

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

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

**NPDES PERMIT NO. AZ0024640**

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), the following permittee is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.<sup>1</sup>

Permittee Name	San Carlos Apache Tribe Water Distribution and Wastewater Treatment Facilities Program
Permittee Address	1 Mesa Drive San Carlos, Arizona 85550
Facility Name	Six Mile Lagoon Wastewater Treatment Facility
Facility Location Address	Coolidge Dam Road Peridot, Arizona 85542
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Secondary treated wastewater	33° 16' 15.82"N	110° 27' 21.49"W	San Carlos River
002	Secondary treated wastewater	33° 16' 16.28"N	110° 27' 16.09"W	San Carlos River
003	Secondary treated wastewater	33° 16' 15.83"N	110° 27' 20.79"W	San Carlos River
004	Secondary treated wastewater	33° 16' 8.63"N	110° 27' 15.63"W	San Carlos River

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

/s/ June 6, 2025  
Tomás Torres, Director Date  
Water Division

Any wastestream or pollutant loading greater than or different than what the Permittee has proposed to discharge is not authorized by this Permit. The Permittee's proposed discharge is based on the chemical-specific data and the facility's design flow as described in the permit application, as well as other information provided to EPA during the permitting process.

To obtain authorization for a new or changed discharge, the Permittee must first submit a request to EPA and EPA will analyze whether additional controls or limitations are necessary. Permit modification or reissuance may be required before the proposed discharge would be authorized.

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## **Part I. EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS**

### ***A. Effluent Limits, Other Limitations, and Monitoring Requirements***

1. Effluent Limits – Outfall Numbers 001, 002, 003, 004  
The permittee is authorized to discharge secondary treated wastewater in compliance with the effluent limits and monitoring requirements specified in Tables 1 and 2. The permittee shall monitor both the effluent and influent to evaluate compliance.
2. The discharge of pollutants at any point other than the outfall numbers specifically authorized in this permit is prohibited.
3. The discharge shall not contain:
  - a. objectionable odor or
  - b. unnatural color.
4. The discharge shall be free from:
  - a. oil, grease or other pollutant that floats as debris, foam, or scum; or film or iridescent appearance
  - b. refuse, rubbish, demolition or construction debris, trash, garbage.

**B. Effluent Limits and Monitoring Requirements – Outfall Numbers 001, 002, 003, 004**

**Table 1. Effluent Limits and Monitoring Requirements**

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements <sup>(2)</sup>	
	Concentration and Loading					
	Average Monthly <sup>(10)</sup>	Average Weekly <sup>(10)</sup>	Maximum Daily <sup>(10)</sup>	Units	Frequency <sup>(9)</sup>	Sample Type
Flow rate	(1)	(1)	(1)	MGD	Continuous	Meter or Calculation
Biochemical oxygen demand (5-day)	30	45	N/A	mg/L	Monthly	Composite <sup>(6)</sup>
	153	229	N/A	lbs/day		
	The average monthly percent removal shall not be less than 85 percent. <sup>(3)</sup>		%			
Total suspended solids	30	45	N/A	mg/L	Monthly	Composite <sup>(6)</sup>
	153	229	N/A	lbs/day		
	The average monthly percent removal shall not be less than 85 percent. <sup>(3)</sup>		%			
pH	Within 6.5 and 9.0 at all times.			S.U.	Monthly	Grab
E. Coli	126 <sup>(8)</sup>	N/A	235 <sup>(8)</sup>	MPN/100mL	Monthly	Grab
Ammonia Impact Ratio	1.0 <sup>(4)</sup>	N/A	N/A	Ratio	Monthly	Calculated
Ammonia, total (as N)	N/A	N/A	(1)	mg/L	Monthly	Grab
Arsenic (total)	30	N/A	39.3	µg/L	Monthly	Composite <sup>(6)</sup> or Grab
	.153	N/A	.200	lbs/day	Monthly	Composite <sup>(6)</sup> or Grab
Boron	1000	N/A	1310	µg/L	Monthly	Composite <sup>(6)</sup> or Grab
	5.09	N/A	6.67	lbs/day	Monthly	Composite <sup>(6)</sup> or Grab
Nitrate + nitrite as N	(1)	N/A	10	mg/L	Monthly	Composite <sup>(6)</sup> or Grab
Dissolved oxygen	N/A	N/A	(1)	mg/L	Monthly	Grab
Temperature	N/A	N/A	(1)	°C	Monthly	Grab
Solids, settleable	N/A	N/A	(1)	mL/L	Monthly	Grab
Oil and grease, total recoverable	N/A	N/A	(1)	mg/L	Monthly	Grab
Chlorine, Total Residual	N/A	N/A	(1)	µg/L	Weekly <sup>(7)</sup>	Grab

Hardness, total (as CaCO <sub>3</sub> )	N/A	N/A	(1)	mg/L	Annual	Composite <sup>(6)</sup> or Grab
Priority Pollutant Scan <sup>(5)</sup>	N/A	N/A	(1)	µg/L	Year 2 & 4	Grab

- (1) No effluent limits are set at this time, but monitoring and reporting is required.
- (2) At minimum, at least one sample in the second and fourth year must be taken concurrent with whole effluent toxicity monitoring.
- (3) Both the influent and the effluent shall be monitored and reported. The average monthly effluent concentration of Biochemical Oxygen Demand (5-day) and Total Suspended Solids shall not exceed 15 percent of the average monthly influent concentration collected at the same time.
- (4) The Ammonia Impact Ratio (AIR) is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standard from Table 12 of the Arizona Water Quality Standards. See Attachment E for a sample log to help calculate and record the AIR values. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia, pH, and temperature values.
- (5) See attachment F for a list of priority pollutants. For the most current listing of all priority toxic pollutants see 40 CFR § 423, Appendix A. Priority pollutant scan should be conducted concurrently with Whole Effluent Toxicity testing. During the permit term two PPS samples are required to be completed. One sample should be collected and analyzed in the second year from the effective date. A second sample should be collected and analyzed in the fourth year from the effective date.
- (6) Composites shall be taken over the course of a single discharge. If the discharge is less than 24 hours, composite samples shall be taken every two hours for the duration of the discharge.
- (7) Monitoring and reporting required daily only when chlorination is occurring. If a UV disinfection system is operating and chlorination is not occurring, monitoring for total residual chlorine is not required.
- (8) The E. coli limits are as follows: monthly geometric mean of the E. Coli values for effluent samples collected (a minimum of 4 samples in 30 consecutive days) shall not exceed 126 MPN per 100 mL, and any single sample maximum daily shall not exceed 235 MPN/100mL.
- (9) Monitoring and reporting required only when discharging.
- (10) N/A indicates that the field is not applicable.

