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

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; "the Act"),

The Blackfeet Tribe's Blackfeet Water Department

is authorized to discharge from the Town of Browning (Browning) Wastewater Treatment Lagoon located in the Section 11, Township 32 N, Range 11 W, TR IN N2, at latitude 48.552469 and longitude -112.998822, Glacier County, Montana,

to Depot Creek

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the Permit.

This Permit shall become effective **August 1, 2024.**

This Permit and the authorization to discharge shall expire at midnight, **July 31, 2029.**

STEPHANIE DEJONG

Digitally signed by STEPHANIE DEJONG
Date: 2024.07.10 14:28:33 -06'00'

Authorized Permitting Official

Stephanie DeJong, Manager
Clean Water Branch

NPDES BP (Rev.11/2021)

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1 Definitions

The *7-day (weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the 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. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday. (40 CFR § 122.2)

The *30-day (monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the 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. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. (40 CFR § 122.2)

Act ("the Act") means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the Act may be referred to as the CWA. (40 CFR § 122.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i))

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period, unless specified otherwise at 40 CFR Part 136. (40 CFR § 122.21(g)(7)). Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, not more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

(a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
(b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
(c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
(d) Continuous collection of sample with sample collection rate proportional to flow rate.

Daily Maximum (Daily Max.) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period. The Daily Maximum limitation is the highest allowable discharge limit over the calendar day or representative 24-hour period. (40 CFR §§ 122.2, see "daily discharge" and "maximum daily discharge limitation")

EPA means the United States Environmental Protection Agency, the Regional Administrator of the EPA Region 8 or an authorized representative.

E. coli means *Escherichia coli*.

Geometric mean is an average or mean based on multiplication instead of addition. To calculate a geometric mean, multiply all the measured values together and then take the nth root, where n is the number of measured values.

$$GeoMean = \sqrt[n]{(X_1 X_2 X_3 \ldots X_n)}$$

Grab sample, for monitoring requirements, is defined as a sample collected over a period not exceeding 15 minutes (typically a single "dip and take" sample or an instantaneous measurement) at a location that is representative of conditions at the time the sample is collected.

Industrial User or *User* means a source of Indirect Discharge, which is the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act. (40 CFR §§ 403.3(i) and (j))

Maximum limit means the maximum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Minimum limit means the minimum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Interference means an indirect discharge from an Industrial User which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following

statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (40 CFR § 403.3(k))

Narrative limit means a narrative condition that must be met (e.g., The discharge must be free from a visible sheet). *New Source* means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

(a) After promulgation of standards of performance under Section 306 of the Act which are applicable to such source, or
(b) After proposal of standards of performance in accordance with Section 306 of the Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal. (40 CFR § 122.2)

Pass Through means an Indirect Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (40 CFR § 403.3(p))

Permit means this NPDES permit upon finalization. (40 CFR § 122.2)

Permittee means the "person" as defined either by Section 502(5) of the Act or 40 CFR § 122.2, including an agent or employee thereof, authorized to discharge under this Permit. (Section 502(5) of the Act, 40 CFR § 122.2)

Publicly Owned Treatment Works or *POTW* means a treatment works as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant, which means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. The term POTW also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (40 CFR § 403.3(q) and (r))

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. (40 CFR § 122.41(m)(1)(ii))

Sewage Sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. (40 CFR § 122.2)

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. (40 CFR § 122.26(b)(13))

Sufficiently Sensitive – An analytical test method is sufficiently sensitive when:

(a) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or
(b) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. (40 CFR § 122.44(i)(1)(iv)(A))

Toxicity Identification Evaluation (TIE) means a set of procedures to identify the specific chemicals or pathogens responsible for effluent toxicity. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after control measures are put in place. (U.S. EPA Office of Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR § 122.41(n))

Whole Effluent Toxicity (WET) is the total toxic effect of an effluent measured directly with a toxicity test using methods approved under 40 CFR Part 136.

2 Description of Discharge and Monitoring Point(s)

The authorization to discharge provided under this Permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NPDES Permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.

Table 1. Description of Discharge and Monitoring Points

Outfall Serial Number	Latitude/Longitude	Receiving Water	Description
001, a/	Latitude: 48.552537 Longitude: -112.991345	Depot Creek	Outfall 001: Effluent discharged from the wastewater treatment lagoon at discharge point in the eastern lagoon, after UV treatment.
001-I, b/	N/A- appropriate location to be identified and determined by the facility. Location must be documented in sampling records.	N/A	A location representative of the influent flow entering the wastewater lagoon treatment system prior to treatment (e.g., an influent structure, upstream manhole that contains flow from the entire service area, or any other representative location).
001-R, c/	N/A- appropriate location to be identified and determined by the facility. Location must be documented in sampling records.	N/A	A location immediately upstream of where the discharge is anticipated to meet the receiving stream.

a/ Effluent monitoring- will occur from the point of discharge (i.e., at Outfall 001), prior to the discharge entering the receiving water.

b/ Influent monitoring- will occur at a location representative of the influent flow entering the wastewater lagoon treatment system prior to treatment (e.g., an influent structure, upstream manhole that contains flow from the entire service area, or any other representative location).

c/ Receiving stream monitoring- will occur immediately upstream of where the discharge is anticipated to meet the receiving stream.

3 Effluent Limitations

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

Table 2. Final Effluent Limitations for Outfall 001

Effluent Characteristic	30-Day Average Effluent Limitations a/	7-Day Average Effluent Limitations a/	Daily Maximum Effluent Limitations a/
Flow, mgd	report only	N/A	report only
Biochemical Oxygen Demand (BOD5), mg/L	30	45	N/A

Effluent Characteristic	**30-Day Average Effluent Limitations a/**	**7-Day Average Effluent Limitations a/**	**Daily Maximum Effluent Limitations a/**
BOD_5, percent removal	≥ 65%	N/A	N/A
Total Suspended Solids (TSS), mg/L	30	45	N/A
TSS, percent removal	≥ 65%	N/A	N/A
Escherichia coli (*E. coli*), number/100 mL, b/	126	N/A	410
Total Residual Chlorine, mg/L	0.011	N/A	0.019
Total Ammonia Nitrogen (as N), mg/L, c/	report only	N/A	report only
Total Kjeldahl Nitrogen (TKN) (as N), mg/L	report only	N/A	report only
Nitrate-Nitrite (as N), mg/L	report only	N/A	report only
Total Nitrogen	report only *(calculated- see footnote g of Table 3)*	N/A	report only *(calculated- see footnote g of Table 3)*
Total Phosphorus, mg/L	report only	N/A	report only
Temperature, °C	report only	N/A	report only
Oil and Grease (O&G), mg/L, d/	N/A	N/A	10
Oil and Grease (O&G), visual, d/	Upon visual inspection, there shall be no visible sheen or floating oil detected. If either is detected in the discharge, a grab sample shall be taken immediately and analyzed.		
pH, standard units	Must remain in the range of 6.5 - 9.0 *at all times*		

a/ See Definitions, Section 1.1. of the Permit, for definition of terms.

b/ Per EPA's 2012 recommended *E. coli* criteria for primary contact recreation ("Recreational Water Quality Criteria", Office of Water 820-F-12-058), the 30-day Average is to be calculated using the 30-Day geometric mean. The 30-day geometric mean calculation will be based on the geometric mean from the total number of samples collected during the 30-day period. The 30-day average geometric mean shall not exceed 126 Number/100 mL. The daily maximum limitation will be 410 Number/100 mL.

c/ Effluent monitoring in addition to Ammonia Best Management Practice (BMP) management plan requirements (See Section 5.2 Special Conditions of the Permit).

d/ If a visible sheen or floating oil is detected in the discharge, a grab sample shall be taken immediately, analyzed and recorded in accordance with the requirements of 40 C.F.R. Part 136.

