

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

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM-

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq.; “the Act”), operators of wastewater treatment systems associated with drinking water production are authorized to discharge to waters of the United States within the following areas of Indian country, as defined in 18 U.S.C. Section 1151, within the following states:

Colorado – Permit numbers CODW####@

- (1) lands within the exterior boundaries of the following Indian reservations located within Colorado: the Southern Ute Indian Reservation and the Ute Mountain Ute Reservation;
- (2) any land held in trust by the United States for an Indian Tribe;
- (3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and
- (4) all Lands of Exclusive Federal Jurisdiction.

Montana– Permit numbers MTDW####@

- (1) lands within the exterior boundaries of the following Indian reservations located within Montana: the Crow Indian Reservation, the Blackfeet Indian Reservation, the Flathead Reservation, the Fort Belknap Reservation, the Fort Peck Indian Reservation, the Rocky Boy’s Reservation, and the Northern Cheyenne Indian Reservation;
- (2) any land held in trust by the United States for an Indian Tribe (including but not limited to the Little Shell Tribe of Chippewa Indians);
- (3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and
- (4) all Lands of Exclusive Federal Jurisdiction .

Nebraska – Permit Numbers SDDW####@

- (1) lands within the exterior boundaries of the Pine Ridge Reservation within Nebraska.

Facilities in the Pine Ridge Reservation within Nebraska will receive South Dakota Permit numbers because the headquarters of the reservation is in South Dakota.

New Mexico – Permit numbers CODW####@

- (1) lands within the exterior boundaries of the Ute Mountain Ute Reservation within New Mexico.

Facilities in the Ute Mountain Ute Reservation within New Mexico will receive Colorado Permit numbers because the headquarters of the reservation is in Colorado.

North Dakota – Permit numbers NDDW####@

(1) lands within the exterior boundaries of the following Indian reservations located within North Dakota: the Fort Berthold Indian Reservation, the Spirit Lake Reservation, the Standing Rock Sioux Reservation, and the Turtle Mountain Reservation;

(2) any land held in trust by the United States for an Indian Tribe (including but not limited to the Sisseton-Wahpeton Oyate Tribe);

(3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and

(4) all Lands of Exclusive Federal Jurisdiction.

Facilities in the Standing Rock Sioux Reservation within South Dakota will receive North Dakota Permit numbers because the headquarters of the reservation is in North Dakota.

South Dakota – Permit numbers SDDW####@

(1) lands within the exterior boundaries of the following Indian reservations located within South Dakota: the Cheyenne River Reservation, the Crow Creek Reservation, the Flandreau Indian Reservation, the Lower Brule Reservation, the Pine Ridge Reservation, the Rosebud Indian Reservation, and the Yankton Reservation (subject to federal court decisions removing lands from Indian country status within the Yankton Reservation);

(2) any land held in trust by the United States for an Indian Tribe (including but not limited to the Sisseton-Wahpeton Oyate Tribe);

(3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and

(4) all Lands of Exclusive Federal Jurisdiction.

Facilities in the Standing Rock Sioux Reservation within South Dakota will receive North Dakota Permit numbers because the headquarters of the reservation is in North Dakota.

Utah – Permit numbers UTDW####@

(1) lands within the exterior boundaries of the following Indian reservations located within Utah: the reservation lands of the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes), the Skull Valley Indian Reservation, the Uintah and Ouray Reservation (subject to federal court decisions removing certain lands from Indian country status within the Uintah and Ouray Reservation), and the Washakie Reservation;

(2) any land held in trust by the United States for an Indian Tribe;

(3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and

(5) all Lands of Exclusive Federal Jurisdiction.

Facilities in the Ute Mountain Ute Reservation within Utah will receive Colorado Permit numbers because the headquarters of the reservation is in Colorado.

Note that this Permit does not apply to the Indian country lands that are located in Utah and are within the exterior boundaries of the Goshute Reservation of the Confederated Tribes of the Goshute Reservation and of the Navajo Nation Indian Reservation.

