NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT FACT SHEET
December 2025

Permittee Name: Jamul Indian Village

Mailing Address: P.O. Box 612
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Facility Location: Jamul Casino Wastewater Treatment Plant
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NPDES Permit No.: CA0084284

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I. STATUS OF PERMIT

Jamul Indian Village (the "permittee") has applied for the renewal of their National Pollutant Discharge Elimination System (NPDES) permit to reauthorize the discharge of treated effluent from Jamul Casino Wastewater Treatment Plant (WWTP), located in Jamul, California. A complete application was submitted on September 26, 2022. EPA issued an administrative continuance letter to the permittee on September 26, 2022. The permittee submitted an

updated application with supplemental facility redesign information on October 8, 2024. EPA confirmed the completeness of the updated application in a letter dated December 13, 2024.

Jamul Indian Village is a federally recognized Indian Tribe. Currently, U.S. EPA Region 9 retains the primary regulatory responsibility for administering the NPDES permitting program within Jamul Indian Village. EPA has prepared the NPDES permit and fact sheet pursuant to Clean Water Act (CWA) Section 402.

The permittee is currently covered under NPDES permit CA0084284 which expired on September 30, 2022, but which EPA administratively continued on September 28, 2022. Under EPA's NPDES regulations at 40 CFR § 122.6, the term of an administratively extended permit continues until the issuance of a new permit. EPA developed this fact sheet based on information provided in the permit application, effluent data, as well as applicable laws and regulations.

EPA has completed the NPDES Permit Rating Work Sheet, and this facility has been classified as minor discharger.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

Permit Condition	Previous Permit (2017 – 2025)	Re-issued permit (2026 – 2031)	Reason for change
New outfall location	Two permitted outfall locations	One permitted outfall at 32˚ 42' 11.3" N, 116˚ 52' 14.02" W	Facility design to accommodate updated treatment equipment and discharge location.
Flow rate and monitoring	Required	Updated	Application for permit renewal included new average design flow of 0.15 MGD (previous permit included 0.068 MGD average design flow). Corrected Part I. B. Table 1 to show continuous monitoring.
Total coliform monitoring	Required	Corrected typographical error	Previous fact sheet described requirement for weekly monitoring, but Table 1 in the permit showed monthly monitoring. Corrected Table 1 to show weekly monitoring.
Oil & grease effluent limit and monitoring	Required	Updated	Permit contains monitoring requirements to evaluate compliance with the limit

Permit Condition	Previous Permit (2017 – 2025)	Re-issued permit (2026 – 2031)	Reason for change
			prohibiting discharge of oils and greases.
Turbidity effluent limit	Required	Corrected typographical error	Application of (Regional Water Board) Basin Plan requirement for inland surface waters.
Chlorine monitoring	Required	Updated	Removed footnote in previous permit stating chlorine will only be monitored when used since chlorine residual will likely be consistently maintained for reuse purposes.
Mass-based effluent limits for total dissolved solids and nitrate	Not required	Required	Due to increased flow volume, mass-based effluent limits were established to control pollutant loading and prevent an increase in the amount of pollutants discharged.
Best management practices and pollution prevention measures	Not required	Required	Included to minimize surface water contamination from site runoff, spillage or leaks, sludge or waste disposal.
Asset management	Not required	Required	40 CFR § 122.41(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit.

III. GENERAL DESCRIPTION OF FACILITY

The Jamul Casino WWTP is designed for an average wastewater flow of 0.15 MGD, a maximum flow of 0.215 MGD, and a peak hourly flow of 0.283 MGD. During the previous permit term, the permittee completed an expansion of the WWTP which increased the average design flow from 0.068 MGD to 0.15 MGD, which could increase the volume of the discharge by

up to 82,000 gallons per day (GPD) on average. The WWTP expansion was needed to accommodate the overall expansion of the Jamul Casino, including construction of a hotel. The WWTP currently serves an average of 10,400 visitors a day.

The source of all influent received by the WWTP is Jamul Hotel and Casino, which includes sanitary sewage, cooling water, and water softener regeneration waste. Wastewater that enters the 8-inch diameter influent sanitary sewer is collected at an influent pump station, then pumped into the WWTP. Wastewater is then physically, bio-chemically, and chemically treated in the Jamul Casino WWTP, which is a tertiary treatment facility comprised of the following treatment components:

- One (1) Influent Pump Station with two pumps
- Two (2) Influent Fine Screens and (1) Manual Bar Screen
- Two (2) Membrane Bioreactor (MBR) Process Basins (Anoxic/Aeration)
- Six (6) UF Membrane Filtration Systems
- Three (3) Reverse Osmosis (RO) Trains
- Twenty (20) Ultraviolet (UV) Light Disinfection Units arranged in three banks (8-8-4)
- Two (2) Metering Pumps for Sodium Hypochlorite Dosing
- One (1) 130,000-gallon Recycled Water Effluent Tank
- Three (3) Recycle Water Transfer Pumps
- One (1) Sludge Thickening System
- One (1) Sludge Dewatering System
- One (1) Sludge Digester / Flex Tank
- One (1) Sludge Storage Tank

The facility hauls their sewage sludge (or biosolids) to the City of San Diego's E.W. Blom Point Loma WWTP for processing (i.e., grinding and degritting, thickening, and dewatering) every two to three days. The facility also hauls their brine waste from the Jamul Casino water softening system and the WWTP's reverse osmosis membrane system to San Diego's Point Loma WWTP every one to two days. Occasionally, a small volume of untreated domestic wastewater is generated during maintenance which is also hauled to San Diego's Point Loma WWTP when necessary.

Fully treated wastewater may either be reused on-site or discharged. The wastewater treatment plant is managed to optimize reuse of the treated effluent. Treated wastewater may be recycled for cooling the hotel and casino, toilet flushing, and landscape irrigation. This permit authorizes the discharge of treated wastewater that is not recycled.

IV. DESCRIPTION OF RECEIVING WATER

WWTP discharges to Willow Creek, which flows into Olive Vista Creek, and then flows into Jamul Creek. Jamul Creek flows through the eastern portion of the Rancho Jamul Ecological Reserve (RJER) before entering Lower Otay Lake, which is part of San Diego's municipal water

supply. Jamul Creek is impaired for toxicity but does not have a Total Maximum Daily Load (TMDL)[1].

Jamul Indian Village has not established approved water quality standards. The boundary of the Jamul Indian Village is located approximately 150 feet from the WWTP. The remainder of Willow Creek, Olive Vista Creek, Jamul Creek, and Lower Otay Lake are outside of the Jamul Indian Village, in California. Discharges from the WWTP flow downstream to waters subject to the approved California water quality standards set forth in the Water Quality Control Plan for the San Diego Basin (Basin Plan)[2].

V. DESCRIPTION OF DISCHARGE

The discharge consists of tertiary treated wastewater from the Jamul Hotel and Casino. Treatment methods for the wastewater include bar screens, MBR, RO, UV, and chlorination.

The facility has not discharged since obtaining an NPDES permit in 2017. All excess wastewater that has not been reclaimed for reuse has been trucked off-site to a City of San Diego disposal facility. Thus, the permittee has not provided no data related to discharges to surface waters.

Under the previous permit, the facility's average design flow was 0.068 MGD. With the facility's expansion, the average design flow has increased to 0.15 MGD. As described above, the facility is optimized to reuse treated effluent and only the excess is anticipated to be discharged to surface waters; therefore, the discharge volume is not expected to reach design flow levels when reuse occurs. However, given the volume increase for the facility's wastewater processing capacity, there is a higher likelihood of treated discharge to Willow Creek and downstream surface waters.

More information is available on Enforcement and Compliance History Online (ECHO) at https://echo.epa.gov/detailed-facility-report?fid=110071288261&ej_type=sup&ej_compare=US.

VI. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

EPA has developed effluent limitations and monitoring requirements in the permit based on an evaluation of the technology used to treat the pollutant (i.e., "technology-based effluent limits") and the water quality standards applicable to the receiving water (i.e., "water quality-

[1] The Waterbody Report from "How's My Waterway?" can be found at the following link: https://mywaterway.epa.gov/waterbody-report/CA_SWRCB/CAR9103300020081031153832/2022. This information was obtained on October 27, 2023.
[2] The Basin Plan can be found at the following link: http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml.

based effluent limits"). EPA has established the most stringent of applicable technology-based or water quality-based standards in the permit, as described below.

