

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 Hawthorne Street  
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**NPDES PERMIT NO. AZ0024589**

In compliance with the provisions of the Clean Water Act (“CWA”) (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

Permittee Name	Tribal Utility Authority, White Mountain Apache Tribe
Permittee Address	Tribal Utility Authority P.O. Box 517 Whiteriver, AZ 85941
Facility Name	Hon-Dah Regional Wastewater Treatment Facility
Facility Location Address	Highway 73 McNary, AZ 85941 Navajo County
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Treated Wastewater	38° 03' 49" N	-109° 55' 26" W	Bootleg Lake

This permit was issued on:	date of signature below
This permit shall become effective on:	November 1, 2021
Permit reapplication due no later than:	May 4, 2026
This permit shall expire at midnight on:	October 31, 2026

In accordance with 40 CFR § 122.21(d), the permittee shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed for the Regional Administrator:

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Tomás Torres, Director  
Water Division

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## Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

### A. Effluent Limits and Monitoring Requirements

1. The permittee is authorized to discharge treated domestic wastewater in compliance with the effluent limits and monitoring requirements specified in Table 1. The permittee shall monitor both the effluent (at Monitoring Locations M-001, downstream of the UV disinfection unit and immediately prior to outfall 001) and influent (distribution manhole MH-S1) to evaluate compliance. See Attachment D.
2. The discharge of pollutants at any point other than the outfall number -001 specifically authorized in this permit is prohibited.
3. There shall be no discharge of pollutants to the receiving water that will:
  - a. Settle to form objectionable deposits; float as debris, scum, oil, or other matter forming nuisances
  - b. Produce objectionable color, odor, taste, or turbidity
  - c. Cause injury to, or be toxic to, or produce adverse physiological responses in humans, animals, or plants; or
  - d. Produce undesirable or nuisance aquatic life.
4. As specified in the White Mountain Apache Tribe Water Quality Protection Ordinance,
  - a. Tribal water shall be virtually free from pathogens which include bacteria, viruses or parasites. In particular, waters used for irrigation of table crops shall be virtually free of *Salmonella* and *Shigella* species.
  - b. Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the aquatic biota is inhibited or that will cause an unaesthetic and substantial visible contrast with the natural appearance of the water. Specifically, turbidity shall not exceed 5 NTU over background when background turbidity is 50 NTU or less (note that the permit limit for turbidity is 25 NTU). When background turbidity is more than 50 NTU, there shall not be more than a 10% increase in turbidity. Background turbidity may be estimated by measuring levels upstream of the human-caused impacts or during zero runoff periods (greater than five (5) days after most recent event).
  - c. The radioactivity of Tribal water shall not exceed the maximum natural background concentrations in Tribal waters.
  - d. The introduction of heat by other than natural causes shall not increase the temperature of the receiving water (the White River, with a designated use of Warmwater Habitat) more than 2.0 °C, based upon the monthly average of the maximum daily temperatures measured at mid-depth or three feet (whichever is less). Normal daily and seasonal variations of temperature that were present before the addition of heat from other than natural sources shall be maintained. In no case shall heat of artificial origin be permitted when the maximum temperature specified for the reach (32.2° C) would thereby be exceeded. High water temperatures caused by unusually high ambient air temperature are not violations of these standards. In cases where dissolved oxygen levels are within 0.5 mg/l of the limit, no increases in temperature will be allowed.

- e. The discharge shall not cause the concentration of dissolved oxygen in the receiving waters to be less than 5.0 mg/L.
- f. Existing mineral concentrations (total dissolved solids, chlorides, and sulfates) shall not be altered by the discharge in a way that would interfere with established designated uses. No increase exceeding 1/5 of naturally-occurring levels shall be permitted.
- g. The pH of the receiving water shall not fluctuate in excess of 1.0 pH unit over a period of 24 hours for other than natural causes, and shall remain within a range of 6.5-9.0.
- h. Surface water shall be free of nitrogen and other dissolved gases at levels above 110% saturation when this supersaturation is attributable to municipal, industrial, or other discharges.
- i. Total chlorine residual shall not exceed 0.1 mg/l.
- j. The discharge of toxic substances, including, but not limited to, pesticides, herbicides, heavy metals, and organic chemicals, is prohibited. Toxic substances shall not be present in the discharge above those levels identified in 40 C.F.R. § 131.36 (incorporated herein by reference except as given in section 3.5.Q of the Tribal Water Quality Protection Ordinance) as toxic to human, animal, plant, or aquatic life, or to interfere with the normal propagation, growth, and survival of the aquatic biota, including fish. As no mixing zone has been approved for this discharge, there shall be no chronic toxicity at the point of discharge.

**B. Table 1. Effluent Limits and Monitoring Requirements – Outfall No.-001**

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements	
	Concentration and Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Flow rate	(1)	(1)	(1)	MGD	weekly	Continuous
Biochemical oxygen demand (BOD)(5-day)	45	65	--	mg/L	monthly	Composite <sup>(7)</sup>
	150.1	216.9	--	lbs/day		
	The average monthly percent removal shall not be less than 65 percent. <sup>(3)</sup>			%		
Total suspended solids (TSS)	45	65	--	mg/L	monthly	Composite
	150.1	216.9	--	lbs/day		
	The average monthly percent removal shall not be less than 65 percent. <sup>(3)</sup>			%		
pH	between 6.5 and 9.0			S.U.	weekly	Grab <sup>(2)</sup>
Dissolved oxygen	Minimum of 5.0 at all times			mg/L	monthly	Grab <sup>(2)</sup>
Oil and grease, total recoverable	10	—	15	mg/L	monthly	Grab <sup>(2)</sup>
Ammonia, total (as N)	(4)	—	(4)	mg/L	monthly	Composite
Ammonia Impact Ratio	1.0 <sup>(5)</sup>		1.0 <sup>(5)</sup>	Ratio	monthly	Calculated
Nitrate (as N)	(1)	—	10	mg/L	monthly	Composite
Phosphorous, Total	(1)	—	(1)	mg/L	monthly	Composite
Chlorine, Total Residual	0.1	—	0.1	mg/L	weekly	Grab <sup>(2)</sup>
<i>E. coli</i>	47 <sup>(8)</sup>		88 <sup>(8)</sup>	CFU/100mL	monthly	Grab <sup>(2)</sup>
Temperature	(1)	(1)	32.2	°C	weekly	Grab <sup>(2)</sup>
Turbidity	—	—	25.00	NTU	monthly	Composite
Heavy Metals, hardness and cyanide <sup>(6)</sup>	—	—	(1)	µg/L	Once per permit term	Grab <sup>(2)</sup>

- (1) No effluent limits are set at this time, but monitoring and reporting is required.
- (2) 40 CFR Part 136 specifies that grab samples must be collected for pH, temperature, dissolved oxygen, chlorine, oil and grease, coliform bacteria (including e.coli) and cyanide. At minimum, at least one sample quarter must be taken concurrent with quarterly whole effluent toxicity monitoring.
- (3) Both the influent and the effluent shall be monitored and reported. The average monthly effluent concentration of Biochemical Oxygen Demand (5-day) and Total Suspended Solids shall not exceed 35 percent of the average monthly influent concentration collected at the same time.