4 Self-Monitoring and Data Requirements

Self-monitoring shall be conducted effective immediately and last through the effective term of this Permit. Sampling and test procedures for pollutants listed in this section shall be in accordance with guidelines promulgated by the Administrator in 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O, as required in 40 CFR § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) that no discharge occurred. See Reporting of Monitoring Results, section 7.4, for more details.

4.1 Effluent (Outfall 001) Monitoring:

Table 3. Effluent Monitoring Requirements for Outfall 001

(**Note**- see Tables 4 and 5 of the Permit for Receiving Water and Influent sampling requirements. These are to be taken on the same day and as close in time as feasible to the samples collected in Table 3 for Effluent Monitoring at Outfall 001)

Effluent Characteristic	**Frequency**	**Sample Type a/**	**Data Value Reported on DMR b/**
Total Flow, million gallons per day (mgd)	Weekly	Instantaneous, c/	Daily Max. 30-Day Avg.
BOD_5, mg/L	Monthly	Grab	7- Day Avg. 30-Day Avg.
BOD_5, percent removal	Monthly (calculated)	Calculated d/	30-Day Avg. % removal
TSS, mg/L	Monthly	Grab	7- Day Avg. 30-Day Avg.
TSS, percent removal	Monthly (calculated)	Calculated d/	30-Day Avg. % removal
E. coli, number/100 mL, e/	Monthly	Grab	Daily Max. 30-Day Avg.
Total Residual Chlorine, mg/L, f/	Monthly	Grab	Daily Max. 30-Day Avg.
Total Ammonia Nitrogen (as N), mg/L	Monthly	Grab	Daily Max. 30-Day Avg.
TKN, mg/L	Monthly	Grab	Daily Max. 30-Day Avg.
Nitrate-Nitrite, mg/L	Monthly	Grab	Daily Max. 30-Day Avg.
TN, mg/L	Monthly (calculated)	Calculated, g/	Daily Max. 30-Day Avg.
TP, mg/L	Monthly	Grab	Daily Max. 30-Day Avg.
Oil and grease, visual	Weekly	Visual	Narrative

Effluent Characteristic	Frequency	Sample Type a/	Data Value Reported on DMR b/
Oil and grease, mg/L	Immediately upon a visible sheen or floating oil being detected in the discharge	Grab	Daily Max.
Temperature, °C	Monthly	Grab, h/	Daily Max.
pH, standard units	Weekly	Grab, h/	Minimum Maximum

a/ See Definitions, Section 1.1. of the Permit for definition of terms.

b/ Daily Max. – Report the highest daily maximum value for the DMR period. Use a geometric mean to average more than one bacteria sample (*E. coli*) collected during a day.

7-Day Avg. – Calculate the 7-day (weekly) average for each calendar week in the DMR period that one or more samples were collected and report the highest 7-day average for the DMR period. Use a geometric mean to average more than one bacteria sample (*E. coli*) collected during a calendar week.

30-Day Avg. – Calculate and report the 30-Day average for each calendar month. Use a geometric mean to average more than one bacteria sample (*E. coli*) collected during a month.

Maximum and Minimum – Report the extreme high and low measurements for the reporting period. If only one sample was collected during the reporting period, this will be the same value for both.

Narrative – For visual observations of oil and grease, report "Yes" if the parameter was ever detected during the reporting period; report "No" if the parameter was never detected during the reporting period.

c/ Flow measurements of effluent volume shall be made with a flow measuring device (i.e., Parshall flume, weirs, or any additional documented and verifiable flow measurement procedure) in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. **The 30-day average flow rate (in million gallons per day) during the reporting period and the daily maximum flow (maximum volume discharged during a 24-hour period) shall be reported.**

d/ *Percent removal is defined in 40 CFR § 133.101(j)* as a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period. On a monthly DMR reporting basis, the BOD_5 and TSS percent removal shall be calculated using the 30-day average values for influent and the 30-day average values for effluent BOD_5 and TSS reported during that calendar month. Example percent removal calculation shown below.

Monthly DMR percent removal reported value =

$$\left(\frac{\textbf{Influent 30day Average Value} - \textbf{Effluent 30day Average Value}}{\textbf{Influent 30day Average Value}}\right) \textbf{X 100}$$

If no discharge occurred within a monthly reporting period, no percent removal calculation is necessary for that reporting period.

e/ For compliance with Permit limitations, the 30-day average is to be calculated using the 30-Day geometric mean. The 30-day geometric mean calculation will be based on the geometric mean from the total number of samples collected during the 30-day period. The Permittee may collect more samples than the number of samples specified in the self-monitoring requirements.

f/ The minimum limit of analytical reliability in the analysis for total residual chlorine is considered to be 0.05 mg/L. For purposes of the Permit and calculating averages and reporting in the Discharge Monitoring Report form, analytical values less than 0.05 mg/L shall be considered to be in compliance with this Permit.

g/ At the time of the Permit development, there was no EPA approved analytical method for Total Nitrogen listed in 40 C.F.R. Part 136. For the purposes of the Permit, the term "Total Nitrogen (TN)" is defined as the calculated sum of analytical results from "Total Kjeldahl Nitrogen (TKN)" plus "Nitrate-Nitrite".

h/ Measurement must be analyzed within fifteen (15) minutes of sampling per 40 C.F.R. Part 136. For pH- the highest daily maximum value and lowest daily minimum value measured during a monthly monitoring period shall be reported for the corresponding reporting period.

4.2 Receiving Stream (001-R) Monitoring:

Sampling will consist of a single grab sample taken at a location immediately upstream of where the discharge is anticipated to meet the receiving stream (defined as 001-R in Table 1 of the Permit). Sampling frequency shall be monthly (minimum) for the effective period of the Permit. The Permittee may provide additional data if the opportunity arises. Stream monitoring shall be conducted when there is flow at 001-R and access is practical and accessible (e.g., access is not impeded by snow, ice, flooding, other unsafe conditions, etc.). Any unsafe conditions shall be recorded. **All receiving stream monthly monitored data collected, including detailed location (latitude, longitude), dates and times of the sample collections, shall be recorded and maintained in the Facility's sampling records.** Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136 unless another method is required under 40 C.F.R. subchapters N or O.

Table 4 – Receiving Water (001-R) Monitoring Requirements

Receiving water ammonia, temperature, and pH at **sample location 001-R must be taken on the same day and as close in time as feasible with the effluent ammonia sample at Outfall 001**.

Receiving Characteristic a/	Frequency	Sample Type b/	Data Value Reported on DMR c/
pH, standard units	Monthly	Grab, d/	Minimum Maximum
Temperature, °C	Monthly	Grab, d/	Daily Max.
Total Ammonia Nitrogen (as N), mg/L	Monthly	Grab	Daily Max.

a/ Receiving stream monitoring will occur monthly and will consist of a single grab sample taken at a location immediately upstream of where the discharge is anticipated to meet the receiving stream.

b/ See Definitions, Section 1.1. of the Permit, for definition of terms.

c/ Daily Max. – Report the highest daily maximum value for the DMR period.

Maximum and Minimum – Report the extreme high and low measurements for the reporting period. If only one sample was collected during the reporting period, this will be the same value for both.

d/ Temperature and pH samples shall be collected at the same time as sampling for the total ammonia. Temperature and pH measurements must be analyzed within fifteen (15) minutes of sampling.