**C. Chronic Toxicity Effluent Limits and Monitoring Requirements – Outfall Numbers 001, 002, 003, 004**

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

Parameter <sup>(1)</sup>	Maximum Allowable Discharge Limits			Monitoring Requirements	
	Concentration				
	Median Monthly	Maximum Daily	Units	Minimum Frequency	Sample Type
Chronic Toxicity <i>Ceriodaphnia dubia</i> reproduction, Method 1002.0 WC13B	Report <sup>(2,3)</sup>	Report <sup>(2,4)</sup>	Pass (0) or Fail (1), PE, in % effluent	Year 2 & 4 <sup>(6)</sup>	24-hour composite <sup>(5)</sup>
Chronic Toxicity <i>Pimphales promelas</i> growth, Method 1000.0 WCP6C	Report <sup>(2,3)</sup>	Report <sup>(2,4)</sup>	Pass (0) or Fail (1), PE, in % effluent	Year 2 & 4 <sup>(6)</sup>	24-hour composite <sup>(5)</sup>
Chronic Toxicity <i>Selenastrum capricornutum</i> ( <i>Raphidocelis subcapitata</i> ) growth, Method 1003.0 WGR1E	Report <sup>(2,3)</sup>	Report <sup>(2,4)</sup>	Pass (0) or Fail (1), PE, in % effluent	Year 2 & 4 <sup>(6)</sup>	24-hour composite <sup>(5)</sup>

- (1) Species sensitivity screening is required with the three parameters listed in Table 2. After the most sensitive species is identified, chronic toxicity tests are required with only the most sensitive species. See Part II.C.3.
- (2) “Report” means there is no effluent limit for the coded parameter, chronic toxicity, but monitoring and DMR reporting is required. See Endnotes 3 and 4.
- (3) Median Monthly Effluent result: **No more than three** chronic toxicity tests may be initiated during the calendar month. Pass–Fail results are coded as **Pass (0)** (TST null hypothesis is rejected and the IWC is declared not toxic) and **Fail (1)** (TST null hypothesis is not rejected and the IWC is declared toxic). For this discharge, the TST null hypothesis (Ho) at the required discharge-specific IWC is: **IWC mean response (100% effluent) ≤ 0.75 × Control mean response**. Rejection of the TST null hypothesis is determined by following the step-by-step instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document*, Appendix B (EPA 833-R-10-004, 2010; TST Technical Document).
- (4) Maximum Daily Effluent result: This is evaluated for each individual toxicity test, including every test conducted for determining the median monthly effluent result. PE (also called “Percent (%) Effect” or “% Effect”) is calculated as: **PE in % effluent = [(Control mean response – IWC mean response) ÷ Control mean response] × 100**. If more than one toxicity test during the calendar month is coded as **Fail (1)** and the observed (estimated) PE ≥ 50, the toxicity test with a **Fail (1)** and the highest PE shall be reported on the DMR form. The results of all toxicity tests initiated during the calendar month shall be attached to the DMR form.

- (5) Composites shall be taken over the course of 24 hours. If the discharge is less than 24 hours, composite samples shall be taken at regular intervals for the duration of the discharge.
- (6) During the permit term two WET sampling events are required to be completed. One sample should be collected and analyzed in the second year from the effective date. A second sample should be collected in the fourth year from the effective date.

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

There are no compliance schedules in this permit.

#### ***E. Sampling***

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

#### ***F. Receiving Water Monitoring***

The permittee shall conduct receiving water monitoring for the pollutants at the locations identified in Table 3 and frequencies identified in Table 4, below. All samples shall be taken from the subsurface of the receiving water where possible. Once an upstream (001-RW) and downstream (002-RW) sampling location has been identified, each sampling event shall be conducted at the same sampling location. Sampling is not required when the receiving water has no flow.

The permittee shall retain and submit all receiving water monitoring data along with future permit applications or provide at EPA's request. The permittee shall submit data as part of their regular DMR submissions for each parameter and location.



**Table 3. Receiving Water Monitoring Locations**

Station	Name	Description
001-RW	Upstream	100 meters upstream from the approximate confluence of the discharge with the San Carlos River.
002-RW	Downstream	500 meters downstream from the approximate confluence of the discharge with the San Carlos River.

**Table 4. Receiving Water Monitoring Requirements**

Parameter	Units	Frequency	Depth	Sample Type
Station 001-RW				
TSS	mg/L	Quarterly	Subsurface	Grab
Dissolved Oxygen	mg/L	Quarterly	Subsurface	Meter
Temperature	°C	Quarterly	Subsurface	Meter
pH	s.u.	Quarterly	Subsurface	Grab
<i>E. coli</i>	MPN/100mL	Quarterly	Subsurface	Grab
Station 002-RW				
TSS	mg/L	Quarterly	Subsurface	Grab
Dissolved Oxygen	mg/L	Quarterly	Subsurface	Meter
Temperature	°C	Quarterly	Subsurface	Meter
pH	s.u.	Quarterly	Subsurface	Grab
<i>E. coli</i>	MPN/100mL	Quarterly	Subsurface	Grab

### **G. General Monitoring and Reporting**

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

2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
  - a. The test method number or title and published MDL or ML,
  - b. The preparation procedure used by the laboratory,
  - c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR § 136,
  - d. The standard deviation (S) from the laboratory's MDL study,
  - e. The number of replicate analyses (n) used to compute the laboratory's MDL, and
  - f. The laboratory's lowest calibration standard.

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

3. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed (or updated) within 90 days of the permit effective date. At a minimum, the QA Manual shall include the following:
  - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
  - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR § 136.3); and chain of custody procedures;
  - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and

- d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.
5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
  - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

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

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

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.
6. In addition to information requirements specified under 40 CFR § 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the

analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR § 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.