A. Applicable Technology-Based Effluent Limitations

Publicly Owned Wastewater Treatment Systems (POTWs)

EPA developed technology-based treatment standards for municipal wastewater treatment plants in accordance with Section 301(b)(1)(B) of the CWA. The minimum levels of effluent quality attainable by secondary treatment for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), and pH, as defined in 40 CFR § 133.102, are listed below. Mass limits, as required by 40 CFR § 122.45(f), are included for BOD_5 and TSS, and are based on an average daily flow rate of 0.15 MGD.

BOD_5

Concentration-based Limits

30-day average – 30 mg/L
7-day average – 45 mg/L
Removal Efficiency – minimum of 85%

Mass-based Limits

30-day average – (30 mg/L)(0.15 MGD)(8.345 conversion factor) = 37.6 lbs/day
7-day average – (45 mg/L)(0.15 MGD)(8.345 conversion factor) = 56.3 lbs/day

TSS

Concentration-based Limits

30-day average – 30 mg/L
7-day average – 45 mg/L
Removal efficiency – Minimum of 85%

Mass-based Limits

30-day average – (30 mg/L)(0.15 MGD)(8.345 conversion factor) = 37.6 lbs/day
7-day average – (45 mg/L)(0.15 MGD)(8.345 conversion factor) = 56.3 lbs/day

pH

Instantaneous Measurement: 6.0 – 9.0 standard units (S.U.)

This secondary treatment standard for pH is superseded by more stringent water quality standards in the Basin Plan, as described in section VI.C.

B. Water Quality-Based Effluent Limitations

Water quality-based effluent limitations (WQBELs) are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard (40 CFR § 122.44(d)(1)).

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water (40 CFR § 122.44(d)(1)(ii)).

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers' Manual* (Office of Water, U.S. EPA, September 2010). These factors include:

1. Applicable standards, designated uses and impairments of receiving water
2. Type of industry
3. Existing data on toxic pollutants

1. Applicable Standards, Designated Uses and Impairments of Receiving Water

Jamul Indian Village does not have approved water quality standards. The discharge of treated wastewater from the WWTP flows downstream to waters subject to the approved California water quality standards set forth in the Basin Plan. EPA has applied water quality standards from the Basin Plan to develop permit limits.

The Basin Plan (page 2-62) establishes water quality criteria for the following beneficial uses in Jamul Creek (Hydrologic Unit Basin Number 10.33): Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PROC), Contact Water Recreation (REC-1), Non-contact Water Recreation (REC-2), Preservation of Biological Habitats of Special Significance (BIOL), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD).

Applicable water quality standards establish water quality criteria for the protection of aquatic wildlife from acute and chronic exposure to certain metals that are hardness dependent, with a "cap" of 400 mg/l.

Jamul Creek is listed as impaired for toxicity but does not have a Total Maximum Daily Load (TMDL)[3].

2. Type of Industry

For POTWs, typical pollutants of concern in untreated and treated domestic wastewater include ammonia, nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. Chlorine and turbidity may also be of concern due to treatment plant operations. The influent to the facility is domestic wastewater, and no industrial sources discharge to the facility. The SIC code for this facility is 4952 (Sewage Systems).

[3] The Waterbody Report from "How's My Waterway?" can be found at the following link: https://mywaterway.epa.gov/waterbody-report/CA_SWRCB/CAR9103300020081031153832/2022. This information was obtained on October 27, 2023.

3. Existing Data on Toxic Pollutants and Reasonable Potential Analysis

The facility has not discharged; therefore, no discharge of effluent has been reported during the previous permit term and data on toxic pollutants is not available for the facility. However, the permittee provided expected effluent concentrations based on information known about the treatment systems at the facility.

For pollutants with the expected effluent concentrations available, EPA has conducted a reasonable potential analysis based on statistical procedures outlined in EPA's *Technical Support Document for Water Quality-based Toxics Control* herein after referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set. The projected maximum effluent concentrations were estimated using a coefficient of variation and the 99 percent confidence interval of the 99th percentile based on an assumed lognormal distribution of daily effluent values (sections 3.3.2 and 5.5.2 of EPA's TSD). EPA calculated the projected maximum effluent concentration for each pollutant using the following equation:

Projected maximum concentration = C_e × *reasonable potential multiplier factor.*

Where, "C_e" is the reported maximum effluent value and the multiplier factor is obtained from Table 3-1 of the TSD.

Table 1. Summary of Reasonable Potential Statistical Analysis.

Parameter[(1)]	Maximum Observed Concentration	*n*	RP Multiplier	Projected Maximum Effluent Concentration	Most Stringent Water Quality Criterion	Statistical Reasonable Potential?
Total Dissolved Solids	500 mg/L	1	13.2	6600 mg/L	450 mg/L	Y
Nitrate	10 mg/L	1	13.2	132 mg/L	45 mg/L	Y
Total Coliform	2.2 MPN/100 mL	1	13.2	29.04 MPN/100 mL	2.2 MPN/100 mL	Y
Turbidity	0.2 NTU	1	13.2	2.64 NTU	20 NTU	N

[(1)] For purposes of RP analysis, only pollutants included in the permittee's application package are included in this analysis.

C. Rationale for Numeric Effluent Limits and Monitoring

EPA evaluated the typical pollutants expected to be present in the effluent and selected the most stringent of applicable technology-based standards or water quality-based effluent limitations. Where effluent concentrations of toxic parameters are unknown or are not

reasonably expected to be discharged in concentration that have the reasonable potential to cause or contribute to water quality violations, EPA may establish monitoring requirements in the permit. Where monitoring is required, data will be re-evaluated and the permit may be re-opened to incorporate effluent limitations as necessary.

Ammonia and Ammonia Impact Ratio

Treated and untreated domestic wastewater may contain levels of ammonia that are toxic to aquatic organisms. Ammonia is converted to nitrate during biological nitrification process, and then nitrate is converted to nitrogen gas through biological denitrification process. Due to the potential for ammonia to be present in sanitary wastewater at toxic levels and due to the conversion of ammonia to nitrate, effluent limitations are established using the Ammonia Impact Ratio ("AIR") for all facilities. This permit retains the effluent monitoring for ammonia and effluent limitation for AIR from the previous permit.

The AIR is calculated as the ratio of the ammonia value in the effluent to the applicable ammonia water quality standard. The Final Aquatic Life Ambient Water Quality Criteria for Ammonia[4] contain ammonia criteria which are pH- and temperature-dependent. Therefore, pH, temperature, and ammonia sampling must be concurrent. See Attachment D of the permit for a sample log to help calculate and record the AIR values and Attachment E for applicable water quality criteria.

The permittee also must monitor and report ammonia effluent values in addition to the AIR value. AIR provides more flexibility than a specific, fixed effluent concentration and is protective of water quality standards since the value is set relative to the water quality standard. If the reported value exceeds the AIR limitation, then the effluent ammonia-N concentration exceeded the ammonia water quality criterion.

BOD_5 and TSS

Limits for BOD_5 and TSS are established for POTWs as described above and are incorporated into the permit. Under 40 CFR Section 122.45(f), mass limits are also required for BOD_5 and TSS. Mass-based limits based on the design flow are included in the permit.

Dissolved Oxygen

The Basin Plan establishes standards for minimum dissolved oxygen. Dissolved oxygen levels shall not be less than 5.0 mg/l in inland surface waters with designated WARM beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7 mg/l more than 10% of the time. The permit retains a minimum daily dissolved oxygen limit of 5.0 mg/l to be measured once per month.

Total Coliform

[4] EPA's 2013 Final Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater can be found at the following link: https://www.federalregister.gov/documents/2013/08/22/2013-20307/final-aquatic-life-ambient-water-quality-criteria-for-ammonia-freshwater-2013#:~:text=EPA%27s%20national%20recommended%20final%20acute%20ambient%20water%20quality,TAN%20at%20pH%207.0%20and%20temperature%2020%20%C2%B0C.

EPA is aware that the permittee may opt to re-use some of the treated wastewater from the facility. EPA has chosen to apply California (Title 22) disinfection standards for the re-use of wastewater as a protective measure. For spray irrigation of food crops, parks, playgrounds, schoolyards, and other areas of public access, wastewater must be adequately disinfected, oxidized, coagulated, clarified, and filtered. Title 22 § 60301.230(b) requires that for "disinfected tertiary recycled water" the median concentration of total coliform bacteria measured in the disinfected effluent must not exceed a most probable number (MPN) of 2.2 per 100 mL as a 7-day median and the number of total coliform bacteria must not exceed an MPN of 23 per 100 mL in more than one sample in any 30-day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 mL.