- (4) For total ammonia nitrogen (in mg N/L), the tribal Water Quality Protection Ordinance specifies ammonia limitations based on pH and temperature and calculated Water Quality-Based Effluent Limits are expressed based on these functions, as indicated in the tables in Attachment E to the permit. Monitoring for total ammonia nitrogen, pH, and temperature must be concurrent.
- (5) The Ammonia Impact Ratio (AIR) is calculated as the ratio of the ammonia value in the effluent and the chronic warmwater ammonia standard from the White Mountain Apache Tribe Water Quality Standards. See Attachment E for a sample log to help calculate and record the AIR values. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia, pH, and temperature values.
- (6) See attachment F for list of (total) heavy metals, (total) hardness and cyanide must also be included. Monitoring is required once per permit term. Sample collection of these parameters shall be conducted concurrently with one Whole Effluent Toxicity test.
- (7) Composites shall be taken over the course of a single discharge; i.e., 24 hrs. If the discharge is less than 24 hours, composite samples shall be taken at regular intervals for the duration of the discharge. [Composite sampling for intermittent discharges].
- (8) E.coli average monthly effluent limit is to be calculated as monthly geomean. Maximum daily effluent limit is single sample maximum, not to be exceeded,

**C. Chronic Toxicity Effluent Limits and Monitoring Requirements – Outfall No.-001**

**Table 2. Effluent Limits and Monitoring Requirements for Chronic Toxicity**

Parameter	Maximum Allowable Discharge Limits			Monitoring Requirements	
	Concentration				
	Median Monthly	Maximum Daily	Units	Minimum Frequency	Sample Type
Chronic Toxicity <i>Pimphales promelas</i> growth, Method 1000.0 WCP6C	Pass (0) <sup>(2)</sup>	Pass (0) and < 50 PE <sup>(3)</sup>	Pass (0) or Fail (1), PE, in % effluent	Annual	24 hr composite

- (1) “Report” means there is no effluent limit for the coded parameter, chronic toxicity, but monitoring and DMR reporting is required. See Endnotes 2 and 3.
- (2) Median Monthly Effluent result: An exceedance occurs if the median of **Pass–Fail** results is positive **(1)**, using **no more than three** chronic toxicity tests initiated during the calendar month. Pass–Fail results are coded as **Pass (0)** (TST null hypothesis is rejected and the IWC is declared not toxic) and **Fail (1)** (TST null hypothesis is not rejected and the IWC is declared toxic). For this discharge, the TST null hypothesis ( $H_0$ ) at the required discharge-specific IWC is: **IWC mean response (100% effluent)  $\leq 0.75 \times$  Control mean response**. Rejection of the TST null hypothesis is determined by following the step-by-step instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document*, Appendix B (EPA 833-R-10-004, 2010; TST Technical Document).
- (3) Maximum Daily Effluent result: This is evaluated for each toxicity test conducted for determining the median monthly effluent result. An exceedance occurs if both of the following occur in the same toxicity test: The Pass–Fail result is coded as **Fail (1)** (TST null hypothesis is not rejected and the IWC is declared toxic) and the observed (estimated) **PE  $\geq 50$** . PE (also called “Percent (%) Effect” or “% Effect”) is calculated as: **PE in % effluent = [(Control mean response – IWC mean response)  $\div$  Control mean response]  $\times 100$** . If more than one toxicity test is initiated during the calendar month, then those results shall be reported attached to the DMR form, except that the one toxicity test with a **Fail (1)** and the highest **PE** shall be reported on the DMR form.

***D. Interim Effluent Limits and Schedules of Compliance***

Not applicable.

***E. Sampling***

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.
2. Samples shall be taken at the following locations:
  - a. Influent samples shall be taken after the last addition to the collection system and prior to the first treatment process, where representative samples can be obtained.
  - b. Effluent samples shall be taken after the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
3. For intermittent discharges, the permittee shall monitor on the first day of discharge. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge, the permittee is not required to monitor either influent or effluent but must still submit the regular discharge monitoring report (DMR) and indicate no discharge occurred.

***F. General Monitoring and Reporting***

1. All monitoring shall be conducted in accordance with 40 CFR § 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR § 136 test methods with MDLs and MLs that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure “total recoverable metal”, except as provided under 40 CFR § 122.45(c).
2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
  - a. The test method number or title and published MDL or ML,
  - b. The preparation procedure used by the laboratory,

- c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR § 136,
- d. The standard deviation (S) from the laboratory's MDL study,
- e. The number of replicate analyses (n) used to compute the laboratory's MDL, and
- f. The laboratory's lowest calibration standard.

As part of each DMR submittal, the permittee shall notify EPA of any changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed (or updated) within 90 days of permit issuance. At a minimum, the QA Manual shall include the following:
  - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
  - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR § 136.3); and chain of custody procedures;
  - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
  - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.



5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
  - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or  
*NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or  
*NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.
  - b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or  
*NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or  
*NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.
  - c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.
6. In addition to information requirements specified under 40 CFR § 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR § 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall electronically submit Discharge Monitoring Reports and Biosolids/Sewage Sludge Reports using NetDMR (<http://www.epa.gov/netdmr>) and NeT (<http://www.epa.gov/compliance/national-pollutant-discharge-elimination-system-npdes-electronic-reporting-tool-net-fact>), respectively.
8. Monthly DMRs shall be submitted quarterly, by the 28<sup>th</sup> day of the month following the previous calendar quarter. For example, the three DMR forms for January, February, and March are due on April 28<sup>th</sup>. Annual and quarterly monitoring must be

conducted starting in the first complete quarter or calendar year following permit issuance. Reporting for annual monitoring is due on January 28<sup>th</sup> of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required. Permittee shall use NetDMR at <http://www.epa.gov/netdmr>.

9. The permittee shall submit an electronic or paper Discharge Monitoring Report to White Mountain Apache Tribe at the same time as submittal to EPA. Electronic or paper DMR forms shall be provided to:

White Mountain Apache Tribe  
Water Resources Program  
Attn: Water Quality Officer  
P.O. Box 816  
Fort Apache, AZ 85926-0816

***G. Receiving Water Monitoring***

Not applicable.

**Part II. SPECIAL CONDITIONS**

***A. Permit Reopener(s)***

1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved 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 exceedances of water quality standards.
2. 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.
3. If the permittee plans to upgrade to the facility that alters treatment levels or increase influent and effluent flows, then the permittee must notify EPA of such changes and this permit may be re-opened to make any necessary alterations to the permit in order to reflect those changes.

**B. Twenty-four Hour Reporting of Noncompliance**

1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and White Mountain Apache Tribe staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance to the EPA Region 9 Wastewater Enforcement Section Manager at 415-947-4179 and to White Mountain Apache Tribe at 928-338-4267.