Wyoming – Permit numbers WYDW####@

(1) lands within the exterior boundaries of the Wind River Indian Reservation (subject to *Wyoming v. EPA*, 875 F.3d 505 (10th Cir. 2017), *cert. denied*, 138 S. Ct. 2677 (2018));

(2) any land held in trust by the United States for an Indian Tribe;

(3) any other areas that are “Indian country” within the meaning of 18 U.S.C. Section 1151; and

(4) all Lands of Exclusive Federal Jurisdiction.

All discharges authorized pursuant to this Permit must be in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

All discharges authorized pursuant to this Permit must be in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This Permit shall become effective **July 1, 2026**.

This Permit and the authorization to discharge shall expire at midnight, **June 30, 2031**.

Authorized Permitting Official

Sarah E. Bahrman, Acting Director
Water Division

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1 COVERAGE UNDER THIS PERMIT

1.1 Introduction:

The Environmental Protection Agency (EPA) Region 8 National Pollution Discharge Elimination System (NPDES) General Permit for Wastewater Discharges Associated with Domestic Water Production is also called The Drinking Water General Permit (DWGP). The DWGP is intended for, and authorization for coverage is limited to, the permitting of wastewater discharges associated with water treatment facilities (Facilities) that provide potable water for domestic uses.

This Permit contains two tables of effluent limitations (section 2). Primary effluent limits in Table 1 apply to all Permittees. Supplemental effluent limits in Table 2 apply only if operations at the Facility are identified as having the potential to discharge additional pollutants. The supplemental effluent limitations will be specified in the written letter of authorization from the EPA.

1.2 Permit Area:

The DWGP will cover wastewater discharges located within the exterior boundaries of all Indian reservations or otherwise in Indian country in EPA Region 8 and all Lands of Exclusive Federal Jurisdiction in EPA Region 8. The coverage areas are specified on the signature page of this Permit.

1.3 Eligibility:

The DWGP provides coverage for wastewater discharges associated with drinking water production for domestic uses.

1.3.1 Restrictions on Coverage:

Facilities that propose discharges from the following sources are not eligible for coverage under the DWGP and must apply for an individual permit:

- Facilities that treat source water using reverse osmosis, nano filtration, permanganate treatment or ion exchange;
- Facilities that treat source water containing naturally occurring radioactive pollutants above the Maximum Contaminant Level (MCL), as defined in the Safe Drinking Water Act;
- Facilities discharging arsenic above 53 µg/L;
- Facilities that need a mixing zone to meet effluent limitations;
- Facilities that are required to treat source water for arsenic for compliance with a drinking water MCL under the Safe Drinking Water Act; or
- Facilities that discharge to a stream classified as needing an antidegradation analysis;

1.3.2 Facilities Requiring an Individual NPDES Permit

In accordance with 40 C.F.R. § 122.28(b)(3)(ii), EPA may require an owner or operator of a drinking water treatment Facility authorized by the DWGP to apply for and obtain an individual NPDES permit. Cases where an individual NPDES permit may be required include, but are not limited to, the following:

- (A) The discharger is not in compliance with the conditions of the DWGP;
- (B) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (C) Effluent limitation guidelines are promulgated for point sources covered by the DWGP;
- (D) A Water Quality Management plan (40 C.F.R. § 130.6) containing requirements applicable to such point sources is approved;
- (E) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the DWGP, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
- (F) The discharge(s) is/are a significant contributor of pollutants. In making this determination, the EPA may consider the following factors:
 - (1) The location of the discharge with respect to waters of the United States;
 - (2) The size of the discharge;
 - (3) The quantity and nature of the pollutants discharged to waters of the United States; and
 - (4) Other relevant factors.

1.3.3 Requesting an Individual NPDES Permit

In accordance with federal regulations at 40 C.F.R. § 122.28(b)(3)(iii), any owner or operator of a drinking water treatment facility authorized by the DWGP may request to be excluded from coverage under the DWGP by applying for an individual NPDES permit. The details of this process for new and existing discharges are covered below.