The reasonable potential analysis, summarized in Table 1, demonstrated a potential to exceed water quality standards for total coliform. Therefore, the permit contains an average weekly total coliform limit of 2.2 MPN per 100 mL with monitoring once per week. Given the frequency of monitoring, EPA notes that compliance with this weekly average also ensures compliance with all other standards described above, including the less-stringent fecal coliform standards from the Basin Plan. Although the limit for total coliform required in the permit is analogous to Title 22 standards, EPA is not including effluent limits in the permit to demonstrate full compliance with California Title 22 disinfection standards.

Flow

No limits have been established for flow, but flow rates must be monitored and reported. Continuous monitoring has been retained.

Nitrate

Treated and untreated domestic wastewater may contain levels of ammonia that are toxic to aquatic organisms. Ammonia is converted to nitrate during biological nitrification process, and then nitrate is converted to nitrogen gas through biological denitrification process.

Table 3-4 of the Basin Plan lists the nitrate maximum contaminant level (MCL) as 45 mg/L (as NO_3) for the protection of MUN designated uses. Ammonia may be present in the sanitary sewer and convert to nitrate. The reasonable potential analysis (Table 1) demonstrated a potential to exceed water quality standards for nitrate. Therefore, a maximum daily effluent limitation of 45 mg/L for nitrate (as NO_3) has been retained.

Nitrogen (Total)

The Basin Plan states that threshold values have not been set for nitrogen compounds. Nitrogen is a common pollutant in wastewater discharges and could result in exceedances of water quality standards; therefore, monitoring for total nitrogen has been retained in the permit.

Oil and Grease

The Basin Plan identifies that waters shall not contain oils, greases, waxes, or other materials. The permit contains an effluent limit and monitoring requirements to evaluate compliance with the limit prohibiting discharge of oils and greases.

pH

The Basin Plan requires that a pH of 6.5-8.5 must be met at all times. This is more stringent than technology-based requirements for pH, therefore, this limit is retained in the permit.

Phosphorus (Total)

The Basin Plan states that a desired goal to help protect beneficial uses appears to be 0.1 mg/l total phosphorous (P). Phosphorus is a common pollutant in wastewater discharges and could result in exceedances of water quality standards; therefore, monitoring for phosphorus has been retained in the permit.

Temperature

As mentioned, Jamul Hotel and Casino uses some recycled water for cooling before that water re-enters the WWTP. Cooling water samples average 75 degrees before entering the WWTP. Therefore, monitoring for temperature has been retained in the permit.

Total Dissolved Solids

The Basin Plan states that the recommended secondary drinking water standard for total dissolved solids (TDS) is 500 mg/L with an upper limit of 1000 mg/L due to taste considerations. High total dissolved solids concentrations in irrigation waters can be deleterious to plants directly, or indirectly through adverse effects on soil permeability. The facility produces reclaimed wastewater from the hotel and casino and may reuse it for cooling, toilet flushing, and landscape irrigation. TDS may be a concern for reclaimed water. In addition, the reasonable potential analysis demonstrated a potential to exceed water quality standards for TDS. Therefore, an effluent limit for TDS has been retained in the permit.

Total Residual Chlorine

As mentioned previously, the facility utilizes sodium hypochlorite for disinfection. Although the Basin Plan does not specify a maximum concentration of total residual chlorine, EPA approved water quality standards may be applied. U.S. Fish and Wildlife previously noted that live oak trees just downstream of the discharge depend on microbiota in the soil which could be impacted by discharges of chlorine. EPA's National Recommended Water Quality Criteria for chlorine in freshwater are 19 µg/l (acute) and 11 µg/l (chronic). These criteria are retained as maximum daily and average monthly effluent limits, respectively, in the permit with no allowance for dilution.

Turbidity

The Basin Plan states that inland surface waters should not exceed 20 NTU more than 10% of the time during any one-year period. The facility produces reclaimed wastewater from the hotel and casino and may reuse it for cooling, toilet flushing, and landscape irrigation. Since turbidity may be a concern for reclaimed water, an effluent limit for turbidity has been retained in the permit. The numeric effluent limit was updated to 20 NTU to reflect the applicable criteria for inland surface waters from the Basin Plan.

Priority Pollutant Scan and Chronic Toxicity

Priority pollutant and chronic toxicity monitoring requirements are described below in Part VIII. B and C, respectively.

The effluent shall be free of toxicity. This permit retains effluent limits and monitoring for chronic toxicity.

The Basin Plan states that all waters shall be maintained free of toxic substances. As mentioned previously, Jamul Creek (which is approximately 3.6 miles downstream from the WWTP) is impaired for toxicity but does not have a TMDL. The permit retains effluent limits and monitoring for chronic toxicity to attain the Basin Plan criteria for toxicity.

D. Anti-Backsliding

Section 402(o) and 303(d)(4) of the CWA and 40 CFR § 122.44(l)(1) prohibits the renewal or reissuance of an NPDES permit that contains effluent limits and permit conditions less stringent than those established in the previous permit, except as provided in the statute and regulation.

The permit establishes an effluent limit for turbidity of 20 NTU. In the previous permit, the effluent limit was 2 NTU, which EPA has determined was a typographical or technical error. A permit may be reissued with a less stringent effluent limitation the limitation in the previous permit was a mistake, in accordance with Section 402(o)(2)(B)(ii) of the CWA. The Basin Plan states that inland surface waters should not exceed 20 NTU more than 10% of the time during any one-year period. Therefore, EPA made a correction to establish 20 NTU as the effluent limit for turbidity.

E. Antidegradation

The objective of the CWA is to restore and maintain the integrity of waters. CWA § 101(a). Water quality standards include an antidegradation component to maintain quality where the quality of waters equals or exceeds levels necessary to protect the designated uses. CWA § 303(d)(4). For all waters, existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. 40 CFR § 131.12(a)(1). Where the quality of a receiving water exceeds levels necessary to support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected except in accordance with the applicable Antidegradation Policy. 40 CFR § 131.12(a)(2).

The quality of the receiving waters for effluent from the WWTP does not exceed levels necessary to support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water. Permit limits for this discharge must protect and maintain the level of water quality necessary to protect the existing uses. EPA developed permit limits based on criteria in the Basin Plan that were developed to protect the existing uses in Jamul Creek.

The permittee has completed an expansion of the WWTP which increased the average design flow from 0.068 MGD to 0.15 MGD, which may increase the volume of the discharge by up to 82,000 gallons per day (GPD) on average. However, as described above, the treated wastewater is used for recycled purposes and only the excess is anticipated to be discharged to surface

waters. Due to the potential increased flow volume, EPA converted effluent limits for total dissolved solids and nitrate to mass-based limits to prevent an increase in the discharged amount of these two pollutants. These limits are intended to meet Basin Plan criteria for these pollutants, which were developed to maintain and protect existing uses.

In this permit EPA also changed the effluent limit for turbidity because the previous permit contained a typographical error. The limit for turbidity is based on Basin Plan criteria, which were developed to maintain and protect existing uses.

VII. OTHER LIMITATIONS

The permit contains other limitations in Part I.A necessary to meet water quality standards in the receiving waters, as required by the Basin Plan and Section 301(b)(1)(C) of the CWA.

VIII. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequencies specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data are insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where effluent limits have not been established.

A. Effluent Monitoring and Reporting

The permittee shall conduct effluent monitoring to evaluate compliance with the permit conditions. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR § 136, unless otherwise specified in the permit. All monitoring data shall be reported on monthly DMRs and submitted quarterly as specified in the permit. All monitoring data shall be electronically reported via DMR forms on EPA's Central Data Exchange (CDX) and submitted as specified in the permit.

B. Priority Toxic Pollutants Scan

A Priority Toxic Pollutants scan shall be conducted annually to ensure that the discharge does not contain toxic pollutants in concentrations that may cause a violation of water quality standards. The permittee must conduct the priority pollutants scan concurrently with a whole effluent toxicity testing. Permit Attachment F provides a complete list of Priority Toxic Pollutants, including identifying the volatile compounds that should be collected via grab sample procedures. The permittee shall perform all effluent sampling and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR § 136, unless otherwise specified in the permit or by EPA. A complete list of Priority Toxic Pollutants is provided at 40 CFR § 131.36.

C. Whole Effluent Toxicity (WET) Requirements

The permit must contain requirements necessary to attain a specified water quality. (40 CFR § 122.44(d)(2)). Jamul Creek is impaired for toxicity and is not attaining the specified water quality. The permit contains a limit for chronic toxicity that is necessary to attain the specified water quality for Jamul Creek. Monitoring and reporting for chronic toxicity are required, so that effluent toxicity can be assessed for the permitted discharge (see Part I, Table 2 in NPDES permit).