7. The permittee shall use CDX (<https://cdx.epa.gov/>) to access the appropriate NPDES Electronic Tool and electronically submit the following program reports:
  - a. NetDMR/Discharge Monitoring Report
  - b. NeT Sewer Overflow and Bypass
  - c. NeT Biosolids

If NeT reporting through CDX is not yet available for a particular program report, the permittee shall report in NeT as soon as reporting for that program is available in NeT and no later than December 21, 2025.

In accordance with the NPDES Electronic Reporting Rule, these program reports must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.

8. Monitoring and reporting shall be completed according to the schedule in Table 1. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period or no numerical values to report for a parameter, the permittee shall submit the appropriate no data indicator (NODI) code in their DMR. For intermittent discharges, the permittee shall monitor required parameters on the first day of discharge. Monitoring for parameters required once per permit term shall occur during discharge unless there is no discharge throughout the permit term. Entering a DMR comment is recommended if submitting no data indicator code (NODI) other than "C" for no discharge.

**Table 5. Monitoring and Reporting Schedule**

<b>Sampling Frequency</b>	<b>Monitoring Period Start Date</b>	<b>Monitoring Period</b>	<b>DMR Due Date</b>
Continuous	Permit effective date	All	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )
Daily	Permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )
Semiannually	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through June 30 April 1 through September 30 July 1 through December 31 October 1 through March 31	July 28 <sup>th</sup> , each year January 28 <sup>th</sup> , each year
Annually	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through December 31 April 1 through March 31 July 1 through June 30 October 1 through September 30	January 28 <sup>th</sup> of the following year
Once per permit term	Permit effective date	All	Last quarterly report before permit reapplication due date (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , or October 28 <sup>th</sup> )

## **PART II. SPECIAL CONDITIONS**

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

1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.
2. In accordance with 40 CFR §§ 122 and 124, this permit may be modified to include effluent limits or permit conditions to address the presence of toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.
3. This permit may be modified, or revoked and reissued, based on the results of Magnuson-Stevens Fishery Conservation and Management Act and/or Endangered Species Act Section 7 consultation(s) with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
4. In accordance with 40 CFR § 122.44(c), EPA may promptly modify or revoke and reissue any permit issued to a treatment works treating domestic sewage (including "sludge only facilities") to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA, if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

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

1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA enforcement staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance to the attention of EPA Region 9 Enforcement and Compliance Assurance Division at (415) 947-4222.
2. The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of the noncompliance. Sanitary sewer overflow and bypass reports shall be submitted electronically to EPA using NeT-Sewer Overflow. See Section II.F. and NeT-Sewer Overflow User's Guide for more details. All other reports shall be emailed to R9NPDES@epa.gov and the EPA staff person initially

- notified. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The following shall be included as information which must be reported within 24 hours under this paragraph.
    - a. Any overflow, anticipated bypass, and/or unanticipated bypass which exceeds any effluent limit in the permit (see Table 1. Effluent Limits and Monitoring Requirements).
    - b. Any upset which exceeds any effluent limit in the permit.
    - c. Any sanitary sewer overflow (see Section II.G).
    - d. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see Table 1. Effluent Limits and Monitoring Requirements).
  4. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

### **C. Whole Effluent Toxicity Requirements**

1. Instream Waste Concentration (IWC) for Chronic Toxicity

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

**Table 6. Facility-specific Chronic Toxicity IWC.**

Authorized discharge point number	Required chronic toxicity instream waste concentration (IWC) in % effluent	S	1 part effluent to S-1 parts dilutant
001	100%	1	1 to 0
002	100%	1	1 to 0
003	100%	1	1 to 0

004	100%	1	1 to 0
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## 2. Sampling and Monitoring Frequency

Toxicity test samples shall be collected for the authorized discharge point in accordance with Section I.E.2 of this Permit. The total sample volume shall be determined both by the WET method used (including, for non-continuous discharges, the additional sample volume necessary to complete the toxicity test) and the additional sample volume necessary for Toxicity Identification Evaluation (TIE) studies.

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

## 3. Chronic Test Species and WET Methods

**Conditional Species Sensitivity Screening Report.** The permitting authority may require by letter—signed by the NPDES Permits Section Manager—the permittee to conduct and submit the results of species sensitivity screening for the discharge at the chronic toxicity IWC. Screening is defined as one round of concurrent chronic toxicity tests conducted each month, repeated over no more than three consecutive months. The total number of monthly rounds is specified by the permitting authority (i.e., 1 to 3). A round shall consist of one test using a fish, one test using an invertebrate, and one test using an alga and the applicable WET methods listed under this condition. The permittee shall conduct the screening and a final report is due to EPA no more than 12 months after the permittee is notified by letter of the requirement to conduct species sensitivity screening (e.g., if letter date is during January 2020, then the final report is due January 31, 2021). The permittee shall report **Pass (0)** or **Fail (1)** and the associated value for **PE** for each chronic toxicity test conducted for species sensitivity screening. For the TST statistical approach used by this permit, the most sensitive test species is the species which demonstrates the most number of Fail (1) results for routine monitoring tests and species sensitivity screening tests. If no test results are Fail (1), then the most sensitive test species is the species which demonstrates the highest  $PE \geq 10$  at the IWC for routine monitoring tests and species sensitivity screening tests.

The permittee shall **conduct routine toxicity tests with the most sensitive parameter for chronic toxicity required in Part I, Table 2:** static renewal test with fathead minnow, Pimephales promelas (Larval Survival and Growth Test Method



1000.0), static renewal test with daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0), or static non-renewal test with green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0)). The permittee shall follow this short-term WET method for this test species for estimating the chronic toxicity of NPDES effluents found in the fourth edition of Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/821/R-02/013, 2002; Table IA, 40 CFR 136).