1.3.3.1 New Discharges

The owner or operator of a new drinking water treatment facility eligible for coverage under the DWGP may request coverage instead under an individual permit by submitting the appropriate NPDES permit application forms to the EPA Region 8, with a justification supporting a request for an individual NPDES permit. Such application, as required by 40 C.F.R. § 122.21(c), must be submitted no later than 180 days prior to the date the Facility commences discharge. The request for an individual NPDES permit will be reviewed and processed in accordance with federal regulations at 40 C.F.R. Part 124, once the application is deemed timely and complete. The request will be granted by the issuance of an individual NPDES permit if the reasons cited by the owner or operator are adequate to support the request.

1.3.3.2 Existing Discharges

In accordance with 40 C.F.R. § 122.28 (b)(3)(iii), any owner or operator of an existing drinking water facility currently authorized by the DWGP, or eligible to be authorized by the DWGP, may request to be excluded from the coverage by applying for an individual permit. The owner or operator shall submit an application under 40 C.F.R. § 122.21, with reasons supporting the request, to the EPA Region 8 no later than 90 days after the publication by EPA of the DWGP in the Federal Register. The request shall be processed under 40 C.F.R. Part 124. The request shall be granted by issuing of an individual NPDES permit if the reasons cited by the owner or operator are adequate to support the request.

1.3.4 Effect of Individual Permit

In accordance with 40 C.F.R. § 122.28(b)(3)(iv), when an individual NPDES permit is issued to an owner or operator of a drinking water treatment facility otherwise subject to the DWGP, the applicability of the DWGP to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

1.3.5 Transfer From Individual Permit

Under 40 CFR 122.28(b), a wastewater discharge operator that has an individual permit may request to be covered by the DWGP. Upon submittal of the necessary notice of intent information, revocation of the individual permit and receipt of written notification of coverage from the EPA through a letter of authorization, the DWGP shall apply to the wastewater system.

1.3.6 Threatened and Endangered Species and Critical Habitat Protection.

Coverage under the DWGP is available only if the wastewater discharges and related activities will not adversely affect any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as "critical habitat" under the ESA. As described in Appendix B, the Permittee must document in the NOI that it meets one of five eligibility criteria and follow the procedures therein.

Nothing in the DWGP authorizes take (as defined by the Endangered Species Act) for the purposes of a Facility's compliance with the Endangered Species Act.

1.3.7 Historic Properties Preservation.

Coverage under the DWGP is available only if wastewater discharges and related activities meet one of four eligibility criteria, following the procedures in Appendix C.

1.4 Authorization to Discharge:

1.4.1 Eligible wastewater systems may be authorized to discharge under the DWGP in the following three circumstances:

- 1.4.1.1 The owner or operator of a wastewater system has submitted a complete Notice of Intent (NOI) in accordance with the requirements of Appendix D and the operator receives a written notice of authorization from the EPA;
 - 1.4.1.2 The owner or operator of a wastewater system has submitted a complete application for renewal of an individual permit issued by the EPA under the National Pollutant Discharge Elimination System (NPDES), for wastewater discharges to waters of the U.S., and the operator instead receives written notification of coverage under the DWGP from the EPA through a letter of authorization; or
 - 1.4.1.3 In accordance with 40 CFR 122.28 (b)(2)(vi), the EPA notifies the operator of a wastewater system that it is covered by the DWGP, even if the operator has not submitted a notice of intent to be covered by the DWGP or other NPDES permit application.
 - 1.4.2 The EPA may withhold a letter of authorization and instead require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.
 - 1.4.3 As of December 21, 2025, all NOIs and applications submitted in compliance with this section must be submitted electronically by the discharger to the EPA or initial recipient in accordance with 40 CFR §127.16(a). If the online NOI is not available on December 21, 2025, the NOI can continue to be submitted via hard copy until such time as the online option is available; see Appendix D.
- 1.5 Notice of Termination of Discharge
- 1.5.1 In accordance with 40 C.F.R. § 122.64, the EPA may terminate coverage or deny a renewal of coverage under the DWGP, for the following reasons:
 - 1.5.1.1 Noncompliance by the Permittee with any condition of the DWGP;
 - 1.5.1.2 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;
 - 1.5.1.3 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
 - 1.5.1.4 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 publicly owned treatment works).
 - 1.5.2 The Permittee may request termination of coverage under the DWGP in accordance with 40 C.F.R. §§ 122.64(c) and 124.5. The notification must be in writing and signed in accordance with the signatory requirements identified in 40 C.F.R. §122.22. The notification must include the date that the discharger ceased operation, and the permit number assigned by the EPA. In cases of temporary shutdowns, a plant should not submit a notice of termination, as this action results in the termination of NPDES coverage.