The CWA requires that all waters be suitable for aquatic life, which includes the protection and propagation of fish, shellfish, and wildlife. As evidence that CWA requirements protecting aquatic life from chronic and acute toxicity are met in surface waters receiving the NPDES discharge, samples are collected from the effluent and tested for toxicity in a laboratory using EPA's WET methods. These aquatic toxicity test results are used to determine if the NPDES effluent causes toxicity to aquatic organisms. Toxicity testing is important because for scores of individual chemicals and compounds, chemical-specific environmentally protective levels for toxicity to aquatic life have not been developed, or set as water quality standards. In due course, some such chemicals and compounds can eventually make their way into effluents and their receiving surface waters. When this happens, toxicity tests of effluents can demonstrate toxicity due to present, but unknown, toxicants (including possible synergistic and additive effects), signaling a water quality problem for aquatic life.

EPA's WET methods are systematically-designed to expose sensitive life stages of a test species (e.g., fish, invertebrate, algae) to both an NPDES effluent sample and a control sample. During the toxicity test, the test organism may show a difference in biological response, such as; eggs not fertilized, early life stages that grow too slowly or abnormally, or death. At the end of a toxicity test, the different biological responses of the organisms in the effluent group and the organisms in the control group are summarized using common descriptive statistics (e.g., means, standard deviations, coefficients of variation). The effluent and control groups are then compared using an applicable inferential statistical approach (i.e., hypothesis testing or point estimate model) chosen by the permitting authority and specified in the NPDES permit. The chosen statistical approach is compatible with both the experimental design of the WET method and the applicable toxicity water quality standard. Based on this statistical comparison, a toxicity test will demonstrate that the effluent is either toxic or not toxic, in relation to the permit's toxicity limit for the effluent. EPA's WET methods are specified under 40 CFR § 136 and/or in applicable water quality standards.

In the permit, EPA requires the permittee to analyze WET test data using the Test of Significant Toxicity (TST) statistical approach. This statistical approach is described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-003, 2010; TST Technical Document) and Denton DL, Diamond J, and Zheng L. 2011. Test of significant toxicity: A statistical application for assessing whether an effluent or site water is truly toxic. *Environ Toxicol Chem* 30:1117-1126. This statistical approach supports important choices made within a toxicity laboratory which favor quality data and EPA's intended levels for statistical power when true toxicity is statistically determined to be unacceptably high (≥ 25 Percent Effect (PE)), or acceptably low (< 10 PE). Example choices are practices supporting healthy test organisms, increasing the minimum recommended replication

component of the WET method's experimental design (if needed), technician training, etc. TST results do not often differ from other EPA-recommended statistical approaches using hypothesis testing (Diamond D, Denton D, Roberts J, Zheng L. 2013. Evaluation of the Test of Significant Toxicity for determining the toxicity of effluents and ambient water samples. *Environ Toxicol Chem* 32:1101-1108.). The TST maintains EPA's desired low false positive rate for WET methods—the probability of declaring toxicity when true toxicity is acceptably low ≤ 5%—when quality toxicity laboratories conduct toxicity tests (TST Technical Document; Fox JF, Denton DL, Diamond J, and Stuber R. 2019. Comparison of false-positive rates of 2 hypothesis-test approaches in relation to laboratory toxicity test performance. *Environ Toxicol Chem* 38:511-523.). Note: The false positive rate is a long-run property for the toxicity laboratory conducting a WET method. A low false positive rate is indicted by a low long-run toxicity laboratory control coefficent of variation for the test species/WET method, using a minimum of 30 to 50 toxicity tests.

EPA is using a test species/chronic short-term WET method and a discharge Instream Waste Concentration (IWC) representing conservative assumptions for effluent dilution necessary to protect receiving water quality. The IWC is a discharge-specific term based on the permit's authorized mixing zone or initial dilution. Generally, the dilution model result "S" from Visual Plumes/Cormix is used. S is the volumetric dilution factor, i.e. 1 volume effluent is diluted with S − 1 volumes surface water) = [(Ve + Va) / Ve]. Following the mass balance equation, if the dilution ratio D = Qs / Qe, then [(Qe + Qs) / Qe] = 1 + D = S.

For this discharge, S = 1 (i.e., no authorized dilution). The discharge-specific IWC = 1 to 1 dilution (1:1, 1/1) = 100% effluent. The IWC made by the toxicity laboratory is mixed as 1 part solute (i.e., effluent) to 0 parts dilutant (1: (1 – 1)) for a total of 1 part.

The TST's null hypothesis for chronic toxicity (H_o) is: In-stream Waste Concentration (IWC) mean response (% effluent) ≤ 0.75 Control mean response. The TST's alternative hypothesis is (H_a): IWC mean response (% effluent) > 0.75 Control mean response. For this permit, results obtained from a single chronic toxicity test are analyzed using the TST statistical approach, where the required chronic toxicity IWC for Discharge Point Number 001 is 100% effluent.

For NPDES samples for toxicity testing, the sample hold time begins when the 24-hour composite sampling period is completed (or the last grab sample in a series of grab samples is taken) and ends at the first time of sample use (initiation of toxicity test). 40 CFR § 136.3(e) states that the WET method's 36-hour hold time cannot be exceeded unless a variance of up to 72-hours is authorized by EPA.

For POTWs, it is not practicable (40 CFR § 122.45(d)) for EPA to set an average (median) weekly effluent limit, in lieu of a maximum daily effluent limit. This is because discharges of unacceptable toxicity—true chronic toxicity ≥ 25 PE, the TST's chronic toxicity RMD—are not adequately restricted by two effluent limits (median weekly and median monthly) each using a median of up to 3 toxicity test results. Under such limits, a highly toxic (chronic, acute) discharge could occur with no restriction. Moreover, using two such median limits further

decreases the probability that an effluent with unacceptable toxicity will be caught, resulting in a permitted discharge which under-protects the aquatic life from unacceptable chronic toxicity.

Species sensitivity screening has been incorporated into this permit (See Endnote 5 on Part I, Table 2 in NPDES permit). After the most sensitive species is identified, chronic toxicity tests are required with only the most sensitive species.

IX. SPECIAL CONDITIONS

A. Biosolids

Standard requirements for the monitoring, reporting, recordkeeping, and handling of biosolids in accordance with 40 CFR § 503 are incorporated into the permit. The permit also includes, for permittees who are required to submit biosolids annual reports, which include major POTWs that prepare sewage sludge and other facilities designated as "Class 1 sludge management facilities," electronic reporting requirements. Permittees shall submit biosolids annual reports using EPA's NPDES Electronic Reporting Tool ("NeT") by February 19th of the following year.

B. Pretreatment

EPA has established pretreatment standards to prevent the introduction of pollutants into POTWs which will interfere with or pass through the treatment works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges (Section 307 of the CWA). EPA requires any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 MGD and receiving from nondomestic sources pollutants which pass through or interfere with the operations of the POTW or are otherwise subject to pretreatment standards to establish a pretreatment program.

There are no nondomestic facilities discharging pollutants which pass through or interfere with the operations of this POTW, or which are otherwise subject to pretreatment standards. Therefore, there are no pretreatment requirements in this permit.

C. Capacity Attainment and Planning

To ensure EPA is made aware of potential wastewater treatment capacity attainment issues, the permit requires that a written report be filed 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.

D. Development and Implementation of Best Management Practices

Pursuant to 40 CFR § 122.44(k)(4), EPA may impose Best Management Practices (BMPs) which are "reasonably necessary…to carry out the purposes of the Act." The pollution prevention requirements or BMPs in the permit operate as technology-based limitations on effluent discharges that reflect the application of Best Available Technology and Best Control Technology. Therefore, the permit requires that the permittee develop (or update) and

implement appropriate pollution prevention measures or BMPs designed to prevent pollutants from the facility from entering receiving waters.

E. Asset Management

40 CFR § 122.41(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. USEPA published a guide entitled Incorporating Asset Management Planning Provisions into NPDES Permits (December 2014) that directs Municipalities "to manage their aging sewer and stormwater systems at a time of urban population growth, more stringent water quality protection requirements, and increased exposure" to risks. Asset management planning provides a framework for setting and operating quality assurance procedures and ensuring the permittee has sufficient financial and technical resources to continually maintain a targeted level of service. The permittee shall develop an Asset Management Plan that considers short-and long-term vulnerabilities of collection systems, facilities, treatment systems, and outfalls. Intent is to ensure facility operations are not disrupted and compliance with permit conditions is achieved. Asset management requirements have been established in the permit to ensure compliance with the provisions of 40 CFR § 122.41(e).