4.3 Influent (001-I) Monitoring:

Influent monitoring sampling will consist of a minimum of a single grab sample at least once per month, to be incorporated into calculations for reporting effluent BOD5 and TSS percent removal associated with discharges. Influent samples shall be taken at a location representative of wastewater entering the first cell (e.g., Cell 1) of the wastewater treatment facility system, prior to any treatment (designated as sample location 001-I in Table 1 of the Permit). If this location is not accessible, any other accessible influent structure or location that contains representative flow from the entire service area, prior to treatment, may be used.

Table 5- Influent Water (001-I) Monitoring Requirements

Influent BOD_5 and TSS samples shall be taken and analyzed for these characteristics at **sample location 001-I on the same day and as close in time as feasible as effluent sample collection for these parameters at Outfall 001**.

Influent Characteristic	Frequency	Sample Type a/	Data Value Reported on DMR b/
Biochemical Oxygen Demand (BOD_5), mg/L	Monthly, c/	Grab	30-Day Avg.
Total Suspended Solids (TSS), mg/L	Monthly, c/	Grab	30-Day Avg.

a/ See Definitions, Part 1.1. of the Permit, for definition of terms.

b/ 30-Day Avg. – Calculate and report the 30-Day average for each calendar month.

c/ A minimum of one BOD and one TSS grab sample will be taken at least once each month and will be used in the calculation for the 30-day average for the month in which they are performed. Additional samples may be taken at the Permittee's discretion if a large amount of variability is anticipated in the influent within a month. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which the sampling is performed. See footnote d/ of Table 3 in the Permit for additional information/example calculations. If only one sample is taken within a month, that result will be the 30-average for the month.

5 Special Conditions

5.1 Industrial Waste Survey:

Due to the potential for non-domestic wastewater facility discharges within the service area to interfere with facility operations, **an Industrial Waste Survey (IWS) shall be completed within one year of issuance of coverage under** the Permit (i.e., within one year after the Permit effective date) and regularly updated by the Permittee to ensure that the information remains current. This provision is being added to ensure the facility operators are aware of the nature of discharges received by the facility and any non-domestic waste being received from the service area that could impact the collection system or wastewater treatment lagoon facility, in alignment with the objectives of the general pretreatment regulations (40 CFR § 403.2). See Section 8.9 (Industrial Waste Management) of the Permit for details on the IWS and further requirements for controlling discharges from Industrial Users into the wastewater treatment lagoon system.

5.2 Ammonia BMP Management Plan:

The Permittee must develop and implement a written BMP management plan that includes management practices (including maintenance and inspections), control techniques, system design, engineering methods, and other provisions appropriate for the control of ammonia discharged from the facility.

The BMP management plan does not need to be a comprehensive document which describes all procedures used to operate the facility. However, the plan should reference policies, procedures, or other documents which provide additional details used to control ammonia in the discharge. The management plan must provide sufficient detail for facility operators and staff to understand the procedures, processes, methods and equipment being used to control ammonia. The BMP management plan can include citations of documents and electronic records (e.g., manuals, guidance, procedures, electronic management systems, intergovernmental agreements) used to comply with permit requirements. It is not required that the BMP management plan repeat information included in the cited documents or information systems, but the BMP management plan should include the names of the most recent versions of the cited documents or information systems and the locations where the supporting documentation is maintained.

5.2.1 Implementation of Ammonia BMP Management Plan and Timeline:

The Permittee must develop and implement a BMP management plan that achieves the objectives and the specific requirements listed below. Through implementation of the BMP management plan the Permittee must minimize the potential for the release of ammonia from the facility to the waters of the United States.

The Permittee must maintain a copy of the BMP management plan at the facility and must make the plan available to EPA and the Tribe upon request.

A) Within **1 year** of the permit effective date:

1. The Permittee must establish specific objectives for the control of ammonia by conducting the following evaluation:
    - Each facility treatment component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States because of equipment failure, improper operation, temperature changes, operational processes, etc. The examination must include all normal lagoon operations and ancillary activities involved in the treatment of ammonia.
2. The Permittee must evaluate its treatment/maintenance processes and procedures, which may include a documented treatability study, to determine appropriate BMPs to implement that will optimize the facility's treatment for ammonia.
3. The Permittee must develop and implement a written BMP optimization plan based on the above evaluation and any documented treatability study to reduce ammonia in facility discharges. The written BMP optimization plan must:
    - incorporate the appropriate BMPs as supported by the evaluation and any documented treatability study to optimize the facility's treatment for ammonia (this includes documenting specific BMPs, including any preventative or remedial measures to be implemented, that will be used to reduce ammonia from the facility's discharge);
    - include a BMP implementation schedule that is consistent with the requirements of this section, as well as any regular maintenance schedules needed to maintain the BMPs for optimal treatment;
    - be developed and implemented to assure adequate design, implementation, and maintenance of optimization BMPs to reduce ammonia in the discharge and protect water quality. Additional optimization BMP troubleshooting/information has been included as an optional reference in Appendix B of the Permit;
    - include a statement indicating that the plan has been reviewed by the facility's Authorized Official, Operator, and any other appropriate personnel involved in the facility's operation, maintenance and treatment processes/procedures; and
    - include a statement documenting approval by the facility's Authorized Official.
4. The Permittee must submit the written BMP management plan to the EPA Region 8, Wastewater Section at the address given below:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129

EPA will review the BMP management plan and implementation schedule, and may provide written comments/request for changes to the Permittee within 30 days of receipt of the BMP management plan. A final BMP management plan and schedule that addresses the EPA comments, if provided, shall be submitted to the EPA Region 8, Wastewater Section within 30 days of receipt of the EPA comments.

5. Initiate steps to begin the BMP management plan within 7 days after submitting the BMP management plan that addresses comments from the EPA, if provided, or within 60 days of the date of when the Permittee originally submitted the plan to EPA, if EPA does not provide comments.

B) Within **2 years** of permit effective date:

1. Provide and document training to facility operators and staff which perform the maintenance and installation of BMPs. This training is required at least once during the term of this Permit and within one year of hiring new facility operators/staff. This shall include training on procedures for how operators/staff will document inspections and maintenance.

C) Within **4 years** of permit effective date:

1. Appropriate BMP optimization control measures must be selected, designed, installed, implemented, inspected, and maintained to minimize ammonia in discharges from the facility. Specific control measures must be assessed for applicability to address the following, at a minimum:
    - Procedure to prevent short circuiting (i.e., wastewater takes a short-cut through the lagoon bypassing the treatment process). Short circuiting reduces retention time and limits the lagoon's ability to remove ammonia.
    - Procedure for removal of sludge. Excess sludge can feed ammonia back into a lagoon system.
    - For aerated lagoon cells, measure dissolved oxygen as part of the assessment, and develop a procedure to troubleshoot aeration equipment and air delivery system to ensure that enough dissolved oxygen is maintained to satisfy nitrification oxygen demand (as well as carbonaceous biological oxygen demand where needed).
    - For non-aerated lagoon cells, measure dissolved oxygen as part of the assessment, and develop a procedure to evaluate whether the addition of aeration is feasible and will help increase biological nitrification for ammonia removal. If so, implement an aeration process as well as a procedure to troubleshoot aeration equipment and air delivery system to ensure that enough dissolved oxygen is maintained to satisfy nitrification oxygen demand (as well as carbonaceous biological oxygen demand where needed).
    - Procedures to address the following:

- Remove any excess sludge accumulation from the bottom of the lagoon and at conveyances, chlorine contact chambers, and influent/effluent structures.
- Minimize algae overgrowth. Stifle excess algae growth if the Permittee suspects it is causing low dissolved oxygen.
- Minimize scum and trash accumulation. If you see excess surface scum or floating trash, inspect and repair screens and grates or install pretreatment.
- Minimize overgrown vegetation. Remove duckweed, trees, and brush around the treatment cell.