- 1.5.3 As of December 21, 2025, all Notices of Termination of Discharge (NOTs) submitted in compliance with this section must be submitted electronically by the Permittee to the EPA in accordance with 40 CFR §127.16(a). If the online NOT is not available on December 21, 2025, the NOT can continue to be submitted via hard copy until such time as the online option is available.
- 1.5.4 Termination of Permit coverage under the DWGP will become effective 30 days after the EPA sends written notification.

2 EFFLUENT LIMITATIONS

2.1 Description of Discharge Point(s):

The authorization to discharge provided under the DWGP is limited to those outfalls specifically designated as discharge locations in the NOI and approved in the letter of authorization. Discharges at any location not authorized under an NPDES permit are a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act.

2.2 Effluent Limitations

Effluent limitations are developed to be as stringent as, or more stringent than, Tribal water quality standards in EPA Region 8.

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

2.2.1 Primary Effluent Limitations

Table 1 details the effluent limits ALL facilities must meet to comply with the DWGP.

Table 1 – Primary Effluent Limitations

Pollutant	Daily Maximum	30-day average
Total Suspended Solids (TSS), mg/L	65	29
pH, Standard Units	Must remain in the range of 6.5 to 9.0 at all times	

2.2.2 Supplemental Effluent Limitations

Table 2 outlines supplemental effluent limits that may be required to ensure that a Facility's discharge complies with applicable water quality standards. The EPA Region 8 will review each NOI to determine if supplemental limitations are necessary, for each Facility. The letter of authorization will identify which supplemental effluent limitations are effective.

Table 2 – Supplemental Effluent Limitations

Pollutant	Daily Maximum	30-day average
Total Residual Chlorine ¹ , µg/L	19	11
Aluminum ^{2,3} , µg/L	Calculated	Calculated
Aluminum ^{2,4} , µg/L	750	87
Iron ⁵ , µg/L	1000	N/A
Iron ⁶ , µg/L	300	N/A

1. The analysis for TRC shall be conducted using reliable devices (Equivalent to EPA Standard Methods 4500-Cl-G). The DPD colorimetric method achieves a reporting limit (RL) of 50 µg/L. Analytical results less than the RL shall be expressed as "<50 µg/L" in the calculation of daily maximum and 30-day average, and calculated results equal to the RL shall be reported as "<50 µg/L." For compliance purposes, calculated results of 50 µg/L or less for daily maximum and 30-day average will be interpreted as compliant with the effluent limits for total residual chlorine. Results higher than the RL shall be reported as the calculated value.
2. Aluminum limitations will only be applied at facilities using an aluminum-based coagulant.
3. Effluent limitation is calculated with Aluminum Criteria Calculator V2.0 found at: <https://www.epa.gov/sites/default/files/2018-12/aluminum-criteria-calculator-v20.xlsm>.
4. This aluminum effluent limitation will be used at facilities using an aluminum-based coagulant under the following Tribal jurisdictions: Confederated Salish & Kootenai Tribes, Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, Ute Mountain Ute of the Ute Mountain Ute Reservation, and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation.
5. Only applied at facilities using an iron-based coagulant.
6. This iron effluent limitation will be applied to facilities using an iron-based coagulant in the following Tribal jurisdictions: Confederated Salish & Kootenai Tribes of the Flathead Reservation, Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation.

