

**US ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne St.  
San Francisco, CA 94105**

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

**NPDES PERMIT NO. NN0020133**

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 permittee 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	Capitol Operating Group, LLC
Permittee Address	5750 Johnston Street, Suite 103 Lafayette, Louisiana 70503
Facility Name	English Lease Boundary Butte
Facility Location	San Juan County, Utah Approximately 7.6 miles northwest of Red Mesa, Arizona
Facility Rating	Minor

Outfall Number	General Type Of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water(s)
001	Process Wastewater	37° 02' 30.01" N	109° 30' 0.00" W	Unnamed wash, a tributary to Gothic Creek, a tributary to the San Juan River
002	Process Wastewater	37° 03' 15.0" N	109° 24' 45.0" W	To Gothic Creek, a tributary to the San Juan River

This permit was issued on:	Date of signature below
This permit shall become effective on:	July 1, 2022
Permit reapplication due no later than:	January 2, 2027
This permit shall expire at midnight on:	June 30, 2027
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:

\_\_\_\_\_  
Tomás Torres, Director  
Water Division

\_\_\_\_\_  
Date

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## Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

### A. *Effluent Limits and Monitoring Requirements*

#### 1. Effluent Limits – Outfalls 001 and 002

The permittee is authorized to discharge domestic wastewater in compliance with the final effluent limits and monitoring requirements specified in Table 1. The permittee shall monitor both the effluent and influent to evaluate compliance. Compliance with these requirements is monitored at Outfalls 001 and 002.

2. The discharge of pollutants to waters of the United States at any point other than Outfall 001 and Outfall 002 is prohibited and constitutes a violation of the permit.
3. The permittee shall ensure that its discharge does not cause the receiving waters immediately downstream of the discharge to contain pollutants in amounts or combinations that, for any duration:
  - a. Cause injury to, are toxic to, or otherwise adversely affect human health, public safety, or public welfare.
  - b. Cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
  - c. Settle to form bottom deposits, including sediments, precipitates and organic materials, that cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
  - d. Cause physical, chemical, or biological conditions that promote the habitation, growth or propagation of undesirable, non-indigenous species of plant or animal life in the water body.
  - e. Cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.
  - f. Cause objectionable odor in the area of the water body.
  - g. Cause objectionable taste, odor, color, or turbidity in the water body.

- h. Cause objectionable taste in edible plant and animal life, including waterfowl that reside in, on or adjacent to the water body.
  - i. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses.
4. All waters of the Navajo Nation shall be free of toxic pollutants from other than natural sources in amounts, concentrations, or combinations which affect the propagation of fish or which of toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or which will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish, or other aquatic organisms to levels which will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers.
  5. No person shall place animal carcasses, refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicles, motor vehicle parts, batteries, appliances, tires, or other solid waste into waters of the Navajo Nation or onto their banks.

**B. Table 1. Numeric Effluent Limits and Monitoring Requirements – Outfall Number 001  
 (Based on the design flow capacity of 0.08 MGD)**

Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency <sup>(2)</sup>	Sample Type
Flow	MGD	-- <sup>(1)</sup>	--	-- <sup>(1)</sup>	Monthly	Instantaneous
Biochemical Oxygen Demand (5-day)	mg/L	25	35	--	Monthly	Grab
	lbs/day	16.7	23.4	--		
Total Suspended Solids	mg/L	25	35	--	Monthly	Grab
	lbs/day	16.7	23.4	--		
Oil and Grease	mg/L	--	--	10	Monthly	Grab
Solids, total dissolved <sup>(2)</sup>	mg/L	-- <sup>(1)</sup>	--	1200	Quarterly	Grab
Phenanthrene	µg/L	6.3	--	30	Monthly	Grab
Selenium	µg/L	2.0	--	20	Monthly	Grab
Hardness, total (as CaCO <sub>3</sub> )	mg/L	-- <sup>(1)</sup>	--	-- <sup>(1)</sup>	Annually	Grab
pH	std. units	between 6.5 to 9.0			Monthly	Grab
Priority Pollutant Scan <sup>(3)</sup>	µg/L	--	--	-- <sup>(1)</sup>	1 <sup>st</sup> Quarter Year 1 2 <sup>nd</sup> Quarter Year 2 3 <sup>rd</sup> Quarter Year 3 4 <sup>th</sup> Quarter Year 4	Composite