## 5. Quality Assurance

- a. The permittee shall follow all Quality Assurance specifications listed in each paragraph below in this Section.
- b. Quality assurance measures, instructions, and other recommendations and requirements are found in the WET methods manual(s) specified in II.C.3., above. Additional requirements are specified below.
- c. The discharge is subject to a determination of rejection or non-rejection of the TST null hypothesis ( $H_0$ ) from a chronic toxicity test at the required IWC. For statistical flowchart and procedures using the TST statistical approach see Appendix B of *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-004, 2010; TST Technical Document). For the TST statistical approach, the associated value for “Percent (%) Effect” (also called “% Effect” or “PE”) at the required IWC is calculated as: % Effect =  $[(\text{Control mean response} - \text{IWC mean response}) \div \text{Control mean response}] \times 100$ .
- d. **Controls.** Effluent dilution water and control water shall be prepared and used as specified in the applicable WET methods manual in II.C.3., above. If the dilution water is different from test organism culture water, then a second control using culture water shall also be used. If the effluent sample at the IWC is adjusted using artificial sea salts or a saltwater brine, a “salting up/brine” control shall be prepared and used as specified in the applicable WET methods manual in II.C.3., above.
- e. If organisms are not cultured in-house in the testing laboratory, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house in the testing laboratory, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
- f. If the effluent toxicity test during the reporting period for the month does not meet the Test Acceptability Criteria (TAC) described in the WET method specified in II.C.3., above, then the permittee shall resample and retest within 14 days. TAC for each method can be found at <https://www.epa.gov/cwa->

methods/chronic-toxicity-freshwater-wet-methods. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.

- g. In addition to Total Alkalinity, Conductivity, and Total Hardness, when preparing effluent samples for toxicity testing using *Ceriodaphnia dubia* reproduction Method 1002.0, the Major Ions ( $\text{Na}^+$ ,  $\text{K}^+$ ,  $\text{Ca}^{2+}$ ,  $\text{Mg}^{2+}$ ,  $\text{Cl}^-$ ,  $\text{SO}_4^{2-}$ , and  $\text{HCO}_3^-/\text{CO}_3^{2-}$ ) shall be well characterized (and available for DMR reporting when requested by the permitting authority) for the effluent IWC, dilution water, and culture water used for toxicity testing. See Mount DR, Erickson RJ, Forsman BB, and Norberg-King TJ. 2019. Chronic toxicity of major ion salts and their mixtures to *Ceriodaphnia dubia*. *Environ Toxicol Chem* 38:769-783.
  - h. **Removed Toxicants (chlorine, ammonia).** If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
6. Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan
- Within 90 days of the permit effective date, the permittee shall prepare its Initial Investigation TRE Work Plan (1-2 pages). A copy of the permittee's Initial Investigation TRE Work Plan shall be retained on the permittee's premises and available for review by regulatory authorities upon request. This plan shall include steps the permittee intends to follow if a Median Monthly Effluent result for chronic toxicity is reported as Fail (1) for the reporting month (see Part I, Table 2, Endnote 3), and should include the following, at minimum:
- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
  - b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
  - c. If a TRE and Toxicity Identification Evaluation (TIE) are conducted, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).
7. Chronic Toxicity Median Monthly Effluent Result of **Fail (1)** Proceeding to TRE
- a. If the chronic toxicity Median Monthly Effluent result is reported as **Fail (1)** for the calendar month (see Part I, Table 2, Endnote 3), then—regardless of the minimum monitoring frequency in Part I, Table 2—the permittee shall conduct

effluent monitoring using no more than three chronic toxicity tests **during the next consecutive calendar month** and implement its Initial Investigation TRE Work Plan.

- b. If the chronic toxicity Median Monthly Effluent result **during this next consecutive calendar month** is **Pass (0)**, then the permittee shall return to the minimum monitoring frequency in Part I, Table 2. However, if this result is **Fail (1)**, then the permittee shall immediately initiate a TRE using—according to the type of treatment facility—EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999), or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part I, Table 2.
  - c. In conjunction with TRE initiation, the permittee shall immediately develop and implement a Detailed TRE Work Plan which shall include the following: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. This detailed work plan shall be submitted to the permitting authority as an attachment to the permittee's next toxicity DMR submittal.
  - d. The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).
  - e. During a TRE, the chronic toxicity effluent monitoring results conducted for the TRE/TIE that meet the WET method's Test Acceptability Criteria at the IWC shall be reported on the DMR following the Endnotes in Part I, Table 2.
8. Reporting of Toxicity Monitoring Results on DMR
- a. **Report no effluent monitoring result for Chronic Toxicity.** If no toxicity test monitoring for the calendar month is required and toxicity monitoring is not conducted, then the permittee shall report "NODI(9)" (i.e., Conditional Monitoring – Not Required for This Period) on the DMR form.

**Report Median Monthly Effluent result for Chronic Toxicity.** See Part I, Table 2, Endnote 3.

**Report Maximum Daily Effluent result(s) for Chronic Toxicity.** See Part I, Table 2, Endnote 4.

- b. The permittee shall email to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) each full toxicity laboratory report for all toxicity testing by the due date for the corresponding toxicity test results on DMRs. The email subject shall include the permit number AZ0024640. The laboratory report shall contain: all toxicity test results (raw data and statistical analyses) for each effluent and related reference toxicant tested; chain-of custody; the dates of sample collection and initiation of each toxicity test; control performance; all results for other effluent parameters monitored concurrently with the effluent toxicity tests; and schedule and progress reports on TRE/TIE studies.

**Quality-control reporting for toxicity laboratory control group.** To assist in reviewing within-test variability, the toxicity laboratory report must include, for each test species/WET method: quality-control charts for the mean, standard deviation and coefficient of variation of the control group. Each toxicity laboratory report attached to the DMR shall include both a graphical control chart (with a long-term average printed below the chart) and a table of control-group data for the WET method/test species. These data shall be listed in the table: sample date, type of dilution water, number of replicates (n), control mean (cM), control standard deviation (cS), and control coefficient of variation (cK). The quality-control chart and the table shall report data for the last 50 toxicity tests conducted by the laboratory. If there are more than 30 tests with a different number of replicates (e.g., 20 tests of n=10 and 30 tests of n=20), then use separate control charts and tables. The table shall also report the following summary statistics separately for cM, cS, and cK: number of observations, average, standard deviation, and percentiles (minimum, 10<sup>th</sup>, 25<sup>th</sup>, 50<sup>th</sup>, 60<sup>th</sup>, 65<sup>th</sup>, 70<sup>th</sup>, 75<sup>th</sup>, 80<sup>th</sup>, 90<sup>th</sup>, and maximum). This information is required for review of toxicity test results and the toxicity laboratory's performance of the test species/WET method by the permittee and permitting authority. Also, see test species/WET method-specific percentiles for the mean, coefficient of variation, and standard deviation of control-group data in section 3 tables of the TST Technical Document.