- Use a controlled discharge, if possible and there is adequate storage volume, to limit discharges to warmer months. Since ammonia treatment is generally less effective in the winter months, holding the water and discharging in warmer months may allow for additional treatment.
- If necessary, consider initiating an engineering study of feasible options for upgrading the lagoon treatment system for consistent ammonia removal.

5.2.2 Documentation of Ammonia BMP Management Plan Activities

The Permittee shall document its actions to implement the BMP management plan as part of the operation and maintenance log described in Section 6.3.2 of the Permit. Actions to record include changes and improvements made to the function of selected ammonia control methods.

5.2.3 Reporting and Evaluation of Ammonia BMP Management Plan Activities and Effectiveness

The Permittee shall submit annual written progress reports to EPA and the Tribe describing actions taken to implement the ammonia BMP management plan. Annual progress reports are due February 28 of each year, through the term of the Permit. The first report will be due February 28, 2025. Annual progress reports shall be submitted to the addresses in Section 7.6 of the Permit, include the Signatory Requirements of Section 9.7 of the Permit, and shall contain the following information, at a minimum:

1. A summary of the status and actions taken to implement the ammonia BMP management plan during the previous calendar year. Actions can include, but are not limited to, obtaining funding needed to implement measures in the Plan; soliciting proposals from contractors to implement actions in the Plan; progress in implementing selected ammonia control methods or optimizing their function; etc.
2. Documentation of ammonia BMP management plan progress, actions, and activities performed during the previous calendar year in accordance with the schedule provided in this section.
3. An evaluation of Total Ammonia Nitrogen effluent monthly monitoring data collected over the previous calendar year, as compared to Total Ammonia Nitrogen data collected over the calendar year prior (i.e., the calendar year preceding the one for which the annual progress report is being submitted). The

Permittee shall identify any increases in ammonia discharge concentrations over this period by comparing data for specific months between the calendar years (e.g., January of the progress report calendar year to January of the previous calendar year) and explain likely causes of such increases. If BMPs are already being implemented in accordance with the facility's ammonia BMP management plan and in alignment with the schedule provided in this section, this evaluation shall include information on whether the plan/BMPs are effectively reducing ammonia discharges.

4. A summary of any modifications made to the plan in accordance with the "BMP Management Plan Modification" and "Modification for Ineffectiveness" paragraphs of this section (below), and the justification for such modifications.

5.2.4 BMP Management Plan Modification:

The Permittee must evaluate and amend (as needed) the BMP management plan whenever there is a change in the facility, or in the operation of the facility, that materially increases the generation of ammonia or its release or potential release to the receiving waters. The Permittee must also amend the plan when facility operations covered by the BMP management plan change. Any such changes to the BMP management plan must be consistent with the objectives and specific requirements listed above.

5.2.5 Modification for Ineffectiveness:

If at any time the BMP management plan proves to be ineffective in achieving the general objective of minimizing the generation of ammonia and its release and potential release to the receiving waters and/or the specific requirements above, the BMP management plan must be re-evaluated and modified to incorporate revised BMP requirements.

6 Inspections, Corrective Actions, and Operation and Maintenance

6.1 Logs and Documentation:

This section requires activities for inspections, corrective actions, and maintenance to be documented in a paper or electronic log(s). The Permittee may have one log or multiple logs to document these activities. The Permittee shall maintain the log(s) of inspections, corrective actions, and maintenance in either paper or electronic format in accordance with record-keeping requirements in Section 7.8 of the Permit and shall make the log(s) available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency.

An example form for lagoon inspections is provided in Appendix A of the Permit to support facility operators with inspection requirements. These forms may be printed out, completed and maintained in the inspection notebook (or maintained electronically with inspection logs in accordance with proper record-keeping procedures).

6.2 Inspection Requirements:

6.2.1 On at least a weekly basis, unless otherwise approved by the Permit issuing authority in writing, the Permittee shall inspect its wastewater treatment facility, at a minimum, for the following:

6.2.1.1 Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, ensure the facility will be able to perform the appropriate monitoring and reporting in alignment with the requirements in sections 4 and 7.4 of this Permit.);

6.2.1.2 Determine if there is any leakage through the dikes;

6.2.1.3 Determine if there are any animal burrows in the dikes;

6.2.1.4 Determine if there has been any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);

6.2.1.5 Determine if there are any rooted plants, including weeds or trees growing in the water;

6.2.1.6 Determine if vegetation growth on the dikes needs mowing (i.e., no greater than 6" tall or any height that may interfere with monitoring, operation and maintenance of the system);

6.2.1.7 Determine if there are potential concerns with the "health" of the lagoon system (e.g., water is cloudy, water coloration concerns (e.g., red, black, grey, dark blue-green and cloudy), etc.);

6.2.1.8 Determine if there is a visible sheen, floating oil, floating solids and/or foam;

6.2.1.9 Determine if there is visible evidence of illicit septic dumping; and

6.2.1.10 Determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility.

6.2.2 The Permittee shall maintain a log in either paper or electronic format recording information obtained during inspection activities. At a minimum, the notebook/electronic log shall include the following:

6.2.2.1 Date and time of the inspection;

6.2.2.2 Name of the inspector(s);

6.2.2.3 The facility's discharge status;

6.2.2.4 The flow rate of the discharge, if occurring;

6.2.2.5 The condition or status of all aspects required to be inspected in section 6.2.1;

6.2.2.6 Identification of operational problems and/or maintenance problems;

6.2.2.7 List the date scheduled for operation and maintenance procedures to be undertaken at the wastewater treatment facility;

6.2.2.8 Identification of operational and/or maintenance problems, and a determination of whether proper operation and maintenance procedures are being undertaken at the frequency necessary to maintain working operations and the overall treatment and collection systems of the wastewater treatment lagoon system;

6.2.2.9 Other information, problems identified, or observations, as appropriate.

6.2.3 Problems identified during the inspection including, but not limited to, those associated with section 6.2.1 of the Permit, shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify and document a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. The corrective action shall be completed by the time specified. Corrective actions to remedy problem(s) shall be in line with and addressed through proper operation and maintenance (section 6.3 of the Permit). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

6.3 Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the Permit.

6.3.1 Operation and Maintenance Program: The Permittee shall complete the following as part of the operation and maintenance program for the wastewater treatment facility:

6.3.1.1 Have a current Operation and Management Manual(s) (O&M Manual(s)) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility, and make any necessary updates as soon as possible, but **no later than six (6) months after the effective date of this Permit**. Maintain and implement the O&M Manual(s);

6.3.1.2 Have the O&M Manual(s) readily available (e.g., on-site) to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;

6.3.1.3 Have a documented schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and

6.3.1.4 Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s) in Section 6.3.1.3 and document in a log in accordance with Section 6.3.2 of the Permit.

6.3.2 Operation and Maintenance Log: The Permittee shall maintain a log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. Activities shall be recorded within 48 hours of completing the activity. At a minimum, the log shall include the following information:

6.3.2.1 Date and time;

6.3.2.2 Name and title of person(s) making the log entry;

6.3.2.3 Name of the persons(s) performing the activity;

6.3.2.4 A brief description of any operations and maintenance activity performed on the facility, including <u>but NOT limited to</u> the following:

6.3.2.4.1 Necessary action to promptly correct the problem of leakage through the dikes is taken and documented in the maintenance log.