‘MGD’ indicates units of Million Gallons per Day

**FOOTNOTES:**

- (1) No effluent limits are set at this time, but monitoring and reporting is required.
- (2) During periods of discharge, Salinity (measured as Total Dissolved Solids) shall be determined by the “calculation method” (sum of constituents) as described in the latest edition of “*Techniques of Water Resources Investigations in the United States Geological Survey – Methods of Collection and Analysis of Water Samples for Dissolved Minerals and Gases*”.
- (3) Priority Pollutants: During the first quarter of Year 1 of the permit cycle, the second quarter of Year 2,

third quarter of Year 3, and fourth quarter of Year 4, the permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. No limit is set at this time. Should the results reveal levels below the Navajo Nation Surface Water Quality Standards and EPA’s National Water Quality Criteria for priority pollutants, monitoring will no longer for more than one year of the next permit cycle.

**C. Table 2. Numeric Effluent Limits and Monitoring Requirements – Outfall Number 002  
 (Based on the design flow capacity of 0.04 MGD)**

Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow	MGD	-- <sup>(1)</sup>	--	-- <sup>(1)</sup>	Monthly	Instantaneous
Biochemical Oxygen Demand (5-day)	mg/L	25	35	--	Monthly	Grab
	lbs/day	8.4	11.7	--		
Total Suspended Solids	mg/L	25	35	--	Monthly	Grab
	lbs/day	8.4	11.7	--		
Oil and Grease	mg/L	--	--	10	Monthly	Grab
Solids, total dissolved <sup>(2)</sup>	mg/L	-- <sup>(1)</sup>	--	1200 <sup>(1)</sup>	Quarterly	Grab
Phenanthrene	µg/L	6.3	--	30	Monthly	Grab
Selenium	µg/L	2.0	--	20	Monthly	Grab
Hardness, total (as CaCO <sub>3</sub> )	mg/L	-- <sup>(1)</sup>	--	-- <sup>(1)</sup>	Annually	Grab
pH	std. units	between 6.5 to 9.0			Monthly	Grab
Priority Pollutant Scan <sup>(3)</sup>	µg/L	--	--	-- <sup>(1)</sup>	1 <sup>st</sup> Quarter Year 1 2 <sup>nd</sup> Quarter Year 2 3 <sup>rd</sup> Quarter Year 3 4 <sup>th</sup> Quarter Year 4	Composite

‘MGD’ indicates units of Million Gallons per Day

**FOOTNOTES:**

- (1) No effluent limits are set at this time, but monitoring and reporting is required.
- (2) During periods of discharge, Salinity (measured as Total Dissolved Solids) shall be determined by the “calculation method” (sum of constituents) as described in the latest edition of “*Techniques of Water Resources Investigations in the United States Geological Survey – Methods of Collection and Analysis of Water Samples for Dissolved Minerals and Gases*”.
- (3) Priority Pollutants: During the first quarter of Year 1 of the permit cycle, the second quarter of Year 2, third quarter of Year 3, and fourth quarter of Year 4, the permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. No limit is set at this time. Should the results reveal levels below the Navajo Nation Surface Water Quality Standards and EPA’s National Water Quality Criteria for priority pollutants, monitoring will no longer for more than one year of the next permit cycle.

**D. Sampling**

1. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Samples shall be taken at the following locations:

- a. Effluent samples shall be taken after in-plant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
  - b. The permittee may sample for BOD<sub>5</sub>, TSS, Oil and Grease, TDS, and pH after treatment.
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 Tables 1 and 2. If there is no discharge, the permittee is not required to monitor either influent or effluent.

#### ***E. General Monitoring and Reporting***

1. All monitoring shall be conducted in accordance with 40 CFR Part 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR Part 136 test methods with method detection limits (“MDLs”) and minimum levels (“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 discharge monitoring report (“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 certify that there are no 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. 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 DMR 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 Part 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 ("DMRs") using NetDMR (<http://www.epa.gov/netdmr>).
8. DMRs shall be submitted by the 28<sup>th</sup> day of the month following the previous reporting period. For example, under quarterly submission, 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.

## **Part II. SPECIAL CONDITIONS**

### ***A. Permit Reopener***

In accordance with 40 CFR §§ 122 and 124, this permit may be modified by USEPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; 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; or new permit conditions for species pursuant to ESA requirements.