- c. **Notification reporting.** The permittee shall submit an electronic report to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) within 14 days of each of the following occurrences: a **Median Monthly Effluent result of Fail (1)** for chronic toxicity, or a **Maximum Daily Effluent result of Fail (1)** combined with PE  $\geq$  50. If the permittee is reporting a Median Monthly Effluent result of Fail (1), the permittee shall follow required steps listed in Part II.C.6 of this permit.

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

- i. In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices (BMPs) designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. This includes, but it not limited to:
  1. Good housekeeping: the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges;
  2. Minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.
  3. Preventive inspections and maintenance: timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining, and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

***E. Biosolids***

- i. General Requirements
  - a. All biosolids generated by the Permittee shall be used or disposed of in compliance with the applicable portions of 40 CFR §§ 258 and 503. The Permittee is responsible for assuring that all biosolids produced at the facility are used or disposed of in accordance with these rules, whether the Permittee uses or disposes of the biosolids itself or transfers them to another party for further treatment and use or disposal. The Permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under these rules, and any monitoring requirements, including required frequencies of monitoring and maximum hold times for pathogen and indicator organism samples.
  - b. Duty to mitigate: The Permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
  - c. No biosolids shall be allowed to enter wetlands or other waters of the United States.
  - d. Biosolids treatment, storage, and use or disposal shall not contaminate groundwater.

- e. Biosolids treatment, storage, and use or disposal shall be performed in a manner as to minimize nuisances such as objectionable odors or flies.
- f. The Permittee shall assure that haulers transporting biosolids off site for further treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. The Permittee shall maintain and have haulers adhere to a spill clean-up plan. Any spills shall be reported to USEPA by email ([R9NPDES@epa.gov](mailto:R9NPDES@epa.gov)) within 24 hours from the time the Permittee becomes aware of the spill. Report shall include tons of biosolids spilled, location, detailed description of the spill, and actions taken to address the spill. All trucks hauling biosolids shall be thoroughly washed after unloading at the field or at the receiving facility.
- g. Trucks used to haul Class B biosolids shall not be used to haul animal feed or food on the return trip, unless approved by USEPA after a demonstration of the truck cleaning methods at the unloading site has been made.
- h. Biosolids shall not be stored for over two years from the time they are generated unless the Permittee submits a written notification to USEPA, demonstrating a need for longer temporary storage and plan for removal in accordance with 40 CFR § 503.20(b).
- i. Sludge Management Plan: Within 180 days of the effective date of this permit, the permittee shall submit a report to USEPA estimating the capacity of the lagoons, quantity of sewage sludge currently on site in the lagoons (in dry metric tons), and a projection of when the sewage sludge shall be removed.
- j. Sludge Removal Plan: At least 120 days prior to removing sewage sludge for use or disposal, the permittee shall submit a plan describing the quantity of sewage to be removed (in dry metric tons), mechanisms for removal, and a proposed sampling plan for pollutants regulated under the use or disposal option being selected. Upon approval of this plan by USEPA, the permittee shall have the sewage sludge removed as described. If the facility is closed, sludge stored for longer than two years becomes a surface disposal site under the Resource Recovery and Conservation Act (RCRA) and is subject to compliance with 40 CFR §264 and §265.
- k. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and from the highest tidal stage that may occur.

## 2. Requirements for Land Application

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

- a. A representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.13 and for Total Kjeldahl nitrogen, and ammonium nitrogen, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis):
- < 290 dry metric tons/year: once/year

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

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

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

- b. The Permittee shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR § 503.32.
- c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
- d. When using fecal coliforms to demonstrate Class A, in conjunction with operational parameters or in conjunction with testing of enteric viruses and helminth ova, four grab samples of fecal coliform shall be collected and analyzed each sampling period. Each of these samples must have levels of < 1,000 mpn/gram, dry weight basis.
- e. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately

cooled, and analysis started within the USEPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 degrees C).

- f. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the Permittee shall maintain daily records of the operating parameters used to achieve this reduction.
- g. The Permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR § 503.33(b). If VAR is met at the application site by incorporation or covering, the Permittee must obtain certification that these requirements have been met from the land applier or surface disposal site operator, and maintain these with their records.

### 3. Requirements for Surface Disposal

“Surface disposal” is the placement of biosolids on the land in a sludge-only dedicated land disposal site or monofill for the purpose of disposal. Surface disposal requirements are addressed in 40 CFR § 503 Subpart C.

- a. If the surface disposal site is unlined, a representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.23, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis:

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

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

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



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

#### 4. Requirements for Disposal in a Municipal Landfill

“Disposal in a municipal landfill” is the placement of biosolids in a landfill subject to the requirements in 40 CFR § 258 where it is mixed with other materials being placed in the landfill, or used as alternative daily or final cover at the landfill.

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

#### 5. Notification Requirements

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

- a. Notification of non-compliance: The Permittee shall notify USEPA Region 9 of any non-compliance within 24 hours by phone or e-mail if the non-compliance may seriously endanger public health or the environment. A written report shall also be submitted within 5 working days of knowing the non-compliance. For other instances of non-compliance, the Discharger shall notify USEPA Region 9 of the non-compliance in writing within 5 working days of becoming aware of the non-compliance. The Discharger shall require their biosolids management contractors to notify USEPA Region 9 of any non-compliance within the same time-frames.

USEPA Region 9, Wastewater Enforcement Section Manager  
Phone: (415) 947-4442  
Email: R9NPDES@epa.gov.

- b. If biosolids are shipped to another state or to Tribal Lands, the Permittee shall send 30 days prior notice of the shipment to the USEPA and permitting authorities in the receiving State/Tribal authority.
- c. The Permittee shall notify USEPA at least 60 days prior to starting a new biosolids use or disposal practice.