The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of the noncompliance. The written submission shall be emailed to R9NPDES@epa.gov and/or the EPA staff person initially notified. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
  - a. Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR § 122.44(g)).
  - b. Any upset which exceeds any effluent limit in the permit.
  - c. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR § 122.44(g)).
3. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

**C. Whole Effluent Toxicity Requirements**

1. Instream Waste Concentration (IWC) for Chronic Toxicity

The chronic toxicity IWC required for the authorized discharge point is expressed as **100 percent (%) effluent** (i.e.,  $1/S \times 100$ , also 1 part effluent to S-1 parts dilutant). The toxicity laboratory making the IWC for chronic toxicity testing shall use 1 part effluent to zero-part dilutant for a total of 1 part.

**Table 3. Facility-specific Chronic Toxicity IWC.**

Authorized discharge point number	Required chronic toxicity instream waste concentration (IWC) in % effluent	S	1 part effluent to zero parts dilutant
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001	100	1	1
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2. Sampling and Monitoring Frequency

Toxicity test samples shall be collected for the authorized discharge point at the designated NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained). The total sample volume shall be determined both by the WET method used (including, for non-continuous discharges, the additional sample volume necessary to complete the toxicity test) and the additional sample volume necessary for Toxicity Identification Evaluation (TIE) studies.

The permittee shall use the test species, WET method, monitoring frequency, and sample type specified in Part I, Table 2. A split of each effluent sample for toxicity testing shall be analyzed for all other monitored parameters (conventional, non-conventional, and priority toxic pollutants), at the minimum frequency of analysis specified during the reporting period for the month by the effluent monitoring program. All toxicity tests for the month shall be initiated during that calendar month.

3. Chronic Test Species and WET Methods

For freshwater discharges to freshwater surface waters, test species and short-term WET methods for estimating the chronic toxicity of NPDES effluents are found in the fourth edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR 136). The permittee shall **conduct toxicity tests with the parameter for chronic toxicity required in Part I, Table 2** (e.g., static renewal test with fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0).

**Conditional Species Sensitivity Screening Report.** The permitting authority may require by letter—signed by the NPDES Permits Section Manager—the permittee to conduct and submit the results of species sensitivity screening for the discharge at the chronic toxicity IWC. Screening is defined as one round of concurrent chronic toxicity tests conducted each month, repeated over no more than three consecutive months. The total number of monthly rounds is specified by the permitting authority (i.e., 1 to 3). A round shall consist of one test using a fish, one test using an invertebrate, and one test using an alga and the applicable WET methods listed under this condition. The permittee shall conduct the screening and a final report is due to EPA no more than 12 months after the permittee is notified by letter of the requirement to conduct species sensitivity screening (e.g., if letter date is during January 2020, then the final report is due January 31, 2021). The permittee shall report **Pass (0)** or **Fail (1)** and the associated value for **PE** for each chronic toxicity test conducted for species sensitivity screening. For the TST statistical approach used by this permit, the most sensitive test species is the species which demonstrates the most number of Fail (1) results for routine monitoring tests and species sensitivity screening tests. If no test results are Fail (1), then the most sensitive test species is the

species which demonstrates the highest  $PE \geq 10$  at the IWC for routine monitoring tests and species sensitivity screening tests.

4. Quality Assurance

- a. Quality assurance measures, instructions, and other recommendations and requirements are found in the WET methods manual(s) previously referenced. Additional requirements are specified below.
- b. The discharge is subject to a determination of rejection or non-rejection of the TST null hypothesis ( $H_0$ ) from a chronic toxicity test at the required IWC. For statistical flowchart and procedures using the TST statistical approach see Appendix B of *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-004, 2010; TST Technical Document). For the TST statistical approach, the associated value for “Percent (%) Effect” (also called “% Effect” or “PE”) at the required IWC is calculated as:  $\% \text{ Effect} = [(Control \text{ mean response} - IWC \text{ mean response}) \div Control \text{ mean response}] \times 100$ .
- c. **Controls.** Effluent dilution water and control water should be prepared and used as specified in the applicable WET methods manual. If the dilution water is different from test organism culture water, then a second control using culture water shall also be used. If the effluent sample at the IWC is adjusted using artificial sea salts or a saltwater brine, a “salting up/brine” control shall be prepared and used as specified in the applicable WET methods manual.
- d. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
- e. If the effluent toxicity test during the reporting period for the month does not meet the Test Acceptability Criteria (TAC) described in the WET method, then the permittee shall resample and retest within 14 days. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.
- g. In addition to Total Alkalinity, Conductivity, and Total Hardness, when preparing effluent samples for toxicity testing using *Ceriodaphnia dubia* reproduction Method 1002.0, the Major Ions ( $Na^+$ ,  $K^+$ ,  $Ca^{2+}$ ,  $Mg^{2+}$ ,  $Cl^-$ ,  $SO_4^{2-}$ , and  $HCO_3^-/CO_3^{2-}$ ) shall be well characterized (and available for DMR reporting when requested by the permitting authority) for the effluent IWC, dilution water, and culture water used for toxicity testing. See Mount DR, Erickson RJ, Forsman BB, and Norberg-King TJ. 2019. Chronic toxicity of major ion salts and their mixtures to *Ceriodaphnia dubia*. *Environ Toxicol Chem* 38:769-783.

- h. **Removed Toxicants (chlorine, ammonia).** If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
6. Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan

Within 90 days of the permit effective date, the permittee shall prepare and retain on site a copy of its Initial Investigation TRE Work Plan (1-2 pages). This plan shall include steps the permittee intends to follow if a Median Monthly Effluent result for chronic toxicity is reported as Fail (1) for the reporting month (see Part I, Table 2, Endnote 2), and should include the following, at minimum:

    - a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
    - b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
    - c. If a TRE and Toxicity Identification Evaluation (TIE) are necessary, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).
  7. Chronic Toxicity Median Monthly Effluent Result of **Fail (1)** Proceeding to TRE

If the chronic toxicity Median Monthly Effluent result is reported as **Fail (1)** for the calendar month (see Part I, Table 2, Endnote 2), then—regardless of the minimum monitoring frequency in Part I, Table 2—the permittee shall conduct effluent monitoring using no more than three chronic toxicity tests **during the next consecutive calendar month** and implement its Initial Investigation TRE Work Plan.

If the chronic toxicity Median Monthly Effluent result **during this next consecutive calendar month** is **Pass (0)**, then the permittee shall return to the minimum monitoring frequency in Part I, Table 2. However, if this result is **Fail (1)**, then the permittee shall immediately initiate a TRE using—according to the type of treatment facility—EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999), or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part I, Table 2.

In conjunction with TRE initiation, the permittee shall immediately develop and implement a Detailed TRE Work Plan which shall include the following: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and

prevent the recurrence of toxicity; and a schedule for these actions. This work plan shall be submitted to the permitting authority.

The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).

During a TRE, the chronic toxicity effluent monitoring results conducted for the TRE/TIE that meet the WET method's Test Acceptability Criteria at the IWC shall be reported on the DMR following the Endnotes in Part I, Table 2.

8. Reporting of Toxicity Monitoring Results on DMR

- a. **Report no effluent monitoring result for Chronic Toxicity.** If no toxicity test monitoring for the calendar month is required and toxicity monitoring is not conducted, then the permittee shall report "NODI(9)" (i.e., Conditional Monitoring – Not Required for This Period) on the DMR form.