***B. Wildlife/Livestock Contact with Retention or Secondary Sedimentation***

Water Fencing and/or netting shall be installed and properly maintained in the area above and around the retention water pit and secondary sedimentation basin to prevent access to the water of any listed wildlife species and domestic livestock. Such fencing and/or netting shall be maintained in good repair to prevent wildlife and domestic livestock contact with the water in these structures.

***C. Asset Management Plan and Operation and Maintenance***

The permittee shall develop, update, and implement an Asset Management Plan (AMP) to cover the ongoing operation and maintenance of the treatment system to ensure that the effluent meets limitations for all parameters at all times.

1. The AMP shall include an inventory of all critical assets into a single database. Assets may include, but are not limited to, heater-treaters, oil-water separators, skimmers, process and storage tanks, pump stations, settlement ponds, inter-pond and outfall pipes, fencing and netting, etc. The permittee shall list in the program the frequency of maintenance checks for these assets and catalogue daily, weekly, monthly, annually or other regular maintenance tasks as appropriate. The AMP shall include projected useful life, and replacement plans for the assets listed and shall be updated annually.
2. The permittee shall submit to USEPA ([R9NPDES@epa.gov](mailto:R9NPDES@epa.gov)) and NNEPA (Patrick Antonio [patrickantonio@navajo-nsn.gov](mailto:patrickantonio@navajo-nsn.gov)) a copy of the AMP within 90 days of permit issuance. The AMP and any system used to document maintenance checks shall be available on-site for inspection upon request.

***D. 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 both USEPA and NNEPA staff persons 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. The permittee shall notify the USEPA and the NNEPA at the following telephone numbers:
  - Wastewater Enforcement Section Manager, (415) 947-4179  
U.S. EPA Region 9
  - Patrick Antonio, (928) 871-7185  
Navajo Nation EPA

2. The permittee shall follow up with a written submission within five (5) days of the time the permittee becomes aware of the noncompliance. The written submission shall be emailed to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and [patrickantonio@navajo-nsn.gov](mailto:patrickantonio@navajo-nsn.gov), and the USEPA 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.
3. 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)).
4. USEPA 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.

***E. Priority Toxic Pollutants Scan***

During the first quarter of Year 1, second quarter of Year 2, third quarter of Year 3, and fourth quarter of Year 4 of the permit cycle, the permittee shall monitor and test for the full list of priority pollutants at 40 CFR Part 423, Appendix A. The testing shall be conducted using approved standard EPA methodology by a qualified independent laboratory. No limits are set at this time.

***F. Best Management Practices and Pollution Prevention Plan***

1. 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 to unnamed washes that discharge to Gothic Creek. The permittee shall develop (or update) and implement a Pollution Prevention Plan (the “Plan”) that described the pollution prevention measures or BMPs that specifically apply to the facility within 180 days of the permit effective date.
2. The Plan must identify the potential sources of pollution which may reasonably be expected to affect the quality of the effluent discharges from the facility; describe and ensure implementation practices which will be used to reduce the pollutants in effluent discharges from the facility; and assure compliance with the terms and conditions of this permit.

3. The Plan shall include at a minimum the following:
  - a. The identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.
  - b. A description of the facility that includes the nature of the industrial activities at the facility, and a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.
  - c. The name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.
  - d. A summary of potential pollutant sources that includes a description of each separate area of the facility where industrial materials or activities result in wastewater generation, and those that are exposed to rain and storm water (e.g., on-site storage tanks, emulsion tank, oil production tanks, dirt/gravel parking areas for vehicles); and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.
  - e. A description of existing and planned BMPs for storm water and non-storm water controls; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to rain and storm water or generate non-storm water. Selection of BMPs should take into consideration the quantity and nature of the pollutants, and their potential to impact the water quality of the receiving water, nonstructural and structural BMPs must include, but are not limited to the following:
    - (1) Good housekeeping: The permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges. Materials and chemicals must be properly labeled and stored in appropriate containers.
    - (2) Minimizing exposure: Where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.
    - (3) Preventive maintenance: The Plan must describe the facility's preventive maintenance program that includes timely inspections and maintenance of storm water and non-storm water management devices, (e.g., maintaining heater-treaters, oil-water separators, skimmers, process and storage tanks, pump stations, settlement ponds, inter-pond and outfall pipes, fencing and netting, etc.) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters. All BMPs listed in the Plan must be maintained in effective operating condition to control source runoff.