6.3.2.4.2 Necessary action to promptly remove burrowing animals from the dikes is taken and documented in the maintenance log.

6.3.2.4.3 Necessary action to ensure prompt repair of damage to dikes caused by burrowing animals and/or erosion and documentation of all actions in the maintenance log.

6.3.2.4.4 Necessary action to ensure removal of rooted plants, including weeds and trees, from the water on a regular basis or as needed and documentation of all actions in the maintenance log.

6.3.2.4.5 Necessary action to ensure that the dikes are kept mowed on a regular basis during the growing season or as needed (i.e., vegetation not greater than 6” tall or any height that may interfere with monitoring, operation and maintenance of the system), and that documentation of all actions taken are recorded in the maintenance log

6.3.2.4.6 Any other necessary action performed in alignment with this section to ensure proper operation and maintenance of the facility.

6.3.2.5 Other information, as appropriate.

6.3.3 Asset Management Plan: The Permittee shall, as soon as possible, but **no later than one year after the effective date of this Permit**, develop, maintain, and implement an asset management plan (AMP) to cover the treatment facility and collection system.

6.3.3.1 The AMP shall include an inventory of all critical assets in a single list, spreadsheet, or database. Critical assets may include, but are not limited to, sewer lines, manholes, outfalls, lift stations, force mains, catch basins, flow meters, and wastewater treatment facility assets and/or any other asset which are critical to operations and would require significant capital expenditures to replace or repair. The entry for each asset in the inventory shall include:

6.3.3.1.1 Name and identification number (if applicable).

6.3.3.1.2 Location (GPS coordinate or equivalent identifier).

6.3.3.1.3 Current performance/condition and any upcoming replacement needs before the Permit expiration date.

6.3.3.1.4 Purchase and installation date (if known).

6.3.3.1.5 Purchase price (if known).

6.3.3.1.6 Replacement cost (if known).

6.3.3.2 The AMP shall include a treatment system map showing the sewer collection system it owns and operates including the wastewater treatment system. The map shall be of sufficient detail and at a scale to allow easy interpretation. The treatment system information shown on the map shall be based on current conditions and shall be kept up to date and available for review by federal agencies. Map(s) shall include, but not be limited to, the following:

6.3.3.2.1 All sanitary sewer lines and related manholes;

6.3.3.2.2 All outfalls of the system or the treatment plant outfall(s);

6.3.3.2.3 All pump stations and force mains;

6.3.3.2.4 The wastewater treatment facility(s);

6.3.3.2.5 All surface waters (labeled);

6.3.3.2.6 The scale and a north arrow;

6.3.3.3 The AMP shall identify emerging or increased threats to the facility resulting from long-term compliance concerns, such as flooding risk, risk of wildfires, or drought risk, that may impact compliance between the start of the current permit and the year 2050. The Permittee shall project upgrades to existing

assets, relocation of existing infrastructure, new infrastructure projects, and additional operation and maintenance along with associated costs, necessary to ensure continued compliance. The Permittee should consider optimizing energy efficiency in the treatment system and collection system (where applicable).

6.3.3.4 Further guidance on implementing an AMP may be found on EPA's website "Check Up Program for Small Systems ("CUPSS") Asset Management Tool" (https://www.epa.gov/dwcapacity/information-check-program-small-systems-cupss-asset-management-tool).

6.3.4 Staff and Funding: The Permittee shall provide adequate staff and funding to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this Permit. The level of staffing needed, in numbers, training and experience, shall be determined taking into account the work involved in operating the system, conducting maintenance, and complying with this Permit. The Permittee may be required to provide EPA documentation on the sources or revenue, annual budgets, annual expenses, and staffing.

7 Monitoring, Record Keeping, and Reporting Requirements

7.1 Representative Sampling:

All samples taken in compliance with the monitoring requirements established under Section 4 of the Permit shall be representative and all monitoring shall be conducted in accordance with Section 7.2 (below) of the Permit. Effluent samples shall be collected from the effluent stream prior to discharge into the receiving waters. Any influent samples shall be taken at a location representative of the influent flow prior to treatment (e.g., an influent structure, upstream manhole that contains flow from the entire service area, or any other representative location). Any receiving water samples shall be collected in a representative location of the receiving stream directly upstream of the confluence where the wastewater treatment lagoon system's effluent discharge enters the receiving stream. Samples and measurements shall be representative of the volume and nature of the monitored effluent discharge, influent, receiving stream, or other monitored location. Sludge samples, if applicable, shall be collected at a location representative of the quality of sludge immediately prior to use or disposal practice.

7.2 Monitoring Procedures:

Monitoring must be conducted according to test procedures approved by EPA under 40 CFR Part 136 or is required under 40 CFR subchapters N or O, unless other test procedures have been specified in this Permit. Sludge monitoring procedures shall be those specified in 40 CFR Part 503, or as specified in this Permit. The Permittee must select a test procedure that is Sufficiently Sensitive for all monitoring conducted in accordance with this Permit.

7.3 Penalties for Tampering:

The Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by 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.

7.4 Reporting of Monitoring Results:

Upon the effective date of this Permit, the Permittee must electronically report discharge monitoring reports (DMRs) using NetDMR at the frequency and by the due dates specified in 6, below. DMRs shall not be submitted until the compliance monitoring period is complete.

Table 6. DMR Compliance Monitoring Periods and Due Dates

Compliance Monitoring Period	Due Date
January	February 28th
February	March 28th
March	April 28th
April	May 28th
May	June 28th
June	July 28th
July	August 28th
August	September 28th
September	October 28th
October	November 28th
November	December 28th
December	January 28th

Electronic submissions by permittees must be submitted to EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the Signatory Requirements (see section 9.7). NetDMR is accessed from the internet at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage.

In addition, the Permittee must submit a copy of the DMR to the Blackfeet Tribe. Currently, the Permittee may submit a copy to the Blackfeet Tribe by one of three ways:

1. a paper copy may be mailed;
2. the email address for Blackfeet Tribe may be added to the electronic submittal through NetDMR; or,
3. the Permittee may provide Blackfeet Tribe viewing rights through NetDMR.

For parameters with monthly monitoring frequencies (see Section 4, Monitoring and Reporting Requirements) monitoring results obtained shall be separately summarized for *each month* and reported in NetDMR by the dates listed in Table 6 (above). One data point or no data indicator code must be reported for *each month,* for each parameter's data value(s) to be reported on the DMR (listed in Section 4, Table 3 (effluent), Table 4 (receiving water) and Table 5 (influent).

The following paragraph specifies how monitoring results collected more frequently than monthly should be reported on a monthly basis (i.e., in alignment with the dates listed in Table 6). For parameters with monitoring frequencies required more often than monthly (e.g., daily or weekly), monitoring results shall be separately summarized for each month in a similar manner as above, with the additional condition that the specific reporting requirements for some parameters are identified in Table 3 and its footnotes (in Section 4, Monitoring and Reporting Requirements).

Additional requirements for data entered in NetDMR are as follows:

1. Requirements for the data values to report for each parameter (e.g., daily maximum, 30-day average, etc.) are included in Section 4.
2. If there is no data to report on the DMR for a parameter, enter the applicable no data indicator (NODI) code in NetDMR.
3. Enter the applicable measurement units.
4. In the number of excursions column ("# of Ex."), enter the total number of sample measurements during the monitoring period that exceed the maximum and/or average limit(s) or was below the minimum limit(s), as applicable, for all permit limits for each parameter; if none, enter "0."
5. For "Frequency of Analysis," enter the actual frequency of monitoring for the parameter (e.g., "Cont," for continuous monitoring, "1/7" for one per week, "1/30" for one per month, "2/30" for two per month, "1/90" for one per quarter, "1/180" for one per six months, "1/365" for one per year, etc.).
6. For "Sample Type," indicate the sample type collected.