3 MONITORING REQUIREMENTS:

Effective immediately and lasting through the effective term of the DWGP, sampling and test procedures for pollutants listed in this part shall be in accordance with 40 C.F.R. Part 136, as required in 40 C.F.R. § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated in NetDMR on the copy of record that no discharge or overflow occurred.

3.1 Continuous and Frequent Discharge

Table 3 details the monitoring requirements for facilities continuously and frequently discharging wastewater. Frequent dischargers are facilities that discharge wastewater at least once per 30-day period.

Table 3 – Monitoring requirements for continuous and frequent discharge

Parameter	Monitoring Frequency ¹¹	Type of Sample ¹¹	Data Reported ¹¹	Reporting Limit ¹⁰
Flow (Million Gallons per day)	Daily ^{1,2}	Grab	Daily Max. Monthly Total	No
pH, Standard units	Weekly ²	Grab	Daily Max. Daily Min.	No
TSS (mg/L)	Weekly ²	Grab	Daily Max, 30 Day Average	No
Antimony ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Arsenic ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Cadmium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Total Chromium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Copper ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Lead ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Nickel ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Selenium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Silver ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Thallium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Zinc ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Total Residual Chlorine ⁶ (µg/L)	Daily ²	Grab	Daily Max, 30 Day Average.	Yes
Iron ³ (µg/L)	Annually	Grab	Daily Max, 30 Day Average	Yes
Iron ⁶ (µg/L)	Monthly	Grab	Daily Max, 30 Day Average	Yes
Aluminum ⁶ (µg/L)	Monthly	Grab	Daily Max, 30 Day Average	Yes
Hardness ⁷ (mg/L CaCO ₃)	Annually ⁶	Grab	Daily Min.	No
Dissolved Organic Carbon (mg/L)	Quarterly	Grab	Daily Min.	No
Hardness (receiving water) ⁷ (mg/L CaCO ₃)	Annually ⁶	Grab	Daily Min.	No

Aluminum (receiving water)	Quarterly	Grab	Daily Max.	Yes
Dissolved Organic Carbon (receiving water) (mg/L)	Quarterly	Grab	Daily Min.	No
pH (receiving water) (standard units)	Quarterly	Grab	Daily Max. Daily Min.	No
Temperature Change ⁸ (receiving water) (°C)	Quarterly	Grab	Daily Maximum	No
Lagoon Sludge Depth ⁹ (% of total depth)	Once per Permit term	Grab	Average % Depth Sludge for each lagoon	No

1. Report total monthly discharge volume and maximum gallons per day (gpd).
2. All monitoring is required if a wastewater discharge occurs during the applicable compliance monitoring period in section 5.4.
3. Indicator monitoring. These parameters must be measured and reported as total recoverable.
6. Monitoring for these pollutants is only required when using the corresponding coagulant.
7. Hardness shall be sampled at the same time metal samples are collected.
8. The Permittee is required to measure receiving water upstream and downstream of the outfall then report the temperature change.
9. Required once per Permit term for each lagoon at facilities that use lagoons for wastewater treatment.
10. Data results are to be reported with a reporting limit determined from spiked samples in combination with bench samples. Monitoring results reported by the lab as below the reporting limit (RL) of a particular method (these are also known as “non-detect” values) shall be reported in the DMR using the “<” data qualifier and using the numeric RL value as the data value. For example, if the lab reports a non-detect with an RL of 10 units, the value shall be reported in the DMR as “<10” units. The permittee shall not report non-detects by any other method (e.g., “non-detected,” “zero,” NODI code B, etc.). When non-detect values are used in the calculation of an arithmetic mean, the permittee shall substitute zero for any non-detect values used in the calculation. When non-detect values are used in the calculation of a geometric mean, the permittee shall substitute 1.0 for any non-detect values used in the calculation. In all cases, values reported by the lab at or above the RL shall be used as reported in the calculation. Additional parameter-specific guidance on reporting and non-detects may be found in footnotes in the Effluent Limitations table and the Monitoring and Reporting Requirements table.
11. Definition of Terms is available in Appendix E.