- (4) Water fencing and/or netting maintenance: The plan must describe the facility's maintenance program in the area above and around the retention water pit and secondary sedimentation basin to prevent access to the water of any listed wildlife species and domestic livestock. Such fencing and/or netting must be maintained in good repair to prevent wildlife and domestic livestock contact with the water in these structures.
  - (5) Spill prevention and response procedures: The permittee is required to develop and implement a Spill Prevention, Control and Countermeasure Plan in accordance with 40 CFR Part 112; the Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR Parts 264 and 265 and CWA regulations at 40 CFR Part 112.
  - (6) Routine facility inspections: The Plan must have qualified personnel inspect the battery sites and all areas of the facility where industrial materials or activities are exposed to storm water and non-storm water (i.e., material storage areas, water tanks and produced oil tank areas, vehicle/equipment maintenance areas, and loading/unloading area, effluent sample area, outfalls, etc.) Inspections must include an evaluation of existing BMPs. The Plan must identify how often the inspections are to occur.
  - (7) Employee training: The Plan must describe the storm water and non-storm water training program for the facility. Topics should include spill response, good housekeeping and material management practices, and must identify periodic dates for such training. Training must be provided to all employees that operate in areas where industrial materials or activities generate non-storm water or are exposed to storm water. Employee training shall occur at least once per year.
  - (8) Sediment and erosion control: The Plan must identify the areas of the facility that have a potential for significant soil erosion; and the Plan must describe the structural, vegetative, and/or stabilization BMPs that are or will be implemented to limit erosion. The plan shall also include BMPs that minimize transport of sediments from roads, parking lots, and other applicable structures.
  - (9) Management of runoff: The Plan must describe the traditional storm water and non-storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility. These BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water or non-storm water discharges from the site; examples include oil/water separators and retention basins.
- f. A copy of this permit.

4. The Plan must have management approval and be maintained and amended whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.
5. The Plan must be maintained and amended whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.
6. The Plan must be retained on-site and be made available, upon request, for review at the time of a USEPA and NNEPA inspection.

#### ***G. Clean Water Act § 401 Water Quality Certification***

The permittee shall comply with all requirements set forth in NNEPA's 401 Water Quality Certification issued on May 28, 2022. See Attachment E.

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

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

#### ***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 CWA 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

CWA 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 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 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, such 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 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 \$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.

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

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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.

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 Part 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 Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 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 alterations 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, and 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 (c)(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.
  - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 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, 2025, 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 Part 3 (including, in all cases, subpart D to Part 3), 40 CFR § 122.22, and 40 CFR Part 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 has 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.
  - i. Identification of the initial recipient for NPDES electronic reporting data. The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in Appendix A to 40 CFR Part 127) to the appropriate initial recipient, as determined by EPA, and as defined in 40 CFR § 127.2(b) of this chapter. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 CFR § 127.2(c) of this chapter]. EPA will update and maintain this listing.

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 (1)(6) of this section (24-hour notice).
- (3) As of December 21, 2025, 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 40 CFR § 122.41 (l)(6)(ii)(B) (24-hour notice of non-compliance).
  - (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 Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR Part 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.