F. Contaminants of Emerging Concern

As mentioned previously, discharge from the WWTP flows to Jamul Creek which runs through the Rancho Jamul Ecological Reserve (RJER). Farther downstream the flows are captured in the Otay Reservoirs, which are part of San Diego's municipal water supply. The RJER connects the San Diego National Wildlife Refuge managed by the US Fish and Wildlife Service (USFWS) to the northwest, County and City (San Diego, Chula Vista) open space lands to the west, the Bureau of Land Management (BLM) public lands to the south, and CDFW's Hollenbeck Canyon Wildlife Area, to the east. Preserved land continuity is necessary to preserve large contiguous home-range territories required by species such as mountain lion, American badger and golden eagle, as well as protecting migration corridors and genetic linkages necessary to keep gene pools from bottlenecking, isolating subpopulations and making them vulnerable to threats such as wildfires and drought.

Due to the discharge's potential to impact the RJER and the municipal water supply, EPA has included additional requirements to ensure that the health of the reserve is not adversely impacted by the discharge. These requirements include a Contaminants of Emerging Concern (CEC) Study. The CEC study requires quarterly testing for one year for pollutants identified by the Southern California Coastal Water Research Project ("SCCWRP") as recommended for initial monitoring in freshwater. The details of this study are outlined in Part II.C of the permit.

X. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency does not

jeopardize the continued existence of a listed or candidate species, or result in the destruction or adverse modification of its habitat. EPA's reissuance of the permit pursuant to Section 402 of the Clean Water Act is subject to Section 7 of the Endangered Species Act. Consultation is required for actions that EPA has determined may affect threatened or endangered species or critical habitat. 50 C.F.R. § 402.14(a).

EPA has determined that reissuance of the permit may affect, but is not likely to adversely affect, three listed bird species, one reptile species, one amphibian species, and one crustacean species, as well as the critical habitats of two listed bird species and two listed insect species. Therefore, consultation with the U.S. Fish and Wildlife Service (USFWS) is required.

Action Area

The action area for reissuance of the permit is defined as the WWTP and the following waterways downstream of the facility:

- Willow Creek extending to its confluence with Olive Vista Creek
- Olive Vista Creek extending to its confluence with Jamul Creek
- Jamul Creek extending to its confluence with Dulzura Creek

The action area does not include the stretch of Jamul Creek downstream of Dulzura Creek, as discharge from the facility would be so diluted by this point that any effects would be purely speculative.

Species List

The Information for Planning and Conservation (IPaC) website for the USFWS Carlsbad office (see https://ipac.ecosphere.fws.gov/) generated an Official Species List on August 19, 2025 which identifies all proposed (P), candidate (C), threatened (T) and endangered (E) species and critical habitat that may occur in the vicinity of the Jamul Casino WWTP discharge and the receiving water, Willow Creek. The listed species are provided in Table 2.

Table 2. Listed Species, Designated under the U.S. Endangered Species Act.

Type	Common Name	Scientific Name	Status	Critical Habitat	EPA Species Determination	EPA Critical Habitat Determination
Birds	Light-footed Ridgway's Rail	*Rallus obsoletus levipes*	E	No	No effect	N/A
	Coastal California Gnatcatcher	*Polioptila californica californica*	T	Yes	May affect, but not likely to adversely affect	May affect, but not likely to adversely affect
	Least Bell's Vireo	*Vireo bellii pusillus*	E	Yes	May affect, but not likely to adversely affect	May affect, but not likely to adversely affect
	Southwestern Willow Flycatcher	*Empidonax traillii extimus*	E	Yes[(1)]	May affect, but not likely to adversely affect	No effect
Reptiles	Southwestern Pond Turtle	*Actinemys pallida*	P	No	May affect, but not likely to adversely affect	N/A

Type	Common Name	Scientific Name	Status	Critical Habitat	EPA Species Determination	EPA Critical Habitat Determination
Amphibians	Arroyo (=arroyo Southwestern) Toad	*Anaxyrus californicus*	E	Yes[2]	No effect	No effect
	Western Spadefoot	*Spea hammondii*	P	No	May affect, but not likely to adversely affect	N/A
Crustaceans	San Diego Fairy Shrimp	*Branchinecta sandiegonensis*	E	Yes[3]	May affect, but not likely to adversely affect	No effect
Flowering Plants	Mexican Flannelbush	*Fremontodendron mexicanum*	E	Yes[4]	No effect	No effect
	Otay Tarplant	*Deinandra (=Hemizonia) conjugens*	T	Yes[5]	No effect	No effect
	San Diego Ambrosia	*Ambrosia pumila*	E	Yes[6]	No effect	No effect
	San Diego Thornmint	*Acanthomintha ilicifolia*	T	Yes[7]	No effect	No effect
	California Orcutt Grass	*Orcuttia californica*	E	No	No effect	N/A
	San Diego Button-celery	*Eryngium aristulatum var. parishii*	E	No	No effect	N/A
	Spreading Navarretia	*Navarretia fossalis*	T	Yes[8]	No effect	No effect
	Nevin's Barberry	*Berberis nevinii*	E	Yes[9]	No effect	No effect
Insects	Quino Checkerspot Butterfly	*Euphydryas editha quino (=E. e. wrighti)*	E	Yes	No effect	May affect, but not likely to adversely affect
	Hermes Copper Butterfly	*Lycaena hermes*	T	Yes	No effect	May affect, but not likely to adversely affect
	Monarch Butterfly	*Danaus plexippus*	P	Proposed[10]	No effect	No effect

(1) Southwestern willow flycatcher critical habitat has been designated northwest of the facility near Rancho San Diego, CA (https://ecos.fws.gov/ecp/species/B094?#crithab). This critical habitat is not located in the action area.

(2) Arroyo toad critical habitat has been designated northeast of the facility near Dehesa, CA and southeast of the facility near Barrett Junction, CA (https://ecos.fws.gov/ecp/species/D020?#crithab). This critical habitat is not located in the action area.

(3) San Diego fairy shrimp critical habitat has been designated south of the facility near Lower Otay Lake (https://ecos.fws.gov/ecp/species/K049?#crithab). This critical habitat is not located in the action area.

(4) Mexican flannelbush critical habitat has been designated south of the facility in the Otay Mountain Wilderness (https://ecos.fws.gov/ecp/species/Q2OZ?#crithab). This critical habitat is not located in the action area.

(5) Otay tarplant critical habitat has been designated west of the facility near Sweetwater Reservoir (https://ecos.fws.gov/ecp/species/Q0YQ?#crithab). This critical habitat is not located in the action area.

(6) San Diego ambrosia critical habitat has been designated northwest of the facility near Rancho San Diego, CA (https://ecos.fws.gov/ecp/species/Q01H?#crithab). This critical habitat is not located in the action area.
(7) San Diego thornmint critical habitat has been designated east of the facility in unincorporated San Diego County and northeast of the facility near Dehesa, CA (https://ecos.fws.gov/ecp/species/Q00E?#crithab). This critical habitat is not located in the action area.
(8) Spreading navarretia critical habitat has been designated west of the facility near Sweetwater Reservoir and southwest of the facility near Lower Otay Lake (https://ecos.fws.gov/ecp/species/Q2E7?#crithab). This critical habitat is not located in the action area.
(9) Nevin's barberry critical habitat has been designated in and near the Cleveland National Forest in Riverside County (https://www.govinfo.gov/content/pkg/FR-2008-02-13/pdf/08-523.pdf#page=1). This critical habitat is not located in the action area.
(10) Monarch butterfly critical habitat has been designated in coastal counties of California from Ventura and northward (https://www.govinfo.gov/content/pkg/FR-2024-12-12/pdf/2024-28855.pdf#page=1). This critical habitat is not located in the action area.

Evaluation

EPA evaluated the species list as follows to determine whether any of these species would be found in the action area and to determine whether species in the action area may be affected by reissuance of the permit.

Birds

The **light-footed Ridgway's rail** (*Rallus obsoletus levipes*) is a hen-sized marsh bird that is found in Southern California and Mexico (https://www.fws.gov/story/light-footed-ridgways-rail). This species uses southern California coastal salt marshes, lagoons, and their maritime environments. These birds nest in the lower littoral zone of coastal salt marshes where dense stands of cordgrass are present. They require shallow water and mudflats for foraging, with adjacent higher vegetation for cover during high water. The action area does not appear to contain suitable habitat for the light-footed Ridgway's rail. Therefore, the light-footed Ridgway's rail is not believed to the present in the action area. For these reasons, EPA has determined that the discharge from the treatment plant would have no effect on the light-footed Ridgway's rail. No critical habitat has been designated for this species by the USFWS.