7.5 Compliance Schedule Reporting:

N/A

7.6 Other Reporting Requirements:

All reports shall be signed and certified in accordance with the Signatory Requirements (see Section 9.7 of the Permit). Unless otherwise specified in the applicable section of the Permit, all paper reports shall be submitted to EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch and the Blackfeet Tribe at the addresses given below:

original to:

U.S. EPA, Region 8 (8ENF-W-NW)
Attention: NPDES and Wetlands Enforcement Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129

copy to:

Environmental Director
Blackfeet Tribe
P.O. Box 2029
Browning, MT 59417-2029

Prior to December 21, 2025, all other reports required herein (e.g., sections 7.10 and 7.11) as well as sewer overflow event reports, shall be signed and certified in accordance with the Signatory Requirements (see Section 9.7 of the Permit), and submitted to EPA Region 8 and the Blackfeet Tribe at the addresses given above. Effective no later than December 21, 2025, these reports shall be submitted electronically using the NPDES Electronic Reporting Tool (NeT). If the NeT tool is not available on December 21, 2025, the reports can continue to be submitted to the addresses above until the tool is available unless otherwise indicated 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.

7.7 Additional Monitoring by the Permittee:

If the Permittee monitors any pollutant in accordance with Section 7.1 more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, 40 CFR or another method as required under 40 CFR subchapters N or O, Part 503, or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting. Such increased frequency shall also be indicated on the DMR.

7.8 Monitoring Records Contents:

Records of monitoring information shall include:

7.8.1 The date, exact place, and time of sampling or measurements;

7.8.2 The name(s) of the individual(s) who performed the sampling or measurements;

7.8.3 The date(s) analyses were performed;

7.8.4 The time(s) analyses were initiated;

7.8.5 The name(s) of individual(s) who performed the analyses;

7.8.6 References to and, when available, written procedures for the analytical techniques or methods used; and,

7.8.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results when analysis is conducted by the Permittee.

7.9 Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation (e.g., strip charts, continuous electronic recording), 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time. However, records of monitoring required by this Permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

7.10 Twenty-Four Hour Notice of Noncompliance Reporting:

7.10.1 The Permittee shall orally report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to a) EPA, Region 8, Superfund & Emergency Management Division at (303) 293-1788; b) Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917, and c) the Blackfeet Tribe at (406) 338-7421.

7.10.2 The following occurrences of noncompliance shall be orally reported by telephone to EPA, Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the Blackfeet Tribe at (406) 338-7421, within 24 hours of the Permittee becoming aware of the circumstances:

7.10.2.1 Any unanticipated bypass which exceeds any effluent limitation in the Permit (see Section 8.6, Bypass of Treatment Facilities.);

7.10.2.2 Any upset which exceeds any effluent limitation in the Permit (see section 8.7, Upset Conditions);

7.10.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours;

7.10.2.4 Sanitary sewer overflows; and

7.10.2.5 Combined sewer overflows

7.10.3 For any noncompliance notification required under Sections 7.10.1 or 7.10.2, a written report shall also be provided to the EPA, Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, and to the Blackfeet Tribe within five days of the time that the Permittee becomes aware of the circumstances. Reports shall be submitted to the addresses in Section 7.6, Other Reporting Requirements.

7.10.4 The written report shall contain:

7.10.4.1 A description of the noncompliance and its cause;

7.10.4.2 The period of noncompliance, including exact dates and times;

7.10.4.3 The estimated time noncompliance is expected to continue if it has not been corrected;

7.10.4.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,

7.10.4.5 The signed certification statement required by the Signatory Requirements (see Section 9.7).

7.10.5 An EPA delegated representative may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Section 7.10.1 or 7.10.2 above, if the incident has been orally reported in accordance with the requirements of those sections.

7.11 Other Noncompliance Reporting:

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Section 7.4 are submitted. The reports shall contain the information listed in Section 7.10.4, and, if applicable, when the Permittee failed to comply with any applicable long-term combined sewer overflow control plan or other permit requirements.

7.12 Inspection and Entry:

The Permittee shall allow the EPA, or authorized representative (including an authorized contractor or authorized tribal inspector acting as a representative of EPA) upon presentation of credentials and other documents as may be required by law, to:

7.12.1 Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

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

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

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

8 Compliance Responsibilities

8.1 Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action; termination, revocation and reissuance, modification; or denial of a permit renewal application.

8.2 Penalties for Violations of Permit Conditions:

The Clean Water Act provides for statutory maximum and minimum civil and criminal monetary penalties for violations of its provisions. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires EPA to make adjustments of statutory civil penalties on an annual basis according to a prescribed formula to reflect inflation, beginning in 2016. EPA has adjusted its civil monetary penalties effective January 6, 2023 (88 Fed. Reg. 986). Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year this permit was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows:

8.2.1 Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $64,618 per day for each violation.

8.2.2 Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

8.2.3 Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than six years, or both.

8.2.4 Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, 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.

8.2.5 Any person may be assessed an administrative penalty by the EPA for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $25,847 per violation, with a maximum amount not to exceed $64,618. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $25,847 per day for each day during which the violation continues, with the maximum amount not to exceed $323,081.

8.3 Need to Halt or Reduce Activity not a Defense:

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

8.4 Duty to Mitigate:

The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

8.5 Removed Substances:

Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with

all applicable federal, state, tribal, or local regulations (e.g., 40 CFR Part 257 [Criteria For Classification Of Solid Waste Disposal Facilities And Practices], 40 CFR Part 258 [Criteria For Municipal Solid Waste Landfills], 40 CFR Part 503 [Standards for the Use or Disposal of Sewage Sludge]). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

8.6 Bypass of Treatment Facilities:

8.6.1 Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to Sections 8.6.2 and 8.6.3.

8.6.2 Notice:

8.6.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice in accordance with Section 7.6, Other Reporting Requirements, if possible at least 10 days before the date of the bypass to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch, and the Blackfeet Tribe.

8.6.2.2 Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under Section 7.10, Twenty-four Hour Notice of Noncompliance Reporting, to the EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch, and the Blackfeet Tribe.

8.6.3 Prohibition of bypass

8.6.3.1 Bypass is prohibited and the EPA may take enforcement action against a Permittee for a bypass, unless:

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

8.6.3.1.2 There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

8.6.3.1.3 The Permittee submitted notices as required under Section 8.6.2.

8.6.3.2 The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in Section 8.6.3.1.

8.7 Upset Conditions:

8.7.1 Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Section 8.7.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

8.7.2 Conditions necessary for a demonstration of upset: A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

8.7.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;

8.7.2.2 The permitted facility was at the time being properly operated;

8.7.2.3 The Permittee submitted notice of the upset as required under Section 7.10, Twenty-four Hour Notice of Noncompliance Reporting; and,

8.7.2.4 The Permittee complied with any remedial measures required under Section 8.4, Duty to Mitigate.

8.7.3 Burden of proof: In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

8.8 Toxic Pollutants:

The Permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

8.9 Industrial Waste Management:

8.9.1 The permitted facility is a Publicly Owned Treatment Works (POTW) as defined in 40 CFR § 403.3(q). The Permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

8.9.2 An IWS shall be completed within one year after the Permit effective date, and thereafter maintained to ensure that the Permittee is aware of the Industrial Discharges it is receiving from the service area and to determine if these industrial discharges cause or contribute to interference or passthrough or contaminate the sewage sludge. This will allow the Permittee to meet the objectives of 40 CFR § 403.2. The Permittee shall incorporate the following pretreatment management practices when performing the IWS, referenced from 40 CFR § 403.8(f)(2)(i-ii):

8.9.2.1 Identify and locate all possible Industrial Users that discharge to the facility and might be subject to the Pretreatment Standards identified in sections 8.9.3 and 8.9.4 of this Permit or that might discharge per-and polyfluoroalkyl substances (PFAS) to the collection system. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the EPA upon request.