## Part IV. ATTACHMENTS

### Attachment A: Definitions

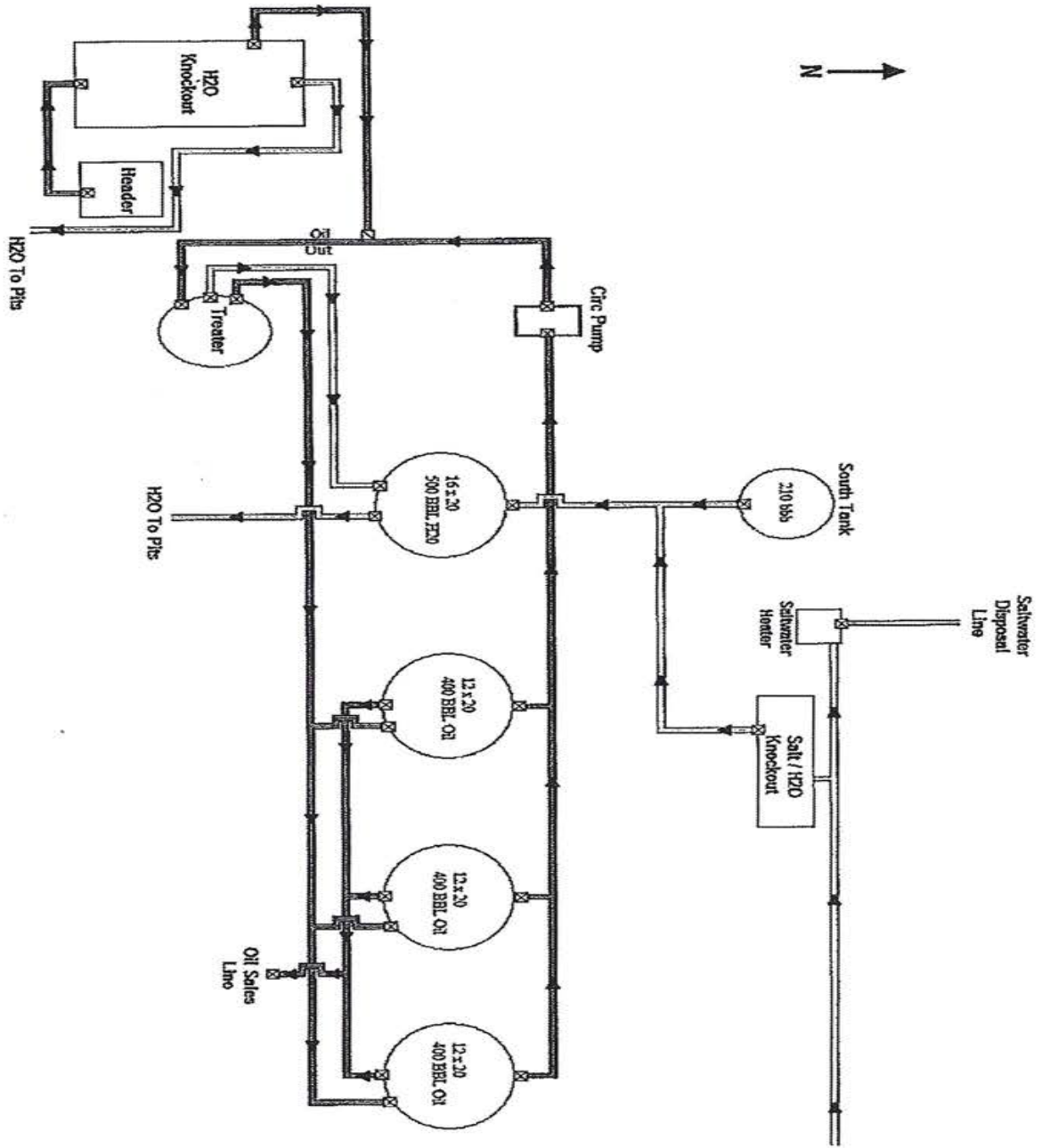
1. An **“average monthly discharge limitation”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. An **“average weekly 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, identification of necessary training, 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 (8) 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” measured during a calendar day or 24-hour period representing a calendar day.
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 greater than zero, as defined by a specific laboratory method in 40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
11. 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 Part 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.