#### ***F. Sanitary Sewer Overflows***

1. A Sanitary Sewer Overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system that occurs prior to a treatment plant. Sanitary sewer overflows include a) overflows or releases of wastewater that reach waters of the US, b) overflows or releases of wastewater that do not reach waters of the US, and c) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other a building lateral. SSOs are generally caused by high volumes of infiltration and inflow (I/I), pipe blockages, pipe breaks, power failure, and insufficient system capacity.
2. All Sanitary Sewer Overflows are prohibited.
3. The permittee shall identify all SSOs. The permittee shall submit with its DMR, the following information for each SSO that occurs during the reporting period covered by the DMR:
  - a. The cause of the SSO;
  - b. Duration and volume (estimate, if unknown);
  - c. Description of the source (e.g., manhole cover, pump station, etc.);
  - d. Location by street address, or any other appropriate method providing a location;

- e. Date(s) and time(s) of SSO;
- f. The ultimate destination of the overflow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body (show location on a USGS map or copy thereof); and
- g. Corrective action taken and steps taken or planned to eliminate reoccurrence of SSOs.

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

### ***G. Asset Management***

The permittee shall develop an asset management program (AMP) to cover the treatment plant and collection system.

The permittee shall procure, populate, and utilize asset management and/or work order management software within two years of permit issuance. The software shall:

1. Inventory all critical assets and assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
  - a. Name and identification number.
  - b. Location (GPS coordinate or equivalent identifier).
  - c. Current performance/condition.
  - d. Purchase and installation date.
  - e. Purchase price.
  - f. Replacement cost.
2. Automate work order production and tracking.
3. Catalogue all daily, weekly, monthly, annual and other regular maintenance tasks.

The permittee shall develop an AMP document that contains a description of its selected AMP system and status of its implementation by within two years of permit issuance. The AMP shall include a vulnerability assessment to evaluate and manage effects that may impact:

- Facility operation

- Water supplies
- Collection systems
- Water quality, including any projected changes to the influent water temperature and pollutant concentrations.

The permittee shall also identify new or increased threats to the sewer system that may impact desired levels of service in the next 50 years. A copy of the permittee's AMP document shall be retained on the permittee's premises and available for review by regulatory authorities upon request.

#### ***H. Capacity Attainment and Planning***

The permittee shall file a written report by email (R9NPDES@epa.gov) within ninety (90) days if the average dry weather wastewater treatment flow for any month exceeds 90 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities. The written report shall include:

- i. Percentage of dry weather design capacity that was reached and any known causes of high flow.
- ii. Description of actions that will be taken to ensure capacity is attained, including any plans for capacity upgrades, if needed.

#### ***I. Quality Assurance Plan***

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this requirement.

1. Within 120 days of the effective date of this permit, the permittee must submit written notice to the EPA that the QAP has been developed and implemented. The permittee shall submit the written notification to R9NPDES@epa.gov. The plan must be retained on site and made available to the EPA upon request.
2. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
3. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The QAP must be prepared in the format that is specified in the permit.
4. At a minimum, the QAP must include the following:
  - a. Details on the number of samples, sample collection procedures, type of sample containers, preservation of samples, holding times, analytical methods, procedures for on-site measurements and/or laboratory analysis (including calibration), analytical detection, quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy

requirements, sample preparation requirements, sample shipping methods, chain of custody procedures, and laboratory data delivery requirements. Sample containers, preservation techniques and maximum holding times must adhere to the requirements in 40 CFR Part 136 and in accordance with the approved test methods.

- b. Map(s) indicating the location of each sampling point.
  - c. Qualification and training of personnel and maintenance of the training records.
  - d. Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
5. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

***J. Emergency Response and Public Notification Plan***

The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;
- b. Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and
- e. Provide emergency operations.

The permittee must submit written notice to the EPA that the plan has been developed and implemented within 180 days of the effective date of this permit. Any existing emergency response and public notification plan may be modified for compliance with this requirement.

The permittee shall submit the written notification to R9NPDES@epa.gov. The Plan must be retained on site and made available to the EPA upon request.

**K. 401 Water Quality Certification**

The permittee (San Carlos Apache Tribe) sent a waiver of certification under section 401 of the Clean Water Act on March 24, 2025. See Attachment G.

**Part III. STANDARD CONDITIONS**

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

**A. All NPDES Permits**

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

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

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

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not

more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.<sup>1</sup>

- c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.<sup>1</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

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

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

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

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

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.



- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR § 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
  - c. Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The individual(s) who performed the sampling or measurements;
    - (3) The date(s) analyses were performed
    - (4) The individuals(s) who performed the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
  - d. Monitoring must be conducted according to test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 136 unless otherwise specified in 40 CFR § 503, unless other test procedures have been specified in the permit.
  - e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
11. Signatory requirement; at 40 CFR § 122.41(k).
- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR § 122.22.) All permit applications shall be signed as follows:
    - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the

manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR § 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR § 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in 40 CFR § 122.22(a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in 40 CFR § 122.22(a);
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under 40 CFR § 122.22 (b) 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 40 CFR § 122.22(b) must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under 40 CFR § 122.22 (a) or (b) shall make the following certification:

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

- e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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

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

- 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
- (2) Automatic transfers. As an alternative to transfers under 40 CFR § 122.61(a), any NPDES permit may be automatically transferred to a new permittee if:
- (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in 40 CFR § 122.62(b)(2);
  - (B) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in 40 CFR § 122.63(b)(2).
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.
  - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes

aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2025 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. The permittee shall electronically submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events using CDX (<https://cdx.epa.gov/>) in accordance with the reporting requirements specified in this permit. The permittee must also sign and certify all electronic submissions in accordance with the signatory requirements specified at 40 CFR § 122.41(k).

- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
  - (ii) Any upset which exceeds any effluent limitation in the permit.
  - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
- (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) if the oral report has been received within 24 hours.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in 40 CFR § 122.4(l)(6).
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

13. Bypass; at 40 CFR § 122.41(m).

a. Definitions.

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 40 CFR § 122.41(m)(3) and (m)(4).

c. Notice.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in 40 CFR § 122.41(l)(6) (24-hour notice).
- (3) As of December 21, 2025 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

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

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The permittee submitted notices as required under paragraph 40 CFR § 122.41(m)(3).

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in 40 CFR § 122.41(m)(4)(i).

14. Upset; at 40 CFR § 122.41(n).

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of 40 CFR § 122.41(n)(3) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required in 40 CFR § 122.41(l)(6)(ii)(B) (24 hour notice).
  - (4) The permittee complied with any remedial measures required under 40 CFR § 122.41(d).
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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

For any permit issued to a treatment works treating domestic sewage (including "sludge-only facilities"), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

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

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

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.
- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW's permits.