3.2 Intermittent Discharges

Table 4 details the monitoring requirements for facilities with an intermittent or seasonal discharge. Intermittent dischargers are those facilities that discharge wastewater less than once per 30-day period.

Table 4 – Monitoring requirements for facilities with intermittent wastewater discharges.

Parameter	Monitoring Frequency ¹¹	Type of Sample ¹¹	Data Reported ¹¹	Reporting Limit ¹⁰
Flow (Million Gallons per day)	Daily ^{1,2}	Grab	Daily Max.	No
pH, Standard units	Daily ²	Grab	Daily Max. Daily Min.	No
TSS (mg/L)	Daily ²	Grab	Daily Max, 30 Day Average	No
Antimony ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Arsenic ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Cadmium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Total Chromium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Copper ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Lead ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Nickel ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Selenium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Silver ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Thallium ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Zinc ³ (µg/L)	Annually	Grab	Daily Max.	Yes
Total Residual Chlorine ⁶ (µg/L)	Daily ²	Grab	Daily Max, 30 Day Average.	Yes
Iron ³ (µg/L)	Annually	Grab	Daily Max, 30 Day Average	Yes
Iron ⁶ (µg/L)	Once per Discharge	Grab	Daily Max, 30 Day Average	Yes
Aluminum ⁶ (µg/L)	Once per discharge	Grab	Daily Max, 30 Day Average	Yes
Hardness ⁷ (mg/L CaCO ₃)	Annually ⁶	Grab	Daily Min.	No
Dissolved Organic Carbon (mg/L)	Quarterly	Grab	Daily Min.	No
Hardness (receiving water) ⁷ (mg/L CaCO ₃)	Annually ⁶	Grab	Daily Min.	No
Aluminum (receiving water)	Quarterly	Grab	Daily Max.	Yes

Dissolved Organic Carbon (receiving water) (mg/L)	Quarterly	Grab	Daily Min.	No
Dissolved Organic Carbon (receiving water) (mg/L)	Quarterly	Grab	Daily Min.	No
pH (receiving water) (standard units)	Quarterly	Grab	Daily Max. Daily Min.	No
Temperature Change ⁸ (receiving water) (°C)	Quarterly	Grab	Daily Maximum	No
Lagoon Sludge Depth ⁹ (% of total depth)	Once per Permit term	Grab	Average % Depth Sludge for each lagoon	N/A

1. Report total monthly discharge volume and maximum gallons per day (gpd).
2. All monitoring is required if a wastewater discharge occurs during the applicable compliance monitoring period in section 5.4.
3. Indicator monitoring. These parameters must be measured and reported as total recoverable.
5. Only required at plants where chlorine is expected to be in the wastewater discharge.
6. Monitoring for these pollutants is only required when using the corresponding coagulant.
7. Hardness shall be sampled at the same time metal samples are collected.
8. The Permittee is required to measure receiving water upstream and downstream of the outfall then report the temperature change.
9. Required once per Permit term for each lagoon at facilities that use lagoons for wastewater treatment.
10. Data results are to be reported with a reporting limit determined from spiked samples in combination with bench samples. Monitoring results reported by the lab as below the reporting limit (RL) of a particular method (these are also known as “non-detect” values) shall be reported in the DMR using the “<” data qualifier and using the numeric RL value as the data value. For example, if the lab reports a non-detect with an RL of 10 units, the value shall be reported in the DMR as “<10” units. The permittee shall not report non-detects by any other method (e.g., “non-detected,” “zero,” NODI code B, etc.). When non-detect values are used in the calculation of an arithmetic mean, the permittee shall substitute zero for any non-detect values used in the calculation. When non-detect values are used in the calculation of a geometric mean, the permittee shall substitute 1.0 for any non-detect values used in the calculation. In all cases, values reported by the lab at or above the RL shall be used as reported in the calculation. Additional parameter-specific guidance on reporting and non-detects may be found in footnotes in the Effluent Limitations table and the Monitoring and Reporting Requirements table.
11. Definition of Terms is available in Appendix E.