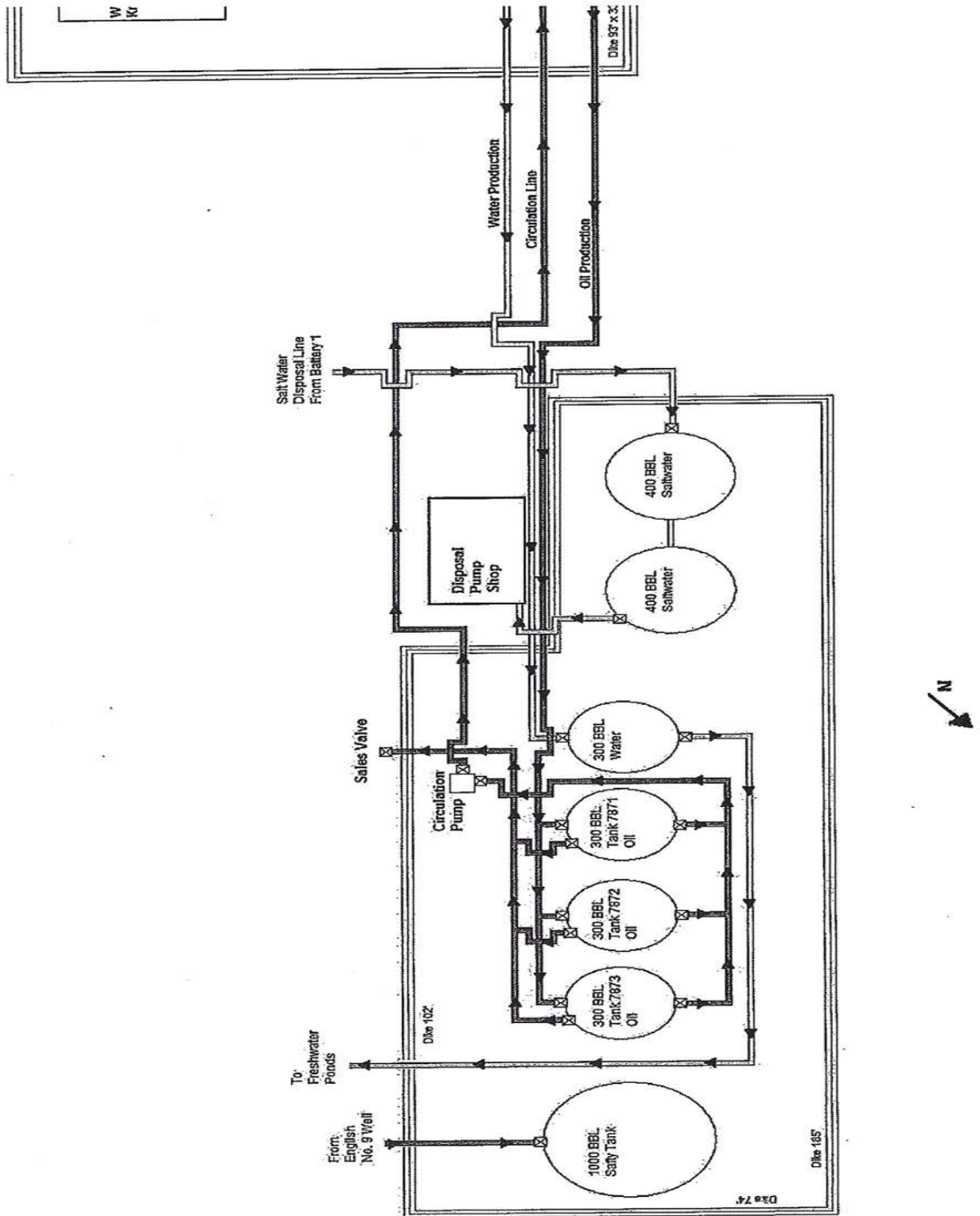
- b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of  $(1, 2, \text{ or } 5) \times 10^n$ , where  $n$  is zero or an integer. (For example, if an MDL is  $2.5 \mu\text{g/L}$ , then the calculated ML is:  $2.5 \mu\text{g/L} \times 3.18 = 7.95 \mu\text{g/L}$ . The multiple of  $(1, 2, \text{ or } 5) \times 10^n$  nearest to  $7.95$  is  $1 \times 10^1 = 10 \mu\text{g/L}$ , so the calculated ML, rounded to the nearest whole number, is  $10 \mu\text{g/L}$ .)
12. 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.
13. 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: Plant Schematic for Tank Battery No. 1