The **southwestern willow flycatcher** (*Empidonax traillii extimus*) is a small insectivorous bird species found in the Southwestern United States, including southern portions of California (https://ecos.fws.gov/ecp/species/6749). This bird species requires microclimatic and vegetative conditions, and breeds only in dense riparian vegetation near surface water or saturated soil (https://www.nps.gov/articles/southwestern-willow-flycatcher.htm). The action area may contain habitat suitable for the southwestern willow flycatcher. This bird species may ingest insects in the receiving water, as well as drink from the receiving water. However, any contact individuals of this species may have with Willow Creek, Olive Vista Creek, or Jamul Creek would be incidental and result in minimal exposure to the discharge from the treatment plant. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the southwestern willow flycatcher. The action area does not contain critical habitat for this species. For this reason, EPA has determined that the

discharge from the treatment plant would have no effect on the southwestern willow flycatcher's critical habitats.

The **coastal California gnatcatcher** (*Polioptila californica californica*) is a small insectivorous bird species found in coastal Southern California and Baja California, Mexico (https://www.fws.gov/species/coastal-california-gnatcatcher-polioptila-californica-californica). This gnatcatcher can typically be found in or near coastal sage scrub (https://www.fws.gov/story/coastal-california-gnatcatcher). The action area may contain habitat suitable for the coastal California gnatcatcher. This bird species may ingest insects in the receiving water, as well as drink from the receiving water. However, any contact individuals of this species may have with Willow Creek, Olive Vista Creek, or Jamul Creek would be incidental and result in minimal exposure to the discharge from the treatment plant. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the coastal California gnatcatcher. The action area does, however, contain critical habitat for the coastal California gnatcatcher (discussed in the Critical Habitat section).

The **least Bell's vireo** (*Vireo bellii pusillus*) is a small insectivorous bird species found in coastal areas along Central and Southern California, as well as northern Baja California, Mexico (https://www.fws.gov/species/least-bells-vireo-vireo-bellii-pusillus). Its breeding habitat is primarily willow-dominated riparian woodlands, although it also forages and sometimes nests in neighboring mulefat scrub, oak woodlands, and chaparral. In the desert, this species is also found in mesquite thickets and, in general, areas where there is arid land with usually sparse vegetation. The action area may contain habitat suitable for the least Bell's vireo. This bird species may ingest insects in the receiving water, as well as drink from the receiving water. However, any contact individuals of this species may have with Willow Creek, Olive Vista Creek, or Jamul Creek would be incidental and result in minimal exposure to the discharge from the treatment plant. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the least Bell's vireo. The action area does, however, contain critical habitat for the least Bell's vireo (discussed in the Critical Habitat section).

Reptiles

The **southwestern pond turtle** (*Actinemys pallida*) is medium in size and found in central and southern California, as well as Baja California, Mexico (https://www.govinfo.gov/content/pkg/FR-2023-10-03/pdf/2023-21685.pdf#page=1). This species is omnivorous, consuming a wide variety of food including small aquatic invertebrates (insect larvae) and vertebrates (fish, tadpoles, and frogs), carrion, and plant material. Habitat needs for the southwestern pond turtle include: (1) aquatic features such as ponds, lakes, and streams for breeding, feeding, overwintering, sheltering, and dispersal; (2) basking sites for thermoregulation; and (3) terrestrial or upland features adjacent to the aquatic habitat for nesting, overwintering, and aestivation, and dispersal and connectivity between populations. The action area may contain habitat suitable for the southwestern pond turtle. However, the facility produces tertiary-treated effluent, and the permit contains effluent limits to protect aquatic life. Therefore, EPA has determined that the discharge from the treatment plant may

affect, but is not likely to adversely affect, the southwestern pond turtle. No critical habitat has been designated for this species by the USFWS.

Amphibians

The **arroyo toad** (*Anaxyrus californicus*) is a small, warty Anuran found along the central and southern coast of California to northwest of Baja California, Mexico. (https://www.fws.gov/species/arroyo-toad-anaxyrus-californicus). The diet of this toad species varies throughout its life cycle and includes algae, bacteria, protozoans, detritus, diatoms, ants, and small beetles. In general, arroyo toad habitat consists of narrow and shallow aquatic and riparian areas with slow moving water, as well as nearby upland areas that are not too widely dispersed. Typical aquatic habitats are bordered by low-elevation hills, scattered vegetation, and sandy, fine gravel, and pliable solids accompanied by rocks of varied size. Arroyo toads were not detected at any survey sites within the Otay River Basin during the 2002 and 2003 surveys conducted by the U.S. Geological Survey (USGS) (https://ecos.fws.gov/docs/five_year_review/doc2592.pdf). USGS also conducted habitat assessments at ten sites in the Otay River Basin, and only two of which were considered good-quality arroyo toad habitat while the rest contained either marginal or poor-quality habitat. The good-quality sites were at Sycamore Canyon and Otay Valley Regional Park, which are not located near the action area. The action area does not appear to contain suitable habitat for the arroyo toad. Therefore, the arroyo toad is not believed to the present in the action area. The action area also does not contain critical habitat for this species. For these reasons, EPA has determined that the discharge from the treatment plant would have no effect on the arroyo toad or its critical habitats.

The **western spadefoot** (*Spea hammondii*) is a small amphibian found in southern California and northwestern Mexico (https://www.govinfo.gov/content/pkg/FR-2023-12-05/pdf/2023-26579.pdf#page=1). Their diet includes small invertebrate prey. This species is primarily terrestrial and uses nearby aquatic habitat only for breeding and rearing. The terrestrial (upland) is primarily open grasslands, scrub, or mixed woodland and grassland on flat or gently rolling topography and provides areas for sheltering and foraging. The aquatic habitat required for breeding, egg laying, and tadpole and juvenile development is most often associated with vernal pool or other ephemeral wetland areas. However, this species is highly adaptable and uses many other types of ponded water features for breeding and rearing including any water feature such as ponded features within intermittent streams. The action area may contain habitat suitable for the western spadefoot. However, the facility produces tertiary-treated effluent, and the permit contains effluent limits to protect aquatic life. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the western spadefoot. No critical habitat has been designated for this species by the USFWS.

Crustaceans

The **San Diego fairy shrimp** (*Branchinecta sandiegonensis*) is a small aquatic crustacean found in Riverside, Orange, and San Diego counties in Southern California, as well as in northwestern Baja California, Mexico (https://www.fws.gov/species/san-diego-fairy-shrimp-branchinecta-sandiegonensis). This shrimp species feeds on algae, diatoms, and particulate

organic matter. San Diego fairy shrimp are generally restricted to vernal pools and other non-vegetated ephemeral basins that are between 2 and 12 inches in depth. The action area may contain habitat suitable for the San Diego fairy shrimp. However, the facility produces tertiary-treated effluent, and the permit contains effluent limits to protect aquatic life. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the San Diego fairy shrimp. The action area does not contain critical habitat for this species. Therefore, EPA has determined that the discharge from the treatment plant would have no effect on the San Diego fairy shrimp's critical habitats.

Flowering Plants

The range for the **California Orcutt grass** (*Orcuttia californica*) does not extend into the action area (https://www.fws.gov/species/california-orcutt-grass-orcuttia-californica). Therefore, the California Orcutt grass will not be affected by the discharge from the treatment plant. No critical habitat has been designated for this species by the USFWS.

Nevin's barberry (*Berberis nevinii*) occurs in restricted, localized populations in the interior foothills of Los Angeles, Riverside, and San Bernardino counties in California (https://www.govinfo.gov/content/pkg/FR-1998-10-13/pdf/98-26859.pdf#page=1). The action area is located in San Diego County. Therefore, Nevin's barberry will not be affected by the discharge from the treatment plant. Designated critical habitat for Nevin's barberry is located in and near the Cleveland National Forest in Riverside County. The action area does not contain critical habitat for this species. For these reasons, EPA has determined that the discharge from the treatment plant would have no effect on Nevin's barberry or its critical habitats.

The **San Diego thornmint** (*Acanthomintha ilicifolia*) is believed to be restricted to isolated patches of friable gabbro soils, which do not appear to be present in the action area (https://www.fws.gov/story/san-diego-thornmint; https://www.fws.gov/species/san-diego-thornmint-acanthomintha-ilicifolia). Therefore, the San Diego thornmint is not believed to be present in the action area and will not be affected by the discharge from the treatment plant.