8.9.2.2 Identify the character and approximate volume of pollutants contributed to the facility by the Industrial Users identified under paragraph 8.9.2.1 (above) of this section. This information shall be made available to the Regional Administrator or Director upon request.

8.9.3 General and Specific Prohibitions. Pursuant to the Pretreatment Standards (40 CFR § 403.5) developed pursuant to Section 307 of the Act, the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge (Industrial User):

8.9.3.1 Any other pollutant which may cause Pass Through or Interference;

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

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

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

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

8.9.3.6 Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the EPA, upon request of the POTW, approves alternate temperature limits;

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

8.9.3.8 Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

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

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

8.9.4 Categorical Pretreatment Standards. In addition to the general and specific limitations listed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. seq.). The Permittee must notify the EPA and the Blackfeet Tribe at the addresses in Section 7.6, Other Reporting Requirements, of any new introductions by new or existing Industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N (categorical Industrial Users) that was not identified in the Permit application or any substantial change in pollutants from any Industrial User within sixty (60) days following the introduction or change. Such notice must identify:

8.9.4.1 Any new introduction of pollutants into the POTW from an Industrial User which would be subject to Sections 301, 306, or 307 of the Act if it were directly discharging those pollutants; and,

8.9.4.2 Any substantial change in the volume or character of pollutants being introduced into the POTW by any Industrial User including but not limited to any Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, whose discharge designated by the EPA as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirements. or other discharges that may cause Pass Through or Interference.

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

8.9.4.3.1 The identity of the Industrial User;

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

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

8.9.5 At such time as a specific Pretreatment Standard or requirement becomes applicable to an Industrial User of the Permittee, the EPA may, as appropriate:

8.9.5.1 Amend the Permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;

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

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

8.9.6 The EPA retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the Permittee, for violations of a permit, order or similar enforceable mechanism issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by the EPA under 40 CFR, Chapter I, Subchapter N. In cases where an NPDES permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the EPA shall hold the Permittee and/or Industrial User responsible and may take legal action against the Permittee as well as the Industrial User(s) contributing to the Permit violation.

9 General Requirements

9.1 Planned Changes:

The Permittee shall give written notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility. The notice shall be signed and certified in accordance with the Signatory Requirements (see Section 9.7) sent to the address below:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Supervisor
1595 Wynkoop Street
Denver, Colorado 80202-1129

Notice is required only when:

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

9.1.2 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; or,

9.1.3 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source.

9.2 Anticipated Noncompliance:

The Permittee shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

9.3 Permit Actions:

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

9.4 Duty to Reapply:

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. The application shall be submitted at least 180 days before the expiration date of this Permit, unless permission for a later date has been granted by the EPA. EPA cannot grant permission for applications to be submitted later than the expiration date of the existing permit.

9.5 Duty to Provide Information:

The Permittee shall furnish to the EPA, within a reasonable time, any information which the EPA 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 EPA, upon request, copies of records required to be kept by this Permit.

9.6 Other Information:

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the EPA, it shall promptly submit such facts or information.

9.7 Signatory Requirements:

All applications, reports or information submitted to the EPA shall be signed and certified in accordance with the provisions below.

9.7.1 For a corporation. By a responsible corporate officer. 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.

9.7.2 For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

9.7.3 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).

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

9.7.4.1 The authorization is made in writing by a person described above and is submitted to the EPA; and,

9.7.4.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly

authorized representative may thus be either a named individual or any individual occupying a named position.)

9.7.5 Changes to authorization: If an authorization under Section 9.7.4 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 Section 9.7.4 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

9.7.6 Certification: Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9.8 Penalties for Falsification of Reports:

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

9.9 Availability of Reports:

Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection. As required by the Act and 40 CFR § 122.7, permit applications, permits and effluent data shall not be considered confidential.

9.10 Property Rights:

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges.

9.11 Severability:

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

9.12 Transfers:

This Permit is not transferable to any person except after notice and approval to the EPA, as described in the below provisions of this section. A permit may be automatically transferred to a new permittee if:

9.12.1 The current Permittee notifies the EPA at least 30 days in advance of the proposed transfer date at:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Chief
1595 Wynkoop Street
Denver, Colorado 80202-1129;

9.12.2 The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them;

9.12.3 The notice includes the signed certification statement required by the Signatory Requirements (see Section 9.7); and,

9.12.4 The EPA does not notify the existing Permittee and the proposed new permittee of the EPA's intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section 9.12.2.

9.13 Oil and Hazardous Substance Liability:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

9.14 General Authorities:

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

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 established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

9.15 Reopener Provision:

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

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

9.15.2 Wasteload Allocation: A wasteload allocation is developed and approved by the Blackfeet Tribe and/or the EPA for incorporation in this Permit.

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

9.15.4 If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the EPA shall institute to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

9.15.5 Toxicity Limitation: This Permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.

APPENDIX A. EXAMPLE LAGOON INSPECTION FORM

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

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

		Comments/Descriptions:
1. Is the lagoon discharging? If yes, indicate approximate flow rate in Comment/Descriptions field (note gallons per minute or gallons per day).	**Yes___ No ___**	
NOTE: If discharging, ensure that the appropriate monitoring and reporting requirements are performed, as needed.		
2. Has the lagoon discharged since the last inspection? If yes, indicate whether monitoring and reporting was performed at the time of discharge in the Comment/Descriptions field.	**Yes___ No ___**	
NOTE: If monitoring and reporting was not performed at the time of the discharge, perform the appropriate monitoring and reporting requirements, as needed.		
3. Is the lagoon likely to discharge before the next inspection?	**Yes___ No ___**	
NOTE: If a discharge is likely to occur before the next inspection, ensure that the appropriate monitoring and reporting requirements are performed, as needed.		
4. Is there any leakage through the dikes?	**Yes___ No ___**	
5. Are there any animal burrows in the dikes?	**Yes___ No ___**	
6. Is there erosion of the dikes? Check to see if there are any visible signs of erosion (e.g., rills, cracks or other structural indications of erosion) in the dikes.	**Yes___ No ___**	
7. Are there any rooted plants, including weeds or trees growing in the water?	**Yes___ No ___**	
8. Does the vegetation on the dikes need mowing (greater than 6" in length or any height that may interfere with monitoring, operation and maintenance of the system)?	**Yes___ No ___**	
9. Upon visual observation, is there a visible sheen, floating oil, floating solids or foam? If yes, perform any sampling as necessary, per the requirements of the Permit.	**Yes___ No ___**	