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

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

18. Availability of Reports; pursuant to CWA § 308



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

**19. Removed Substances; pursuant to CWA § 301**

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

**20. Severability; pursuant to CWA § 512**

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

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

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

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

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

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

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

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

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

1. Publicly owned treatment works; at 40 CFR 122.42(b).
  - a. All POTWs must provide adequate notice to the Director of the following:
    - (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 and 306 of the CWA if it were directly discharging those pollutants; and
    - (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

- (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- b. The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act. Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under 40 CFR 261.31 through 261-33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

## Attachment A: Definitions

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
3. "Best Management Practices" or "BMPs" are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A "composite" sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A "daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For

pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

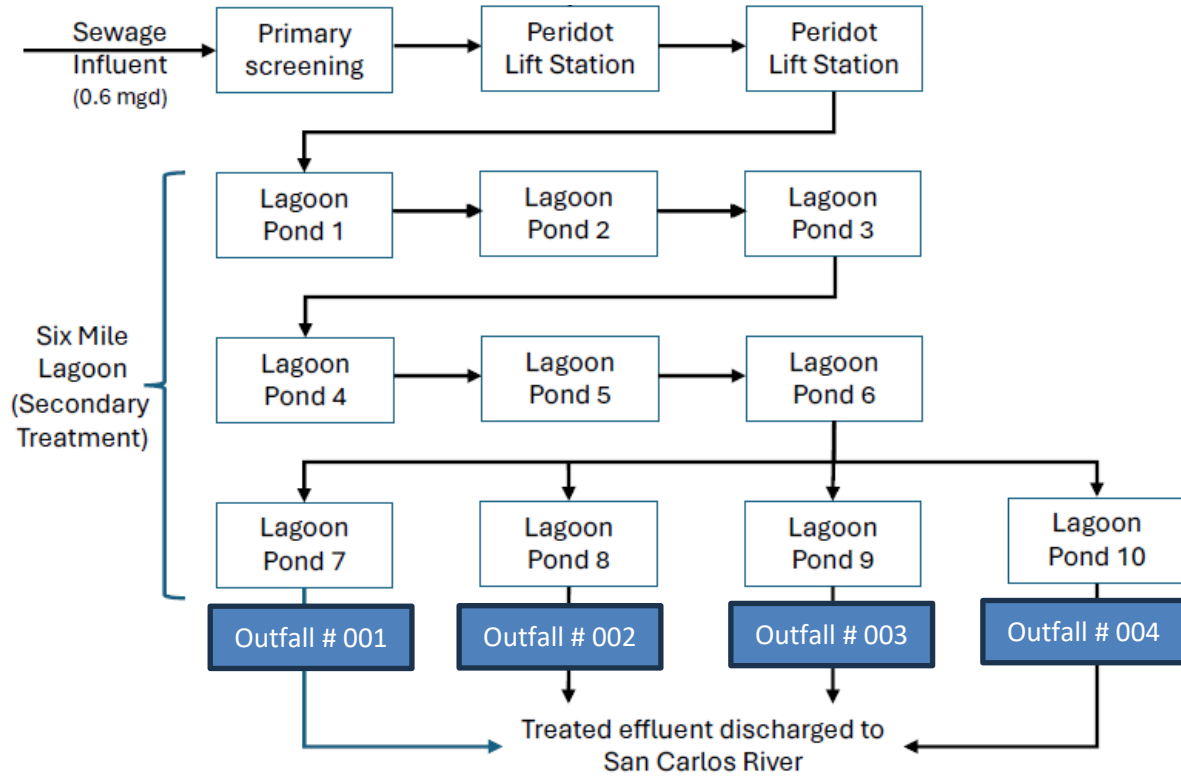
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR § 136. The procedure for determination of a laboratory MDL is in 40 CFR § 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR § 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
  - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
  - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the

nearest multiple of  $(1, 2, \text{ or } 5) \times 10^n$ , where  $n$  is zero or an integer. (For example, if an MDL is  $2.5 \mu\text{g/l}$ , then the calculated ML is:  $2.5 \mu\text{g/l} \times 3.18 = 7.95 \mu\text{g/l}$ . The multiple of  $(1, 2, \text{ or } 5) \times 10^n$  nearest to 7.95 is  $1 \times 10^1 = 10 \mu\text{g/l}$ , so the calculated ML, rounded to the nearest whole number, is  $10 \mu\text{g/l}$ .)

11. A "NODI(B)" means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory's MDL.
12. A "NODI(Q)" means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory's MDL, but less than the ML.

## Attachment B: Location Map



**Attachment C: Wastewater Flow Schematic**

## Attachment D: Ammonia Data Log

[illegible]

Please copy and complete for each quarter of each year for the permit term. Permittee may sample more frequently and record any additional results. Attach any additional pages as necessary.



[illegible]

## Attachment F: List of Priority Pollutants

Priority Pollutants are a set of chemical pollutants for which EPA has developed analytical methods. The permittee shall test for all priority pollutants listed in 40 CFR § 423, Appendix A. Certain priority pollutants (in **BOLD**) are volatile compounds and should be collected using grab samples; whereas, the remaining priority pollutants are recommended to be collected via composite samples. For reference, the 126 priority pollutants at time of issuance include:

