
May 2017	WET, pimphales promelas	Pass=0 Fail=1	1	
June 2017	WET, ceriodaphnia dubia	Pass=0 Fail=1	1	
June 2017	WET, pimphales promelas	Pass=0 Fail=1	1	

In the charts below, results of above 1.0 TUC show likely presence of toxicity in the effluent.





5. Existing data on toxic pollutants - Reasonable Potential analysis

The permittee did not provide expanded effluent testing data for the facility's treated wastewater discharge as part of the application for permit renewal. However, the permittee performed a priority pollutant scan in the fourth quarter of 2013 calendar year. The permit will continue requirements for monitoring, including WET testing, and EPA will continue to evaluate monitoring results to determine if additional effluent limitations are required in the future.

C. Rationale for WOBELs

Pursuant to the narrative surface water quality standards (Section 202 of 2007 NNSWQS and Section 203 of 2015 NNSWQS *draft* 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 water quality standards. In the proposed permit, the monthly geometric mean 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. 20). The monitoring frequency is once per month, consistent with the previous permit.

2. Total Residual Chlorine (TRC)

The facility operates a UV disinfection system with an option to inject sodium hypochlorite downstream of the UV system. When chlorination is used for disinfection purposes, 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. The monitoring frequency is once per month, consistent with the previous permit.

3. 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.

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 water quality standards. 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 207.21 (page 68) of the *draft* 2015 NNSWQS revisions. They are also provided as Attachment C 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 Attachment D 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 water quality standards. 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 Section 207 of the *draft* 2015 NNSWQS revisions. The monitoring frequency is once per month, consistent with the previous permit. In order to support the Navajo Nation’s established Ammonia standards, which vary with the pH of the effluent, pH monitoring is to be performed concurrently with ammonia and temperature measurements.

6. Temperature

To support the Navajo Nation's established Ammonia standards and their dependence on temperature, monthly temperature monitoring is to be performed concurrently with ammonia and pH measurements.

7. Whole Effluent Toxicity (WET)

It is U.S. EPA Region 9's policy that all continuous dischargers be required to perform WET testing. WET testing is intended to demonstrate that there are no unexpected toxic components of the discharge escaping to the receiving water undetected, and to prompt a response if they are present. The proposed permit therefore requires chronic toxicity testing to be conducted **monthly** using a 24-hour composite sample of the treated effluent for fathead minnow (*Pimephales promela*), daphnid (*Ceriodaphnia dubia*) and an alga species (*Selenastrum capricornutum*). This requirement is representative of the previous permit. If no toxicity is found in the test results during the first 12 monthly test results, the testing frequency is reduced to a **quarterly** basis thereafter.

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 “sewage 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 sewage sludge or disposal in the permit, or controls a pollutant or practice not limited in the permit.

XI. BIOSOLIDS REQUIREMENTS

Standard requirements for the monitoring, reporting, recordkeeping, and handling of biosolids in accordance with 40 CFR Part 503 and 40 CFR 258 (for sewage sludge sent to a municipal landfill) are incorporated into the proposed permit. The permit also includes a requirement for submitting a report 120 days prior to disposal of sewage sludge. The permittee is required to submit biosolids annual reports using EPA’s NPDES Electronic Reporting Tool (“NeT”) by February 19th of the following year.

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 U.S. EPA is a Federal action, consideration of a permitted discharge and its effect on any listed species is appropriate. The proposed NPDES permit authorizes the discharge of treated domestic wastewater to an unnamed wash which is a tributary to Padre Canyon, which is 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 NHP. NHP has identified no federally-listed endangered or threatened species that are known to occur on or near the project site.

2. EPA's Finding:

This permit authorizes the discharge of treated wastewater in conformance with the federal secondary treatment regulations and the NNSWQS. 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.

U.S. 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. Therefore, no requirements specific to the protection of endangered species are proposed in the permit.

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to activity authorized by this NPDES permit no new construction or disturbance of land is anticipated. Therefore, pursuant to the NHPA and 36 CFR §800.3(a)(1), U.S. EPA is making a determination that issuing this proposed NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require U.S. EPA to undertake additional consulting on this permit issuance.

E. Consideration of Environmental Justice (EJ) Impact

U.S. EPA 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, U.S. EPA used EJSCREEN to identify facilities near the NTUA Twin Arrows facility that could pose risk to local residents through discharge of environmental contaminants. U.S. EPA has also evaluated whether demographic characteristics of the population living in the vicinity of the 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 November 21, 2017, the area in which the Twin Arrows facility is located was above the 91st percentile nationally for wastewater discharger indicator. 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.

U.S. EPA also considers the characteristics of the wastewater treatment facility operation and discharges, and whether those discharges pose exposure risks that the NPDES permit needs to further address. USEPA finds no evidence to indicate the facility discharge poses a significant risk to local residents. U.S. EPA concludes that the facility is unlikely to contribute to any EJ issues. Furthermore, EPA 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.

F. Asset Management

40 CFR 122.41(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. Asset management planning provides a framework for setting and operating quality assurance procedures and ensuring the permittee has sufficient financial and technical resources to continually maintain a targeted level of service. The proposed NPDES permit establishes asset management requirements to ensure compliance with the provisions of 40 CFR 122.41(e).

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

A. 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.

B. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approval water quality standards, EPA is requesting certification from the affected State, Territory, or Tribe that the proposed permit will meet all applicable water quality standards. Certification under Section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance with referenced applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the CWA and appropriate requirements of State, Territory or Tribal law.