Similarly, the action area does not appear to contain the typical open habitat where **San Diego ambrosia** (*Ambrosia pumila*) is normally found (https://www.fws.gov/story/san-diego-ambrosia). Therefore, the San Diego ambrosia is not believed to be present in the action area and will not be affected by the discharge from the treatment plant.

The **Mexican flannelbush** (*Fremontodendron mexicanum*) requires silty loam soils from metavolcanic and metabasic bedrock (San Miguel – Exchequer Association soil series) for seedling growth (https://www.federalregister.gov/documents/2006/10/03/06-8189/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-ceanothus). This particular soil is found about 2.5 miles east-southeast of the Kuebler Ranch headquarters on the Otay Mountain Truck Trail, which is lot located near the action area (https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SAN_MIGUEL.html). Therefore, the Mexican flannelbush is not believed to be present in the action area and will not be affected by the discharge from the treatment plant.

The **Otay tarplant** (*Deinandra [=Hemizonia] conjugens*) requires soils with a high clay content (generally greater than 25 percent) (https://www.govinfo.gov/content/pkg/FR-2002-12-10/pdf/02-30890.pdf#page=1). The action area does not appear to contain soils with the appropriate clay content required to support suitable habitat for the Otay tarplant (https://databasin.org/maps/new/#datasets=028d6dc1c4084aeb96099355da5bc84a). Therefore, the Otay tarplant is not believed to the present in the action area and will not be affected by the discharge from the treatment plant.

The **San Diego button-celery** (*Eryngium aristulatum var. parishii*) occurs in vernal pools of southwestern Riverside County and western San Diego County, California (https://www.govinfo.gov/content/pkg/FR-1991-11-12/pdf/FR-1991-11-12.pdf#page=29). Suitable habitat for the San Diego button-celery consists of seasonal (vernal) pools of shallow freshwater, which were probably never common, and with urban development have mostly been eliminated (FR Vol. 58, No. 147). For this reason, the action area does not appear to contain suitable habitat for the San Diego button-celery. Therefore, the San Diego button-celery is not believed to be present in the action area and will not be affected by the discharge from the treatment plant. No critical habitat has been designated for this species by the USFWS.

Similarly, the **spreading Navarretia** (*Navarretia fossalis*) grows in natural vernal pool habitat, seasonally flooded alkali vernal plain habitat, and man-made irrigation ditches and detention basins (https://www.govinfo.gov/content/pkg/FR-2009-06-10/pdf/E9-13013.pdf#page=1). A common feature of this species' habitat is its ephemerally wet, flooded, or ponded nature (i.e., habitat is wet for a portion of the year and dry the remainder of the year). Spreading Navarretia habitat relies on "fixed landscape features" that include (1) mounds of soil that are interspersed with depressed areas (basins) that harbor appropriate clay soils that provide ponding opportunities during winter and spring months; or (2) flood plain areas with alkali soils that drain slowly following winter and spring rains. The action area does not appear to contain seasonally flooded areas to support suitable habitat for this species. Therefore, the spreading Navarretia is not believed to be present in the action area and will not be affected by the discharge from the treatment plant.

None of the plant species on the IPaC list are believed to be present in the action area and the action area does not contain critical habitat for any of these species. For these reasons, EPA has determined that the action would have no effect on the Mexican flannelbush, Otay tarplant, California Orcutt grass, San Diego thornmint, San Diego ambrosia, San Diego button-celery, spreading Navarretia, and Nevin's barberry, or their critical habitats.

Insects

The **monarch butterfly** *(Danaus plexippus)* is a large bright-orange butterfly that is native to North America (https://www.govinfo.gov/content/pkg/FR-2024-12-12/pdf/2024-28855.pdf#page=1). Its range has expanded west as far as the islands in the Pacific Ocean and east as far as the Iberian Peninsula. However, over 90% of monarchs continue to live and migrate in North America. The species requires habitat with milkweed as a larval host plant and floral nectar sources for adults. During the breeding season for monarchs, adults lay their eggs on milkweed, and larvae emerge after 2 to 5 days. Larvae develop through five larval instars

(intervals between molts) over a period of 9 to 18 days, feeding on milkweed and sequestering toxic cardenolides as a defense against predators. The larva then pupates into a chrysalis before eclosing 6 to 14 days later as an adult butterfly. Monarchs in habitats with suitable winter climates (e.g., some areas in California and Florida) may breed year-round without migrating. Migratory monarchs in North America use overwintering habitat, where the adults cluster on trees. Western monarchs spend the fall and winter at tree groves along the California coast, northern Baja California, Mexico, and at a few inland sites in the Saline Valley of California. These groves are populated by a variety of tree species, including blue gum eucalyptus, Monterey pine, Monterey cypress, and others. In western North America, nectar and milkweed resources are often associated with riparian corridors, and milkweed may function as the principal nectar source for monarchs in more arid regions. Although the action area may contain habitat suitable for the monarch butterfly, this species is not aquatic dependent. Any contact individuals of these species may have with Willow Creek, Olive Vista Creek, or Jamul Creek would be incidental and result in minimal, if any, exposure to the discharge from the treatment plant. Therefore, the monarch butterfly will not be affected by the discharge from the treatment plant. The action area also does not contain critical habitat for this species. For these reasons, EPA has determined that the discharge from the treatment plant would have no effect on the monarch butterfly or its critical habitats.

The **Quino checkerspot butterfly** (*Euphydryas editha quino [=E. e. wrighti]*) is currently known to occur in western Riverside and San Diego counties, California, and northern Baja California, Mexico (https://fws.gov/species/quino-checkerspot-butterfly-euphydryas-editha-quino). Habitat for the Quino checkerspot butterfly is characterized by patchy shrub or small tree landscapes with openings of several meters between large plants, or a landscape of open swales alternating with dense patches of shrubs; such habitats are often collectively termed "scrublands" (https://www.fws.gov/story/quino-checkerspot-butterfly). Although the action area may contain habitat suitable for the Quino checkerspot butterfly, this species is not aquatic dependent. Any contact individuals of these species may have with Willow Creek, Olive Vista Creek, or Jamul Creek would be incidental and result in minimal, if any, exposure to the discharge from the treatment plant. Therefore, the Quino checkerspot butterfly will not be affected by the discharge from the treatment plant. The action area does, however, contain critical habitat for the Quino checkerspot butterfly (discussed in the Critical Habitat section).

The **Hermes copper butterfly** (*Lycaena hermes*) is a small-sized butterfly found in San Diego County, California and northwestern Baja California, Mexico (https://www.fws.gov/species/hermes-copper-lycaena-hermes). Occurrences of Hermes copper butterfly populations in the Jamul area were last recorded in 2003, 2004, and twice in 2007; two of these populations were presumed extirpated as of December 2021 (FR Vol. 86, No. 242). Although the two remaining observed populations were presumed extant as of December 2021, the Hermes copper butterfly was not detected during protocol surveys conducted by the Forensic Entomology Services in 2011, 2012, and 2013 in the action area and its vicinity. The Carlsbad Fish and Wildlife Office indicated the likelihood of this species occuring within the action area are very low given the developed nature of the site. Based on the best available information, it appears that this species does not occur within the action area. Although the action area contains critical habitat for the Hermes copper butterfly, it appears

that the action area no longer contains suitable conditions to support this species (i.e., has been developed) (https://ecos.fws.gov/ecp/species/I05C?#crithab). Therefore, the Hermes copper butterfly is not believed to be present in the action area and will not be affected by the discharge from the treatment plant. The action area does, however, contain critical habitat for the Hermes copper butterfly (discussed in the Critical Habitat section).

Critical Habitat

The physical and biological features (i.e., primary constituent elements) essential for the **coastal California gnatcatcher** include (1) Dynamic and successional sage scrub habitats: Venturan coastal sage scrub, Diegan coastal sage scrub, Riversidean sage scrub, maritime succulent scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub in Ventura, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties that provide space for individual and population growth, normal behavior, breeding, reproduction, nesting, dispersal and foraging; and (2) Non-sage scrub habitats such as chaparral, grassland, riparian areas, in proximity to sage scrub habitats that provide space for dispersal, foraging, and nesting. Threats to coastal sage scrub communities include agriculture, urbanization, drought, and frequent fires (https://www.fs.usda.gov/psw/publications/4403/Vegetative.pdf#:~:text=Sage%20scrub%20vegetation%20becomes%20quite%20dry%20and%20brittle,been%20rapidly%20disappearing%20to%20agricultural%20and%20urban%20development.). These threats are primarily related to lack of water. Although the discharge from the treatment plant may come into contact with coastal sage scrub communities within the action area, this would not likely pose a threat to the habitat. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the coastal California gnatcatcher's critical habitat.