**Report Median Monthly Effluent result for Chronic Toxicity.** See Part I, Table 2, Endnote 2.

**Report Maximum Daily Effluent result(s) for Chronic Toxicity.** See Part I, Table 2, Endnote 3.

- b. The permittee shall submit the full toxicity laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity tests are initiated. The laboratory report shall contain: all toxicity test results (raw data and statistical analyses) for each effluent and related reference toxicant tested; chain-of-custody; the dates of sample collection and initiation of each toxicity test; control performance; all results for other effluent parameters monitored concurrently with the effluent toxicity tests; and schedule and progress reports on TRE/TIE studies.

**Quality-control reporting for toxicity laboratory control group.** To assist in reviewing within-test variability, the toxicity laboratory report must include, for each test species/WET method: quality-control charts for the mean, standard deviation and coefficient of variation of the control group. Each toxicity laboratory report attached to the DMR shall include both a graphical control chart (with a long-term average printed below the chart) and a table of control-group data for the WET method/test species. These data shall be listed in the table: sample date, type of dilution water, number of replicates (n), control mean (cM),

control standard deviation (cS), and control coefficient of variation (cK). The quality-control chart and the table shall report data for the last 50 toxicity tests conducted by the laboratory. If there are more than 30 tests with a different number of replicates (e.g., 20 tests of n=10 and 30 tests of n=20), then use separate control charts and tables. The table shall also report the following summary statistics separately for cM, cS, and cK: number of observations, average, standard deviation, and percentiles (minimum, 10<sup>th</sup>, 25<sup>th</sup>, 50<sup>th</sup>, 60<sup>th</sup>, 65<sup>th</sup>, 70<sup>th</sup>, 75<sup>th</sup>, 80<sup>th</sup>, 90<sup>th</sup>, and maximum). This information is required for review of toxicity test results and the toxicity laboratory's performance of the test species/WET method by the permittee and permitting authority. Also, see test species/WET method-specific percentiles for the mean, coefficient of variation, and standard deviation of control-group data in section 3 tables of the TST Technical Document.

- c. **Notification reporting.** The permittee shall notify the permitting authority in writing within 14 days of a **Median Monthly Effluent result of Fail (1)** for chronic toxicity. The permittee shall notify the permitting authority in writing within 14 days of a **Maximum Daily Effluent result of Fail (1) and  $\geq 50$  PE**. The permittee shall notify the permitting authority in writing within 14 days of **two consecutive Median Monthly Effluent results of Fail (1)** for chronic toxicity. Such notification shall describe actions the permittee has taken (or will take) to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

#### 9. Permit Reopener for Toxicity

In accordance with 40 CFR 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.

#### ***D. Best Management Practices and Pollution Prevention***

In accordance with 40 CFR 122.44(k)(4), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs") designed to control or abate the discharge of pollutants, including:

1. The Discharger shall establish, and update as appropriate, an Operators' Manual for the facility and implement the procedures contained therein. The manual shall include at a minimum:
  - a. A schedule of regular maintenance activities at least weekly, including at a minimum: inspection and cleaning of manhole flow-splitting points for obstruction, inspection of in-plant valves, inspection of UV disinfection system bulbs for fouling/coating, testing of the UV system power panel, checking of the outfall pipe and outfall screen for clogging or damage, management and monitoring for effectiveness of any chlorine-based disinfection used, and calibration of sampling equipment (e.g. pH/Temperature probes)



- b. Standard Operating Procedures (“SOPs”) for all sampling and reporting required by the Permit. SOPs are to include sampling frequency, sampling locations, container type, collection procedure, required sampling volumes, anti-contamination measures, Chain-of-Custody procedures, method of preservation and transportation of samples to the analyzing laboratory, test method, reporting procedures, Quality Assurance and Quality Control (“QA/QC”) plan, consistent with the requirements of Section I.D of this permit.
- c. Method for providing trash receptacles onsite and method for regularly scheduled removal and disposal of solid wastes.
- d. Seasonal differences in operating procedures.
- e. Method and schedule for removal of floating vegetation, floating debris, and rooted vegetation from treatment ponds.
- f. Method and schedule for monitoring sludge levels in treatment ponds, including action levels and procedures for sludge removal and disposal.
- g. Method and schedule for removal of undesirable vegetation and replanting of desirable vegetation in the facility’s constructed wetlands.
- h. A method for securely storing valuable maintenance and sampling supplies and equipment with inventory tracking/control and logout/login procedures.

### ***E. Biosolids***

“Biosolids” means non-hazardous sewage sludge, as defined in 40 CFR § 503.9. Sewage sludge that is hazardous, as defined in 40 CFR § 261, must be disposed of in accordance with the Resource Conservation and Recovery Act.

#### **1. General Requirements**

- a. All biosolids generated by the Discharger shall be used or disposed of in compliance with the applicable portions of 40 CFR §§ 258 and 503. The Discharger is responsible for assuring that all biosolids produced at the facility are used or disposed of in accordance with these rules, whether the Discharger uses or disposes of the biosolids itself or transfers them to another party for further treatment and use or disposal. The Discharger is responsible for informing subsequent preparers, applicers, and disposers of the requirements that they must meet under these rules, and any monitoring requirements, including required frequencies of monitoring and maximum hold times for pathogen and indicator organism samples.
- b. Duty to mitigate: The Discharger shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.

- c. No biosolids shall be allowed to enter wetlands or other waters of the United States.
- d. Biosolids treatment, storage, and use or disposal shall not contaminate groundwater.
- e. Biosolids treatment, storage, and use or disposal shall be performed in a manner as to minimize nuisances such as objectionable odors or flies.
- f. The Discharger shall assure that haulers transporting biosolids off site for further treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. The Discharger shall maintain and have haulers adhere to a spill clean-up plan. Any spills shall be reported to USEPA and the White Mountain Apache Tribe in which the spill occurred. All trucks hauling biosolids shall be thoroughly washed after unloading at the field or at the receiving facility.
- g. Trucks used to haul Class B biosolids shall not be used to haul animal feed or food on the return trip, unless approved by USEPA after a demonstration of the truck cleaning methods at the unloading site has been made.
- h. If biosolids are stored for over two years from the time they are generated by the Discharger or their contractor, the Discharger must submit a written notification to USEPA with the information in 40 CFR § 503.20 (b), demonstrating the need for longer temporary storage.
- i. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and from the highest tidal stage that may occur.

2. Requirements for Land Application

“Land application” is the placement of biosolids on the land for the specific purpose of growing a crop or other vegetation. Land application requirements are addressed in 40 CFR § 503 Subpart B. The following monitoring requirements are applicable to land application:

- a. A representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.13 and for Total Kjeldahl nitrogen, and ammonium nitrogen, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis):

< 290 dry metric tons/year: once/year

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year

$\geq 15,000$	12 times per year
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\* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

All results shall be reported on a 100% dry weight basis.