4 SPECIAL CONDITIONS

4.1 Facilities Requesting Facility Specific Aluminum Effluent Limitations

Facilities unable to meet the aluminum effluent limitations in Table 2 may submit a request for localized aluminum limitations. The Permittee must submit monitoring data for calculating local effluent limitations. The Permittee will have to provide EPA the receiving water dissolved organic carbon, aluminum, pH and hardness data. The Permittee will have to monitor the effluent for hardness, pH, and dissolved organic carbon. Once this information has been provided the EPA will use the calculator found at <https://www.epa.gov/sites/default/files/2018-12/aluminum-criteria-calculator-v20.xlsm> to develop limits.

The Facility specific aluminum effluent limitations will be specified in the letter of authorization.

4.2 Facilities Requesting Reduced Metals Indicator Monitoring

If a Facility has four consecutive laboratory tests showing the absence of any of the metal pollutants identified as indicator monitoring, the Permittee may submit a request for reduced monitoring requirements in the NOI. The Permittee must continue to monitor for the indicator pollutants until a letter of authorization indicating the new monitoring schedule is issued by the EPA.

4.3 Permit Conditions Applicable for Facilities on Southern Ute Indian Reservation

The provisions of this Part provide additions to the conditions of this permit, required as part of the Tribal CWA Section 401 certification process. The requirements below only apply to facilities located on Trust Land within the Southern Ute Indian Reservation. These requirements will be included in the notification letter issued to the facility to inform of DWGP coverage.

1. The Southern Ute Indian Tribe (Tribe) receives copies of monitoring reports from drinking water treatment facility operators that are issued to EPA.
2. The Tribe receives copies of reports that indicate “No Discharge for the reporting year” or “Unauthorized Discharges” from drinking water treatment facility operators that are sent to EPA, as was stipulated in the 2013 NPDES permit granted to the Tribe’s drinking water treatment facility.
3. The Tribe shall be notified by a drinking water treatment facility operator if/when EPA performs inspections of the facility, be permitted to attend the inspection with EPA, and receive inspection reports that are completed on EPA’s behalf.
4. The Tribe shall be notified by EPA if/when they receive a request for a NPDES Permit by any current drinking water treatment facilities within Tribal boundaries (or those planned for future installation and operation), the request must specify as to whether the Permit sought will contain the “Zero Discharge” stipulation.

5 MONITORING, RECORDING AND REPORTING REQUIREMENTS

5.1 Representative Sampling:

Samples taken in compliance with the monitoring requirements of this Permit shall be collected from the effluent prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

5.2 Monitoring Procedures:

Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136. The Permittee must select a test procedure that is Sufficiently Sensitive (see definitions) for all monitoring conducted in accordance with the DWGP.

5.3 Penalties for Tampering:

The Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

5.4 Reporting of Monitoring Results:

Upon the effective date of this Permit, the Permittee must electronically report discharge monitoring reports (DMRs) using NetDMR at the frequency and by the due dates specified in Table 5, below.

Table 5. DMR Compliance Monitoring Periods and Due Dates

Compliance Monitoring Period	Due Date
January through March	April 28
April through June	July 28
July through September	October 28
October through December	January 28

Electronic submissions by the Permittee must be submitted to EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the Signatory Requirements (see section 8.8). NetDMR is accessed from the internet at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage.