☒ = Valves



### Attachment C: Plant Schematic for Tank Battery No. 3



### Attachment D: List of Priority Pollutants

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride
7. Chlorobenzene
8. 1,2,4-trichlorobenzene
9. Hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. Hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. Chloroethane
17. REMOVED
18. Bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ethers
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. Parachlorometa cresol
23. Chloroform
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3-dichlorobenzidine
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. Bis(2-chloroisopropyl) ether
43. Bis(2-chloroethoxy) methane
44. Methylene chloride
45. Methyl chloride
46. Methyl bromide
47. Bromoform
48. Dichlorobromomethane
49. REMOVED
50. REMOVED
51. Chlorodibromomethane
52. Hexachlorobutadiene
53. Hexachlorocyclopentadiene
54. Isophorone
55. Naphthalene
56. Nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. Pentachlorophenol
65. Phenol
66. Bis(2-ethylhexyl) phthalate
67. Butyl benzyl phthalate
68. Di-N-Butyl Phthalate
69. Di-n-octyl phthalate
70. Diethyl Phthalate
71. Dimethyl phthalate
72. benzo(a) anthracene
73. Benzo(a)pyrene
74. Benzo(b) fluoranthene
75. Benzo(k) fluoranthene
76. Chrysene
77. Acenaphthylene
78. Anthracene
79. Benzo(ghi) perylene
80. Fluorene
81. Phenanthrene
82. Dibenzo(h) anthracene
83. Indeno (1,2,3-cd) pyrene
84. Pyrene
85. Tetrachloroethylene
86. Toluene
87. Trichloroethylene
88. Vinyl chloride
89. Aldrin
90. Dieldrin
91. Chlordane
92. 4,4-DDT

- |      |                          |      |                          |
|------|--------------------------|------|--------------------------|
| 93.  | 4,4-DDE                  | 112. | PCB-1016 (Arochlor 1016) |
| 94.  | 4,4-DDD                  | 113. | Toxaphene                |
| 95.  | Alpha-endosulfan         | 114. | Antimony                 |
| 96.  | Beta-endosulfan          | 115. | Arsenic                  |
| 97.  | Endosulfan sulfate       | 116. | Asbestos                 |
| 98.  | Endrin                   | 117. | Beryllium                |
| 99.  | Endrin aldehyde          | 118. | Cadmium                  |
| 100. | Heptachlor               | 119. | Chromium                 |
| 101. | Heptachlor epoxide       | 120. | Copper                   |
| 102. | Alpha-BHC                | 121. | Cyanide, Total           |
| 103. | Beta-BHC                 | 122. | Lead                     |
| 104. | Gamma-BHC                | 123. | Mercury                  |
| 105. | Delta-BHC                | 124. | Nickel                   |
| 106. | PCB-1242 (Arochlor 1242) | 125. | Selenium                 |
| 107. | PCB-1254 (Arochlor 1254) | 126. | Silver                   |
| 108. | PCB-1221 (Arochlor 1221) | 127. | Thallium                 |
| 109. | PCB-1232 (Arochlor 1232) | 128. | Zinc                     |
| 110. | PCB-1248 (Arochlor 1248) | 129. | 2,3,7,8-TCD <sup>1</sup> |
| 111. | PCB-1260 (Arochlor 1260) |      |                          |

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<sup>1</sup> Although there are 126 entries, the last number on the list is 129 because entry numbers 17, 49, and 50 were removed.



## Attachment E: 401 Water Quality Certification



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY  
SURFACE & GROUND WATER PROTECTION DEPARTMENT  
P.O. Box 339, Window Rock, AZ 86515  
Tel. (928) 871-7701 Fax. (928) 871-7599



JONATHAN NEZ  
PRESIDENT

MYRON LIZER  
VICE-PRESIDENT

May 18, 2022

Gary Sheth  
CWA Standards and Permits Office  
U.S. Environmental Protection Agency – Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

**RE: Navajo Nation Certification (Project ID No. 2022-0282WR)  
NPDES Permit No. NN0020133  
Capitol Operating Group, LLC - English Lease Boundary Butte Field**

Dear Mr. Sheth:

Navajo EPA's Water Quality/NPDES Program has examined both the NPDES permit and 401 Water Quality Certification applications for the Capitol Operating Group English Lease Boundary Butte tank batteries near Red Mesa, AZ to discharge treated wastewater into Gothic Creek which is a tributary to the San Juan River. Compliance with the terms and conditions of the NPDES permit will provide reasonable assurance that the permitted activities will be conducted in a manner that will not violate applicable water quality standards.

The Navajo Nation certifies that the discharge will comply with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307 and with appropriate requirements of Navajo Nation law. In order to meet the requirements of Navajo Nation law, including water quality standards, each of the conditions cited in the draft permit and the Navajo Nation certification shall not be made less stringent.

Please contact Patrick Antonio if you have any questions concerning this certification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yolanda Barney".

Yolanda Barney, Environmental Department Manager  
Surface and Ground Water Protection Department  
Navajo Nation Environmental Protection Agency

xc: David Burns, CEO/President, Capitol Operating Group, LLC, 5750 Johnston Street, Suite 103, Lafayette, LA  
70503  
File