- b. The Discharger shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR § 503.32.
  - c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
  - d. When using fecal coliforms to demonstrate Class A, in conjunction with operational parameters or in conjunction with testing of enteric viruses and helminth ova, four grab samples of fecal coliform shall be collected and analyzed each sampling period. Each of these samples must have levels of < 1,000 mpn/gram, dry weight basis.
  - e. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the USEPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 degrees C).
  - f. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the Discharger shall maintain daily records of the operating parameters used to achieve this reduction.
  - g. The Discharger shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR § 503.33(b). If VAR is met at the application site by incorporation or covering, the Discharger must obtain certification that these requirements have been met from the land applicator or surface disposal site operator, and maintain these with their records.
3. Requirements for Surface Disposal
- “Surface disposal” is the placement of biosolids on the land in a sludge-only dedicated land disposal site or monofill for the purpose of disposal. Surface disposal requirements are addressed in 40 CFR § 503 Subpart C.
- a. If the surface disposal site is unlined, a representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.23, at the following

frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis:

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

\* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage. All results shall be reported on a 100% dry weight basis.

- b. The Discharger shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR § 503.32, or cover the site at the end of each operating day.
  - c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
  - d. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the USEPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 degrees C).
  - e. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the Discharger shall maintain daily records of the operating parameters used to achieve this reduction.
  - f. The Discharger shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR § 503.33(b). If VAR is met at the surface disposal site by incorporation or covering, the Discharger must obtain certification that these requirements have been met from the land applier or surface disposal site operator, and maintain these with their records.
4. Requirements for Disposal in a Municipal Landfill  
“Disposal in a municipal landfill” is the placement of biosolids in a landfill subject to the requirements in 40 CFR § 258 where it is mixed with other materials being placed in the landfill, or used as alternative daily or final cover at the landfill.

- a. The Discharger shall ensure that the landfill used is in compliance with 40 CFR § 258 requirements and applicable state or tribal requirements.
- b. If the biosolids are less than 15% solids, the discharger shall run a paint filter test on an as-needed basis to demonstrate that the biosolids does not contain free liquids.

#### 5. Notification Requirements

The Discharger either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

- a. Notification of non-compliance: The Discharger shall notify USEPA Region 9 and White Mountain Apache Tribe of any non-compliance within 24 hours by phone or e-mail if the non-compliance may seriously endanger public health or the environment. A written report shall also be submitted within 5 working days of knowing the non-compliance. For other instances of non-compliance, the Discharger shall notify USEPA Region 9 and White Mountain Apache Tribe of the non-compliance in writing within 5 working days of becoming aware of the non-compliance. The Discharger shall require their biosolids management contractors to notify USEPA Region 9 and White Mountain Apache Tribe of any non-compliance within the same time-frames.
  - b. If biosolids are shipped to another state or to Tribal Lands, the Discharger shall send 30 days prior notice of the shipment to the USEPA and permitting authorities in the receiving State/Tribal authority.
  - c. The Discharger shall notify USEPA and White Mountain Apache Tribe at least 60 days prior to starting a new biosolids use or disposal practice.
6. Reporting requirements (facilities with design flows of equal to or greater than 1 mgd, and other facilities designated by EPA as Class 1 Sludge Management Facilities)
- a. If the Discharger removes biosolids from the facility, then the Discharger shall submit an annual biosolids report into EPA's CDX electronic reporting system by February 19 of each year for the period covering the previous calendar year. The report shall include the tonnages of biosolids (reported in dry metric tons, 100% dry weight), that were land applied (without further treatment by another party), land applied after further treatment by another preparer, disposed in a sludge-only surface disposal site, sent to a landfill for alternative cover or fill, stored on site or off site, or used for another purpose. The report shall include the following attachments:
    - (1) Copies of the original monitoring reports from laboratories (results only, QA/QC pages not required). The lab reports must indicate whether the results are on a 100% dry weight basis. Lab reports for fecal coliforms must show the time the samples were collected and the time analysis was started.

- (2) If operational parameters were used to demonstrate compliance with pathogen reduction and vector attraction reduction, the ranges of these parameters for each sampling period (i.e. ranges of times and temperatures).
- (3) If biosolids are stored on-site or off-site for more than 2 years, the information required in 40 CFR § 503.20(b) to demonstrate that the storage is temporary.

If biosolids were land applied, the Discharger shall have the person applying the biosolids submit a pdf report to U.S. EPA Region 9 and White Mountain Apache Tribe showing the name of each field; location, ownership, size in acres; the dates of applications, seedings and crop seeded, harvesting and crop yield; the tonnage applied to field, in actual and dry weight; the calculated Plant Available Nitrogen; and copies of applicer's certifications of management practices and site restrictions.

***F. Pretreatment***

Not applicable

***G. Sanitary Sewer Overflows***

A Sanitary Sewer Overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system that occurs prior to a treatment plant. Sanitary sewer overflows include a) overflows or releases of wastewater that reach waters of the US, b) overflows or releases of wastewater that do not reach waters of the US, and c) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other a building lateral. SSOs are generally caused by high volumes of infiltration and inflow (I/I), pipe blockages, pipe breaks, power failure, and insufficient system capacity.

1. All Sanitary Sewer Overflows are prohibited.
2. The permittee shall identify all SSOs. The permittee shall submit with its DMR, the following information for each SSO that occurs during the reporting period covered by the DMR:
  - a. The cause of the SSO;
  - b. Duration and volume (estimate, if unknown);
  - c. Description of the source (e.g., manhole cover, pump station, etc.);
  - d. Location by street address, or any other appropriate method providing a location;
  - e. Date(s) and time(s) of SSO;
  - f. The ultimate destination of the overflow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body (show location on a USGS map or copy thereof); and

- g. Corrective action(s) taken and steps taken or planned to eliminate reoccurrence of SSOs.

The permittee shall refer to Part II.B (Twenty-four hour reporting on noncompliance) of this permit which contains information about reporting any noncompliance that may endanger human health or the environment. Part II.B applies to SSOs. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

#### ***H. Asset Management***

The permittee shall develop an asset management program (AMP) to cover the treatment plant and collection system. The permittee shall procure, populate, and utilize asset management and/or work order management software within two years of permit issuance. The software shall:

1. a. Inventory all critical assets and assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
  - (1) Name and identification number.
  - (2) Location (GPS coordinate or equivalent identifier).
  - (3) Current performance/condition.
  - (4) Purchase and installation date.
  - (5) Purchase price.
  - (6) Replacement cost.
- b. Automate work order production and tracking.
- c. Catalogue all daily, weekly, monthly, annual and other regular maintenance tasks.
2. The permittee may be deemed in compliance with the above asset management provisions by fully implementing EPA's Check Up Program for Small Systems ("CUPPS") Asset Management Tool (<https://www.epa.gov/dwcapacity/information-check-program-small-systems-cupss-asset-management-tool>).
3. A copy of the permittee's asset management plan shall be retained on the permittee's premises and available for review by regulatory authorities upon request.

#### ***I. 401 Water Quality Certification***

The permittee shall comply with all requirements set forth in the White Mountain Apache Tribe's 401 Water Quality Certification issued on September 30, 2021. See Attachment G.

1. The applicant will abide by all terms and conditions found in the NPDES Permit.
2. The applicant is responsible for obtaining all other permits, licenses and certifications that may be required by federal, state, or tribal authorities.
3. The project shall be operated in compliance with the project description provided in the application. Any material changes to these plans must be submitted to WMAT Water Resources Watershed Manager for review and approval before the changes are implemented.