10. Upon visual observation, is there evidence of illicit septic dumping?	**Yes___ No ___**	
11. Are there any overall visual observations indicating potential concerns with the "health" of the lagoon system (e.g., water is cloudy, water coloration concerns (e.g., red, black, grey, dark blue-green and cloudy), etc.);	**Yes___ No ___**	
12. In addition to issues identified in items 4-11 above, are there any operational and/or maintenance problems? If yes, describe problems in Comment/Descriptions field.	**Yes___ No ___**	
13. In the Comment/Descriptions field, list recommendations to remedy identified problems in items 4-11.		
14. In the Comment/Descriptions field, list any actions taken regarding identified problems → In the Comment/Descriptions field, list corrective actions taken at the time of inspection → In the Comment/Descriptions field, for any issues identified during the inspection that were not corrected at the time of inspection, identify a corrective action to remedy for the problem(s), as well as a timeline for completion of the remedy →		

15. Are operation and maintenance procedures being undertaken at the wastewater treatment facility? If yes, list the dates of operation/maintenance procedures that have been taken since the last inspection and those that are anticipated to be taken prior to the next inspection, in the Comment/Descriptions field. →	**Yes___ No ___**	
16. Are proper operation and maintenance procedures being undertaken at the frequency necessary to maintain working operations and the overall treatment and collection systems of the wastewater treatment lagoon system? If no, indicate in the Comment/Description field why and/or any obstacles preventing proper operation and maintenance of the wastewater treatment lagoon system →	**Yes___ No___**	
17. Other information, problems identified, observations, as appropriate, or any additional inspection observations associated with inspection requirements in Section 6.2 of the Permit.		

APPENDIX B. BMP REFERENCE INFORMATION

The following is provided as optional guidance for BMP requirements, obtained from EPA's Compliance Advisory Document #305F22002, dated March 2022 from the Office of Enforcement and Compliance Assurance for reducing significant non-compliance with National Pollutant Discharge Elimination System permits, titled: "Compliance Tips for Small Wastewater Treatment Lagoons with Clean Water Act Discharge Permits". This appendix does not dictate required courses of action. Each Permittee must determine and document what processes/procedures would be the most appropriate for addressing ammonia, specific to their facility.

Ammonia can be toxic to aquatic life in receiving waters, even at low levels. Ammonia in lagoons is removed in three processes: stripping of gaseous ammonia, uptake of ammonia into algae as a nutrient, and biological nitrification (microbes converting ammonia into nitrate). High effluent ammonia can also be caused by organic or hydraulic overloading, low oxygen concentration, short circuiting, and excess sludge accumulation.

- For most lagoon wastewater treatment systems, make sure that the primary treatment cell is effectively removing about 80% of the influent BOD. If BOD is being passed on to subsequent cells, the oxygen demand will lower the system's capacity to break down ammonia. This is especially true for multicell lagoon wastewater treatment systems with an aerated primary cell designed principally for BOD load reduction followed by another aerated cell designed for nitrification.
- Procedure to prevent short circuiting, which reduces retention time and limits the lagoon's ability to remove ammonia.
    - Troubleshooting:
        - Add small floating objects (e.g., oranges or tennis balls) at the influent discharge pipe, observe the path they take, and how long it takes the objects to move from influent to effluent. If they are floating along the dike wall and taking a shortcut through the cell, that is evidence of short circuiting.
        - Observe sewage sludge solids in the effluent (as detected through a microscope).
        - Identify sharp disparity between dissolved oxygen, pH, and/or temperature on opposite ends of the primary lagoon cell.
    - Recommended Potential Solutions:
        - Design lagoon so that the bottom is as flat as possible, and any corners are rounded to improve flow.
        - Install baffles, curtains, or other engineered barrier devices to redirect flow, enhance turbulence and mixing, and avoid short circuiting between inlet and outlet.

        - Adjust location of inlets and outlets to opposite corners of cell and/or introduce influent through a manifold to distribute flow more evenly. Note that completely relocating inlet and outlet structures for maximum retention time is usually not cost-effective when compared to adding baffles, curtains, or other devices to eliminate short circuiting.
- Removal of excess sludge. Excess sludge can feed ammonia back into a lagoon system.
    - Troubleshooting:
        - Measure sludge blanket depth in the lagoon system cells. Measurements should be taken from multiple points in a lagoon cell (suggested minimum of 12-24 sample points) and averaged to determine overall depth.
        - Measure BOD, TSS, and ammonia at the conveyance points between each cell in a lagoon system. If BOD, TSS, and ammonia are reduced after the primary cell, but rise again at the effluent, this can indicate settled sludge coming back into the water column and can cause spikes in BOD, TSS, ammonia, and phosphorus.
        - Determine if the TSS in the effluent is increasing every year.
        - Track the difference between the effluent BOD and TSS levels over time. Typically, BOD and TSS track closely. An increasing effluent TSS and a constant BOD can indicate sludge buildup.
        - Detect sludge solids in the effluent through a microscope.
        - Check for sludge accumulation in wastewater conveyances at the effluent and chlorine contact chamber.
    - Recommended Potential Solutions:
        - Remove sludge accumulation from conveyances, chlorine contact chambers, and influent/effluent structures.
        - Remove excess sludge from the bottom of a lagoon in compliance with the requirements in 40 CFR Part 503. The use or disposal of sewage sludge (including land application) is subject to Part 503 of the Clean Water Act (CWA), which has limits for heavy metals, pathogen reduction, vector attraction and nitrogen when land applying, and maximum moisture requirements for landfills. As a rule of thumb, a sludge depth should not exceed 25% of the lagoon operating depth. For example, in a standard 5-foot operating depth facultative lagoon, 18 inches of sludge would be considered excessive.
        - Contact the state/federal regulatory agency to find out if there are special requirements for sludge disposal. In many cases, de-sludging of facultative lagoons will need to take place once every 20 years.
        - Typically, sludge is removed from lagoons with sludge pumping equipment. The sludge is then often thickened and dewatered (a drying process) to make it lighter, as well as easier and less expensive to transport. Several dredging systems designed for use in wastewater treatment lagoons are commercially available.
        - Methods of sludge disposal, except landfilling, are subject to Part 503.

- For aerated lagoons, relying on biological nitrification for ammonia removal. Implement a procedure to troubleshoot aeration equipment and air delivery system to ensure that enough dissolved oxygen is maintained to satisfy nitrification oxygen demand (as well as carbonaceous biological oxygen demand where needed).
    - Troubleshooting:
        - Measure dissolved oxygen through an entire 24-hour day. When measuring dissolved oxygen, it is important to sample at different times of day and at night, if possible.
        - If possible, take dissolved oxygen measurements at locations throughout the lagoon system using a dissolved oxygen probe. If this is not possible, take dissolved oxygen measurements at the exit locations for each lagoon cell.
    - Recommended Potential Solutions:
        - For Aerated Only:
            - Add more aeration capacity (mechanical or diffused aeration) to the lagoon cell(s) or increase their run time with a goal of > 2 mg/L dissolved oxygen in each treatment cell.
            - Clean clogged air diffusers. If clogging is minor, try increasing the airflow output, or try turning off the affected section and increasing diffusion in the section that is not blocked. Draw down the pond to clean or repair the diffusers.
            - Add more mixing to the final cell in the lagoon system to discourage algae growth and improve effluent TSS.
            - Recirculate effluent to the headworks using portable pumps to provide more oxygen.

        - For facultative lagoons and aerated lagoons:
            - Address any excess sludge accumulation. Remove excess sludge from the bottom of the lagoon and at conveyances, chlorine contact chambers, and influent/effluent structures.
            - Address algae overgrowth. Stifle excess algae growth if you suspect it is causing low DO.
            - Address scum and trash accumulation. If you see excess surface scum or floating trash, inspect and repair screens and grates or install pretreatment.
            - Address overgrown vegetation. Remove duckweed, trees, and brush around the treatment cell.