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 1. Acenaphthene                       | 35. 2,4-dinitrotoluene           |
| 2. <b>Acrolein</b>                    | 36. 2,6-dinitrotoluene           |
| 3. <b>Acrylonitrile</b>               | 37. 1,2-diphenylhydrazine        |
| 4. <b>Benzene</b>                     | 38. <b>Ethylbenzene</b>          |
| 5. Benzidine                          | 39. Fluoranthene                 |
| 6. <b>Carbon tetrachloride</b>        | 40. 4-chlorophenyl phenyl ether  |
| 7. <b>Chlorobenzene</b>               | 41. 4-bromophenyl phenyl ether   |
| 8. <b>1,2,4-trichlorobenzene</b>      | 42. Bis(2-chloroisopropyl) ether |
| 9. <b>Hexachlorobenzene</b>           | 43. Bis(2-chloroethoxy) methane  |
| 10. <b>1,2-dichloroethane</b>         | 44. <b>Methylene chloride</b>    |
| 11. <b>1,1,1-trichloroethane</b>      | 45. <b>Methyl chloride</b>       |
| 12. <b>Hexachloroethane</b>           | 46. <b>Methyl bromide</b>        |
| 13. <b>1,1-dichloroethane</b>         | 47. <b>Bromoform</b>             |
| 14. <b>1,1,2-trichloroethane</b>      | 48. <b>Dichlorobromomethane</b>  |
| 15. <b>1,1,2,2-tetrachloroethane</b>  | 49. REMOVED                      |
| 16. <b>Chloroethane</b>               | 50. REMOVED                      |
| 17. REMOVED                           | 51. <b>Chlorodibromomethane</b>  |
| 18. <b>Bis(2-chloroethyl) ether</b>   | 52. Hexachlorobutadiene          |
| 19. <b>2-chloroethyl vinyl ethers</b> | 53. Hexachlorocyclopentadiene    |
| 20. 2-chloronaphthalene               | 54. Isophorone                   |
| 21. 2,4,6-trichlorophenol             | 55. Naphthalene                  |
| 22. Parachlorometa cresol             | 56. Nitrobenzene                 |
| 23. <b>Chloroform</b>                 | 57. 2-nitrophenol                |
| 24. 2-chlorophenol                    | 58. 4-nitrophenol                |
| 25. 1,2-dichlorobenzene               | 59. 2,4-dinitrophenol            |
| 26. 1,3-dichlorobenzene               | 60. 4,6-dinitro-o-cresol         |
| 27. 1,4-dichlorobenzene               | 61. N-nitrosodimethylamine       |
| 28. 3,3-dichlorobenzidine             | 62. N-nitrosodiphenylamine       |
| 29. <b>1,1-dichloroethylene</b>       | 63. N-nitrosodi-n-propylamine    |
| 30. 1,2-trans-dichloroethylene        | 64. Pentachlorophenol            |
| 31. 2,4-dichlorophenol                | 65. Phenol                       |
| 32. <b>1,2-dichloropropane</b>        | 66. Bis(2-ethylhexyl) phthalate  |
| 33. <b>1,3-dichloropropylene</b>      | 67. Butyl benzyl phthalate       |
| 34. 2,4-dimethylphenol                | 68. Di-N-Butyl Phthalate         |

- |                                |                               |
|--------------------------------|-------------------------------|
| 69. Di-n-octyl phthalate       | 100. Heptachlor               |
| 70. Diethyl Phthalate          | 101. Heptachlor epoxide       |
| 71. Dimethyl phthalate         | 102. Alpha-BHC                |
| 72. benzo(a) anthracene        | 103. Beta-BHC                 |
| 73. Benzo(a)pyrene             | 104. Gamma-BHC                |
| 74. Benzo(b) fluoranthene      | 105. Delta-BHC                |
| 75. Benzo(k) fluoranthene      | 106. PCB-1242 (Arochlor 1242) |
| 76. Chrysene                   | 107. PCB-1254 (Arochlor 1254) |
| 77. Acenaphthylene             | 108. PCB-1221 (Arochlor 1221) |
| 78. Anthracene                 | 109. PCB-1232 (Arochlor 1232) |
| 79. Benzo(ghi) perylene        | 110. PCB-1248 (Arochlor 1248) |
| 80. Fluorene                   | 111. PCB-1260 (Arochlor 1260) |
| 81. Phenanthrene               | 112. PCB-1016 (Arochlor 1016) |
| 82. Dibenzo(a,h) anthracene    | 113. Toxaphene                |
| 83. Indeno (1,2,3-cd) pyrene   | 114. Antimony                 |
| 84. Pyrene                     | 115. Arsenic                  |
| <b>85. Tetrachloroethylene</b> | 116. Asbestos                 |
| <b>86. Toluene</b>             | 117. Beryllium                |
| <b>87. Trichloroethylene</b>   | 118. Cadmium                  |
| <b>88. Vinyl chloride</b>      | 119. Chromium                 |
| 89. Aldrin                     | 120. Copper                   |
| 90. Dieldrin                   | 121. Cyanide, Total           |
| 91. Chlordane                  | 122. Lead                     |
| 92. 4,4-DDT                    | 123. Mercury                  |
| 93. 4,4-DDE                    | 124. Nickel                   |
| 94. 4,4-DDD                    | 125. Selenium                 |
| 95. Alpha-endosulfan           | 126. Silver                   |
| 96. Beta-endosulfan            | 127. Thallium                 |
| 97. Endosulfan sulfate         | 128. Zinc                     |
| 98. Endrin                     | 129. 2,3,7,8-TCD              |
| 99. Endrin aldehyde            |                               |

**Attachment G: 401 Water Quality Waiver: March 24, 2025**



Terry Rambler  
Chairman

**SAN CARLOS APACHE TRIBE**

P.O. Box 0, San Carlos, Arizona 85550  
Phone (928) 475-1600 ♦ Fax (928) 475-2567

Tao Etpison  
Vice-Chairman

March 24, 2025

**Via E-mail**

Peter Kozelka  
Manager, NPDES Permits Section  
Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

**Re: Waiver of Certification Under Section 401 of the Clean Water Act for NPDES  
Permit No. AZ0024640; Six Mile Lagoon Wastewater Treatment Facility**

Mr. Kozelka,

On behalf of the 17,300 members of the San Carlos Apache Tribe ("Tribe"), I waive certification under section 401 of the Clean Water Act for the above-referenced NPDES Permit that the Environmental Protection Agency intends to issue for the Tribe's Wastewater Treatment Facility, the Six Mile Lagoons. This waiver responds to your December 13, 2024 letter and is limited to the NPDES permit for Six Mile Lagoons referenced therein.

As we say in our Apache language, Ahi'yi'é (thank you) for your attention to this matter.

Sincerely,

SAN CARLOS APACHE TRIBE

Terry Rambler  
Chairman

Cc: Bryn Copson, EPA, [copson.bryn@epa.gov](mailto:copson.bryn@epa.gov)

San Carlos Apache Tribe  
Tao Etpison, Vice Chairman  
San Carlos Council Members  
Christabelle Mull, GM  
Christy Sangster-Begay, DEP  
A.B. Ritchie, AG, DOJ  
Bern Velasco, AAG, DOJ  
Chrono