4. The applicant shall have a spill containment plan onsite to ensure that pollutants are prevented from entering Bootleg Lake, a WMAT Warmwater Habit, or drainages that may lead to the lake. The applicant must designate areas entirely outside the river/drainages for chemical and petroleum or oil storage. A spill response kit will be maintained in these areas to mitigate any spills.
5. If any fuel spill or release of chemical should occur at or near the project sites it shall be immediately contained and reported to the Tribal Environmental Protection Office at (928)-338-4325 and Watershed Manager (928)-338-4267.
6. If at any time, an unauthorized discharge occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. WMAT Water Resources Watershed Manager shall be notified immediately after the unauthorized discharge or water quality problem arises.
7. If Cultural Resources are encountered, the project is to immediately cease and the Tribal Historic Preservation Office (THPO) Mark Altaha (928)-338-3033 is to be notified.
8. This certification is void if the operation and discharge is not consistent with the project description provided above and in the 401 Water Quality Certification Application.

#### ***J. Summary of Special Reports***

Where appropriate, the permittee may be required to submit special reports in this permit. For reports that are required to be submitted to “R9NPDES”, the permittee shall email reports to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and include the following information in the subject line:

1. The permit number (AZ0024589)
2. The name of the report.
3. The word “submittal”

### **Part III. STANDARD CONDITIONS**

The permittee shall comply with all EPA Region 9 Standard Conditions below.

#### ***A. All NPDES Permits***

In accordance with 40 CFR § 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR § 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or



standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

- b. The Clean Water Act provides that 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 sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 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 of 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 of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations 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 of not more than 6 years, or both. 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 of 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 of 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.<sup>1</sup>
- c. 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. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed

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<sup>1</sup> The civil and administrative penalty amounts are adjusted annually for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the current penalty amounts are set forth in 40 CFR § 19.4.

\$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.<sup>1</sup>

2. Duty to reapply; at 40 CFR § 122.41(b).

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. Any permittee with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

3. Need to halt or reduce activity not a defense; at 40 CFR § 122.41(c).

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.

4. Duty to mitigate; at 40 CFR § 122.41(d).

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.

5. Proper operation and maintenance; at 40 CFR § 122.41(e).

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 backup 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.

6. Permit actions; at 40 CFR § 122.41(f).

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. Property rights; at 40 CFR § 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR § 122.41(h).

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.

9. Inspection and entry; at 40 CFR § 122.41(i).

The permittee shall allow the Director, or an 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:

- a. 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;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10. Monitoring and records; at 40 CFR § 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR § 503), 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, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;

- (3) The date(s) analyses were performed
  - (4) The individuals(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 136 unless otherwise specified in 40 CFR § 503, unless other test procedures have been specified in the permit.
  - e. The CWA 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 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

11. Signatory requirement; at 40 CFR § 122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR § 122.22.) All permit applications shall be signed as follows:
  - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR § 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the

corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR § 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section 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 paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of 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.”

- e. The CWA 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 non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR § 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).
  - (3) The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, an such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- b. 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.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR § 122.61; in some cases, modification or revocation and reissuance is mandatory.)
  - (1) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued

(under 40 CFR § 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

(2) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

(A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;

(B) 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

(C) 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. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance

schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four hour reporting.

- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.
- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
  - (ii) Any upset which exceeds any effluent limitation in the permit.
  - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
- (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.



- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
  - h. Other information. Where 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 in any report to the Director, it shall promptly submit such facts or information.
13. Bypass; at 40 CFR § 122.41(m).
- a. Definitions.
    - (1) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) “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.
  - b. 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 paragraphs 40 CFR § 122.41(m)(3) and (m)(4) of this section.
  - c. Notice.
    - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
    - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).
    - (3) As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report

electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) 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 preventative maintenance; and

(iii) The permittee submitted notices as required under paragraph (m)(3) of this section.

(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 paragraph (m)(4)(i) of this section.

14. Upset; at 40 CFR § 122.41(n).

a. Definition. "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 preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (n)(3) of this section 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.

c. 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:

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

- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).
- (4) The permittee complied with any remedial measures required under paragraph (d) of this section.

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

15. Reopener Clause; at 40 CFR § 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph 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.

16. Minor modifications of permits; at 40 CFR § 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR § 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR § 124 draft permit and public notice as required in 40 CFR § 122.62. Minor modifications may only:

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;  
or
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger’s obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.

- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW's permits.

17. Termination of permits; at 40 CFR § 122.64.

- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
  - (1) Noncompliance by the permittee with any conditions of the permit;
  - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
  - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
  - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA § 308

Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed Substances; pursuant to CWA § 301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

20. Severability; pursuant to CWA § 512

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 remainder of this permit, shall not be affected thereby.

21. Civil and Criminal Liability; pursuant to CWA § 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA § 311

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 CWA.

23. State, Tribe, or Territory Law; pursuant to CWA § 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA § 510.

**B. *Specific Categories of NPDES Permits***

In accordance with 40 CFR § 122.42, the following conditions, in addition to those set forth at 40 CFR § 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

1. Publicly owned treatment works; at 40 CFR 122.42(b).

All POTWs must provide adequate notice to the Director of the following:

- (a) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 and 306 of the CWA if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on: (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

2. The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act. Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under 40 CFR 261.31 through 261-33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer

leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

## Attachment A: Definitions

1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “daily discharge” means the “discharge of a pollutant” measured 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 the pollutant discharged over the 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 day.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are

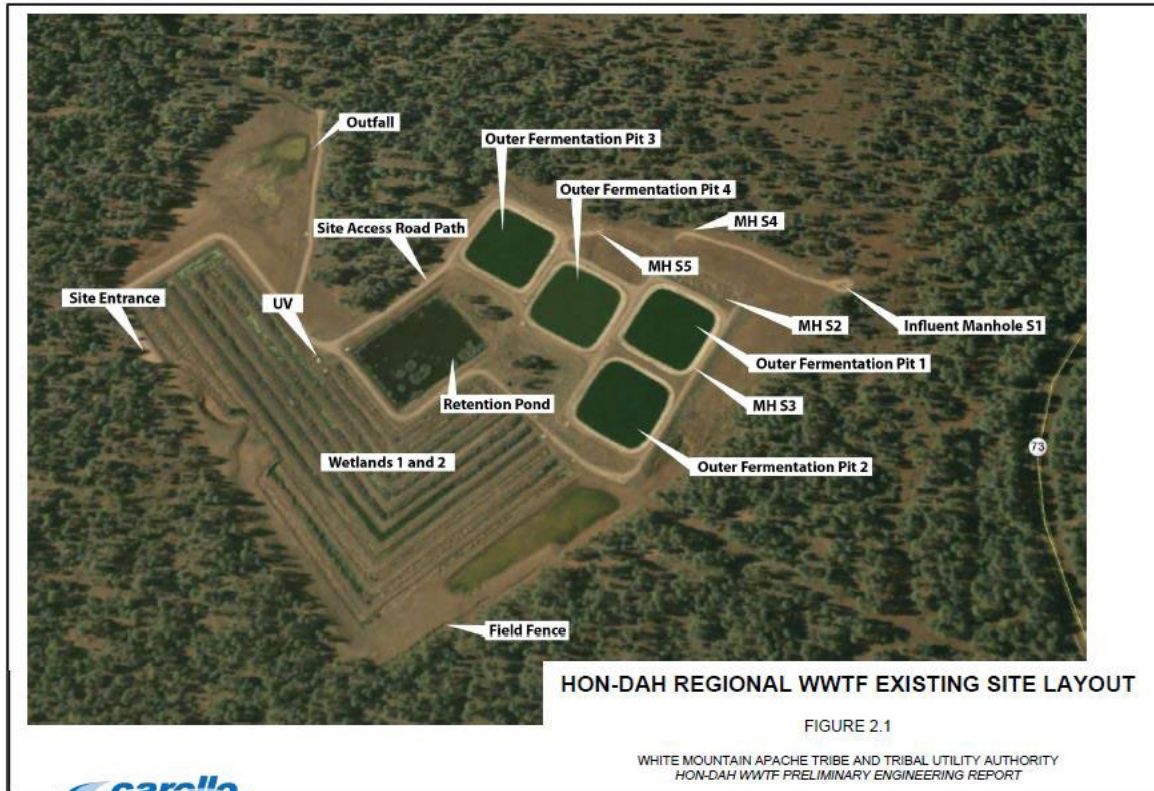
not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR § 136. The procedure for determination of a laboratory MDL is in 40 CFR § 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR § 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
  - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
  - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10<sup>n</sup>, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The multiple of (1, 2, or 5) x 10<sup>n</sup> nearest to 7.95 is 1 x 10<sup>1</sup> = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)
11. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
12. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.