The physical and biological features (i.e., primary constituent elements) for the **Quino checkerspot butterfly** include (1) open areas within scrublands that least 21.5 square feet in size that: (A) contain no woody canopy cover; and (B) contain one or more of the host plants dwarf plantain (*Plantago erecta*), woolly plantain (*Plantago patagonica*), white snapdragon (*Antirrhinum coulterianum*), or Chinese houses (*Collinsia concolor*); or (C) contain one or more of the host plants thread-leaved bird's beak (*Cordylanthus rigidus*) or purple owl's clover (*Castilleja exserta*) that are within 328 ft (100 m) of the host plants listed in (B); or (D) Contain flowering plants with a corolla tube less than or equal to 0.43 in (11 mm); (2) Open scrubland areas and vegetation within 656 feet of the open canopy areas in (1); and (3) Hilltops or ridges within scrublands that contain an open, woody-canopy area at least 21.5 square feet in size and are contiguous with (but not otherwise included in) open areas and natural vegetation described in (1) and (2) (https://www.fws.gov/sites/default/files/federal_register_document/E9-13800.pdf). As mentioned for the coastal California gnatcatcher's critical habitat, scrublands face threats that are primarily related to lack of water (e.g., drought and frequent fires). Although the discharge from the treatment plant may come into contact with scrublands within the action area, this would not likely pose a threat to the habitat. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the Quino checkerspot butterfly's critical habitat.

The physical and biological features (i.e., primary constituent elements) for the critical habitat of the **least Bell's vireo** include riverine and floodplain habitats, particularly associated with willow- and cottonwood-dominated plant communities that provide for the nesting, foraging, and other habitat requirements of the species within its breeding range (https://www.fws.gov/sites/default/files/federal_register_document/FR-1985-05-03.pdf). Both willow and cottonwood trees grow well in moist soil, such as along rivers; both types of trees face threats from drought. Although the discharge from the treatment plant may come into contact with willow and cottonwood trees within the action area, this would not likely pose a threat to the trees. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the least Bell's vireo's critical habitat.

The physical and biological features (i.e., primary constituent elements) for the **Hermes copper butterfly** include nectar sources for adult butterflies and spiny redberry host plants (*Rhamnus crocea*) (FR Vol. 86, No. 242). The primary food source for adult Hermes copper butterflies is nectar from California buckwheat (*Eriogonum fasciculatum*) (https://www.fws.gov/species/hermes-copper-lycaena-hermes). Adults are active May through July when females lay their eggs exclusively on spiny redberry bushes found in coastal sage scrub and chaparral habitats. Both California buckwheat and spiny redberry bushes are tough and adaptable shrubs unlikely to be affected by the discharge from the treatment plant (https://calscape.org/Eriogonum-fasciculatum-'Warriner-Lytle'-(Warriner-Lytle-Buckwheat); https://www.watershednursery.com/nursery/plant-finder/rhamnus-crocea/). Although the discharge from the treatment plant may come into contact with California buckwheat and spiny redberry bushes within the action area, this would not likely pose a threat to the habitat. Therefore, EPA has determined that the discharge from the treatment plant may affect, but is not likely to adversely affect, the Hermes copper butterfly's critical habitat.

Conclusion

The permit contains limits to protect designated uses of the receiving waters, including protection of aquatic life and wildlife habitat. For the reasons described in this biological evaluation, EPA has determined that the reissuance of the NPDES permit for the Jamul Casino WWTP may affect, but is not likely to adversely affect the following species:

- Coastal California Gnatcatcher (*Polioptila californica californica*)
- Least Bell's Vireo (*Vireo bellii pusillus*)
- Southwestern Willow Flycatcher (*Empidonax traillii extimus*)
- Southwestern Pond Turtle (*Actinemys pallida*)
- Western Spadefoot (*Spea hammondii*)
- San Diego Fairy Shrimp (*Branchinecta sandiegonensis*)

EPA has also determined that the reissuance of the NPDES permit for the Jamul Casino WWTP may affect, but is not likely to adversely affect critical habitats for the following species:

- Coastal California Gnatcatcher (*Polioptila californica californica*)
- Least Bell's Vireo (*Vireo bellii pusillus*)
- Quino Checkerspot Butterfly (*Euphydryas editha quino (=E. e. wrighti)*)
- Hermes Copper Butterfly (*Lycaena hermes*)

EPA has determined the reissuance of the NPDES permit for the Jamul Casino WWTP would have no effect to all the other Federally listed endangered, threatened, proposed or candidate species discussed above, or their critical habitats.

EPA initiated informal ESA consultation with USFWS on September 5, 2025, and received a letter of concurrence on September 30, 2025. If, in the future, EPA obtains information or is provided information that indicates that there could be adverse impacts to federally listed species, EPA will contact the appropriate agency or agencies and initiate consultation to ensure that such impacts are avoided, minimized, and/or mitigated.

B. Impact to Coastal Zones

The Coastal Zone Management Act (CZMA) requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA §§ 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR § 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the CZMA applicant certifies that the activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

The permit does not affect land or water use in the coastal zone.

C. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act (MSA) set forth a number of new mandates for the National Marine Fisheries Service, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires federal agencies to make a determination on whether federal actions may adversely impact Essential Fish Habitat (EFH).

The permit contains technology-based effluent limits and numerical and narrative water quality-based effluent limits as necessary for the protection of applicable aquatic life uses. The permit does not authorize discharge directly into areas of essential fish habitat. Therefore, EPA has determined that the permit will not adversely affect essential fish habitat.

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to the NHPA and 36 CFR § 800.3(a)(1), EPA is making a determination that issuing this NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

The permit does not authorize the disturbance of any historic properties.

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

Jamul Indian Village does not have authority to administer Clean Water Act (CWA) Section 401. EPA posted a public notice of the action on EPA's website, accepting public comments from October 22, 2025 to November 24, 2025. EPA did not receive comments during the public comment period. Following the completion of the 30-day comment period, EPA granted the water quality certification on December 11, 2025.

The permit contains conditions and requirements for the facility discharges to meet water quality standards in the receiving waters. The effluent limitations are set at levels such that the discharge will maintain water quality standards in the receiving water. The term water quality standards includes numeric and narrative water quality criteria as well as the designated uses of the receiving water.

F. Government-to-Government Consultation

EPA's Policy on Consultation and Coordination with Indian Tribes[5] states that consultation could be appropriate when actions and decisions may affect Tribal interests. EPA offered Jamul Indian Village the opportunity to consult on EPA's issuance of the permit on May 2, 2023. Jamul Indian Village did not accept the offer to initiate Government-to-Government consultation since Jamul Indian Village is the permittee and has been involved throughout the permit renewal process.

XI. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. Clean Water Act Section 402(k)

The permittee is authorized to discharge from the identified facility at the outfall location(s) specified in the permit, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in the 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. Any discharges not expressly authorized in the Permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of the Permit via any means, including during an inspection.

Any pollutant loading greater than or different than the proposed discharge (the "proposed discharge" is based on the chemical-specific data and the facility's design flow as described in

[5] https://www.epa.gov/sites/default/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf

the permit application, or any other information provided to EPA during the permitting process) is not authorized by this permit.

EPA notes that such other discharge or increases may be allowable, but the Permittee must first submit a request to EPA to authorize such other discharge or increase. This request will allow EPA to conduct an updated reasonable potential analysis to reassess whether a WQBEL is needed for the newly proposed discharge. Permit modification or reissuance may be required before the proposed discharge would be authorized.

C. Standard Provisions

The permit requires the permittee to comply with EPA Region 9 Standard Federal NPDES Permit Conditions.

XII. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR § 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application.

B. Public Comment Period (40 CFR § 124.10)

Notice of the draft permit was placed on the EPA website from October 22, 2025 to November 24, 2025, for a 30-day comment period for interested parties to respond in writing to EPA. The draft permit and fact sheet were posted on the EPA website for the duration of the public comment period. EPA did not receive any comments during the public comment period.

C. Public Hearing (40 CFR § 124.12)

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if EPA determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision. No public hearing was held.

XIII. CONTACT INFORMATION

Comments, submittals, and additional information relating to this proposal may be directed to:

Rachel Le, (213) 244-1805
Le.Rachel@epa.gov

EPA Region 9
75 Hawthorne Street (WTR 2-3)
San Francisco, California 94105

XIV. REFERENCES

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