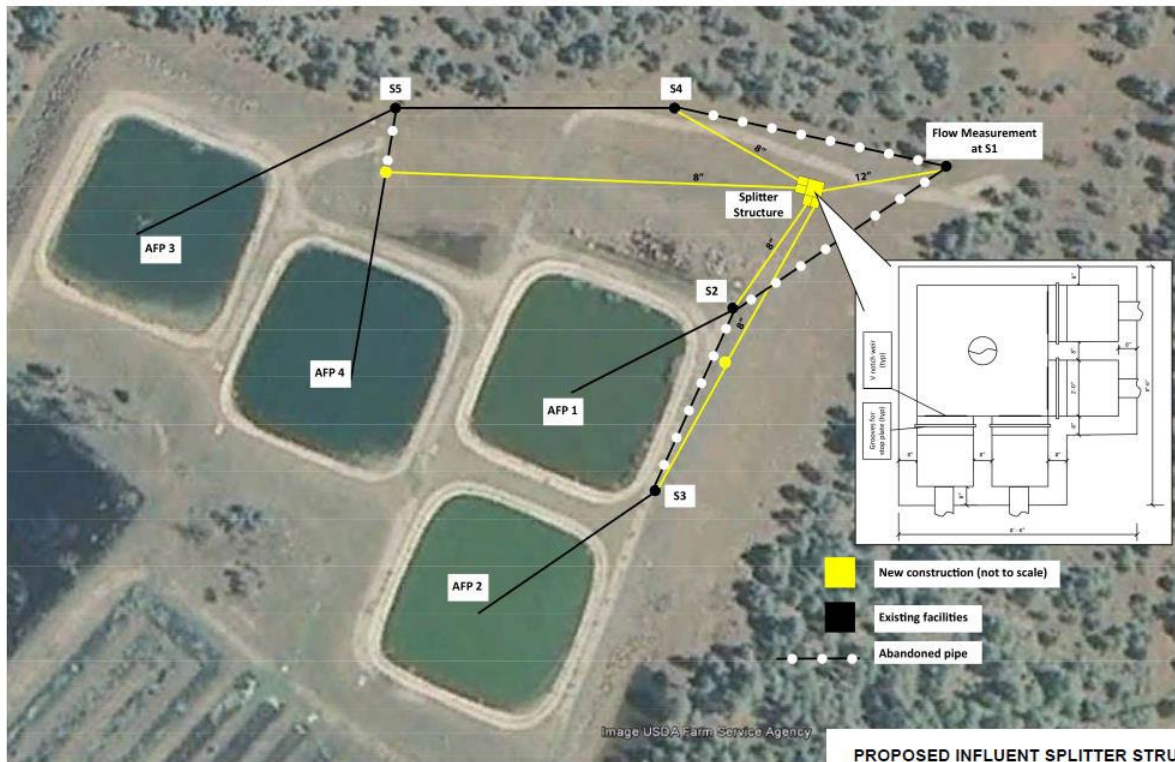
## Attachment B: Location Map

Monitoring location (M-001) is to occur after UV station and prior to leaving the site.



### Attachment C: Wastewater Flow Schematic

Configuration after Influent splitter structure upgrades (planned to occur in 2021/22).



**PROPOSED INFLUENT SPLITTER STRUCTURE**

FIGURE 5.6

WHITE MOUNTAIN APACHE TRIBE AND TRIBAL UTILITY AUTHORITY  
HOV-DAM WWTF PRELIMINARY ENGINEERING REPORT

**Attachment D: Ammonia (total) Chronic Standards (mg/L as N) for  
Warmwater Habitat**

Temp (°C)	pH										
	6.50	6.75	7.00	7.25	7.50	7.75	8.00	8.25	8.50	8.75	9.00
0.00	2.50	2.50	2.50	2.50	2.56	2.30	1.50	0.84	0.48	0.28	0.16
1.00	2.50	2.50	2.50	2.50	2.50	2.30	1.50	0.83	0.47	0.27	0.16
2.00	2.40	2.40	2.40	2.40	2.40	2.20	1.50	0.82	0.47	0.27	0.16
3.00	2.40	2.40	2.40	2.40	2.40	2.20	1.40	0.81	0.46	0.27	0.16
4.00	2.40	2.40	2.40	2.40	2.40	2.20	1.40	0.80	0.46	0.27	0.16
5.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.80	0.45	0.26	0.16
6.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.79	0.45	0.26	0.16
7.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.78	0.45	0.26	0.16
8.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.77	0.44	0.26	0.15
9.00	2.20	2.20	2.20	2.20	2.20	2.10	1.30	0.77	0.44	0.26	0.16
10.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.76	0.44	0.26	0.16
11.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.76	0.44	0.26	0.16
12.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.75	0.44	0.26	0.16
13.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.75	0.43	0.26	0.16
14.00	2.10	2.10	2.10	2.10	2.20	2.00	1.30	0.75	0.43	0.26	0.16
15.00	2.10	2.10	2.10	2.10	2.10	2.00	1.30	0.74	0.43	0.26	0.16
16.00	2.10	2.10	2.10	2.10	2.10	2.00	1.30	0.74	0.43	0.26	0.16
17.00	2.10	2.10	2.10	2.10	2.10	1.90	1.30	0.74	0.43	0.26	0.16
18.00	2.10	2.10	2.10	2.10	2.10	1.90	1.30	0.74	0.43	0.26	0.17
19.00	2.10	2.10	2.10	2.10	2.10	1.90	1.30	0.74	0.44	0.26	0.17
20.00	2.10	2.10	2.10	2.10	2.10	1.90	1.30	0.74	0.44	0.27	0.17
21.00	1.90	1.90	1.90	1.90	1.90	1.80	1.20	0.69	0.41	0.25	0.16
22.00	1.80	1.80	1.80	1.80	1.80	1.70	1.10	0.65	0.38	0.24	0.15
23.00	1.70	1.70	1.70	1.70	1.70	1.60	1.00	0.60	0.36	0.22	0.15
24.00	1.60	1.60	1.60	1.60	1.60	1.50	0.97	0.57	0.34	0.21	0.14
25.00	1.40	1.40	1.50	1.50	1.50	1.40	0.91	0.53	0.32	0.20	0.13
26.00	1.30	1.30	1.40	1.40	1.40	1.30	0.85	0.50	0.30	0.19	0.13
27.00	1.30	1.30	1.30	1.30	1.30	1.20	0.79	0.47	0.28	0.18	0.12
28.00	1.20	1.20	1.20	1.20	1.20	1.10	0.74	0.44	0.27	0.17	0.12
29.00	1.10	1.10	1.10	1.10	1.10	1.00	0.70	0.41	0.25	0.16	0.11
30.00	1.00	1.00	1.00	1.00	1.00	0.97	0.65	0.39	0.24	0.16	0.11



**Attachment F: List of Pollutants monitoring one time during permit term.**

EPA has developed analytical methods for many pollutants in 40 CFR § 423. EPA is requesting the Discharger complete monitoring for the list of metals below, hardness and cyanide once during the permit term. Sample collection should be concurrent with samples collected for one toxicity test. All samples shall analysed as total; i.e., not filtered.

Arsenic  
Beryllium  
Cadmium  
Chromium  
Copper  
Lead  
Mercury  
Nickel  
Silver  
Zinc  
Cyanide  
Hardness

**Attachment G: 401 Water Quality Certification, from White Mountain  
Apache Tribe, September 30, 2021.**



**WHITE MOUNTAIN APACHE TRIBE**  
**Water Resources Program**  
**P.O. Box 816**  
**Fort Apache, AZ 85926**



**Clean Water Act Section 401 Water Quality Certification**

WMAT Water Resources File # WQC2021-02

September 30, 2021

U.S. Environmental Protection Agency Region IX  
NPDES Permits Section (WTR-2-3)  
Attn: Sunny Elliott, Peter Kozelka  
75 Hawthorne Street  
San Francisco, CA 94105

**Subject:** Clean Water Act Section 401 Certification for the National Pollutant Discharge Elimination System (NPDES) Permit NPDES # AZ0024589 at the Hon-Dah Regional Wastewater Treatment Facility, and Navajo County, Arizona.

Dear Sunny Elliott and Peter Kozelka:

The White Mountain Apache Tribe (WMAT) Water Resources Program has received your application for Clean Water Act (CWA) 401 water quality certification for the Hon-Dah Regional Wastewater Treatment Facility (Project) NPDES Permit AZ0024589. The project is located on WMAT land in Navajo County, Arizona.

**Project Description**

The Hon-Dah Regional Wastewater Treatment Facility uses a set of four parallel anaerobic/facultative digestion ponds for treatment, also known as Advanced Facultative Ponds. These ponds are modifications of the first component of an Advanced Integrated Wastewater Pond System (AIWPS), followed by an artificial wetland for additional nutrient removal and an ultraviolet disinfection system. The treatment system produces effluent that is "equivalent to secondary" treatment, as defined under 40 CFR§133.105. As for the biosolids, these facultative ponds include integrated fermentation pits, which degrade biosolids and minimize the need for sludge removal; thus, there is no need for biosolids removal plan.

This facility has a design capacity of 0.4 million gallons per day. Average flows since 2017 have been around 0.13 million gallons per day as reported on Discharge Monitoring Reports. The facility discharges through outfall-001, located at 34° 03' 49" N Latitude and 109° 55' 26" W Longitude in Navajo County, Arizona, on the Fort Apache Indian Reservation.

Wastewater influent is received from the communities of Hon-Dah Homesites and McNary, and the Hon-Dah Resort-Casino and Conference Center facility, and the adjacent RV park for a total population served of roughly 1,500 people and is almost

entirely residential in origin. There are no significant contributions from industrial discharges.

### **Project Impacts**

The discharge from this facility flows into nearby Bootleg Lake on the Fort Apache Indian Reservation. The White Mountain Apache Tribe (WMAT) has adopted water quality standards for different stream segments depending on the level of protection required. The WMAT Water Quality Protection Ordinance lists Bootleg Lake as a lake with warmwater habitat. Other designated uses of Bootleg Lake include, irrigation, groundwater recharge, livestock & wildlife, primary contact, secondary contact, ceremonial primary contact, cultural significance, and flood control. No impairments nor TMDLs are applicable to water quality conditions in Bootleg Lake.

### **Certification**

We hereby grant water quality certification provided the following conditions are met to during all operation and discharge:

1. The applicant will abide by all terms and conditions found in the NPDES AZ0024589 Permit.
2. The applicant is responsible for obtaining all other permits, licenses and certifications that may be required by federal, state, or tribal authorities.
3. The project shall be operated in compliance with the project description provided in the application. Any material changes to these plans must be submitted to WMAT Water Resources Watershed Manager for review and approval before the changes are implemented.
4. The applicant shall have a spill containment plan onsite to ensure that pollutants are prevented from entering Bootleg Lake, a WMAT Warmwater Habit, or drainages that may lead to the lake. The applicant must designate areas entirely outside the river/drainages for chemical and petroleum or oil storage. A spill response kit will be maintained in these areas to mitigate any spills.
5. If any fuel spill or release of chemical should occur at or near the project sites it shall be immediately contained and reported to the Tribal Environmental Protection Office at (928)-338-4325 and Watershed Manager (928)-338-4267.
6. If at any time, an unauthorized discharge occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. WMAT Water Resources Watershed Manager shall be notified immediately after the unauthorized discharge or water quality problem arises.
7. If Cultural Resources are encountered, the project is to immediately cease and the Tribal Historic Preservation Office (THPO) Mark Altaha (928)-338-3033 is to be notified.
8. This certification is void if the operation and discharge is not consistent with the project description provided above and in the 401 Water Quality Certification Application.



If there are any changes in the proposed project that will affect the water quality, the applicant shall notify the Water Resources Watershed Manager. Failure to do so will result in the revocation of this certification.

This certification is valid through December 31, 2026 unless this certification details are modified, reissued, or revoked before this date.

Note that inspections during operation and discharge by WMAT Water Resources staff and/or members of the Tribal Plan and Project Review (TPPR) Panel may occur to ascertain compliance with this certification and those instances of non-compliance with this water quality certification could result in an enforcement action under provisions of tribal law or the Federal Clean Water Act.

If you have any further questions regarding this certification, please feel free to contact me directly at (928)-338-4267.

Sincerely,

A handwritten signature in cursive script that reads "Sean Parker".

Sean Parker, Watershed Manager  
White Mountain Apache Tribe  
Water Resources Program

Cc:

Brenda Begay, WMAT Environmental Manager  
Emery Hoffman, WMAT Water Resources Acting Program Director