In addition, the Permittee must submit a copy of the DMR to the Tribe(s) who govern the reservation. The Permittee may submit a copy to the Tribe(s) by one of three ways:

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

This paragraph specifies how monitoring results collected more frequently than quarterly should be reported on a quarterly basis. For parameters with monthly monitoring frequencies, monitoring results obtained during the previous three (3) months shall be separately summarized for *each month* and reported in NetDMR by the dates listed in Table 5. DMR Compliance Monitoring Periods and Due Dates). For parameters with monitoring frequencies required more often than monthly (e.g., daily or monthly), monitoring results shall be separately summarized for each month in a similar manner as above, with the additional condition that the specific reporting requirements for some parameters are identified in Table 5) and its footnotes. One data point or no data indicator code must be reported for *each month* for each applicable column with an effluent limit or noted as “report only”.

Additional requirements for data entered in NetDMR are as follows:

1. Requirements for the data values to report for each parameter (e.g., daily maximum, 30-day average, etc.) are included in section 3.
2. If there is no data to report on the DMR for a parameter, enter the applicable no data indicator (NODI) code in NetDMR.
3. Enter the applicable measurement units.
4. In the number of excursions column (“# of Ex.”), enter the total number of sample measurements during the monitoring period that exceed the maximum and/or average limit(s) or was below the minimum limit(s), as applicable, for all Permit limits for each parameter; if none, enter “0.”
5. For “Frequency of Analysis,” enter the actual frequency of monitoring for the parameter (e.g., Cont,” for continuous monitoring, “1/7” for one per week, “1/30” for one per month, “2/30” for two per month, “1/90” for one per quarter, “1/180” for one per six months, “1/365” for one per year, etc.).
6. For “Sample Type,” indicate the sample type collected.
7. Monitoring results reported by the lab as below the reporting limit (RL) of a particular method (these are also known as “non-detect” values) shall be reported in the DMR using the “<” data qualifier and using the numeric RL value as the data value. For example, if the lab reports a non-detect with an RL of 10 units, the value shall be reported in the DMR as “<10” units. The permittee shall not report non-detects by any other method (e.g., “non-detected,” “zero,” NODI code B, etc.). When non-detect values are used in the calculation of an arithmetic mean, the permittee shall substitute zero for any non-detect values used in the calculation. When non-detect values are used in the calculation of a geometric mean, the permittee shall substitute 1.0 for any non-detect values used in the calculation. In all cases, values reported by the lab at or above the RL shall be used as reported in the calculation. Additional parameter-specific guidance on reporting and non-detects may be found in footnotes in the Effluent Limitations table and the Monitoring and Reporting Requirements table.

5.4.1 Other Reporting Requirements:

All reports shall be signed and certified in accordance with the Signatory Requirements (see section 8.8). Unless otherwise specified in the applicable section of the Permit, all paper reports shall be submitted to EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch and the Tribe(s)] at the addresses given below:

original to:

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

copy to:

Tribe(s) environmental director address in Appendix A

Prior to December 21, 2025, all other reports required herein (e.g., sections 5.8 and 5.9) shall be signed and certified in accordance with the Signatory Requirements (see section 8.8), and submitted to EPA Region 8 and the Tribe(s)] at the addresses given above. Effective no later than December 21, 2025, these reports shall be submitted electronically using the NPDES Electronic Reporting Tool (NeT). If the NeT tool is not available on December 21, 2025, the reports can continue to be submitted to the addresses above until the tool is available unless otherwise indicated in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR Part 127.

5.5 Additional Monitoring by the Permittee:

If the Permittee monitors any pollutant in accordance with section 3 more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, or another method as required under 40 CFR subchapters N or O, Part 503, or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting. Such increased frequency shall also be indicated on the DMR.

5.6 Monitoring Records Contents:

Records of monitoring information shall include:

- 5.6.1 The date, exact place, and time of sampling or measurements;
- 5.6.2 The name(s) of the individual(s) who performed the sampling or measurements;
- 5.6.3 The date(s) analyses were performed;
- 5.6.4 The time(s) analyses were initiated;
- 5.6.5 The name(s) of individual(s) who performed the analyses;
- 5.6.6 References to and, when available, written procedures for the analytical techniques or methods used; and,
- 5.6.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results when analysis is conducted by the Permittee.

5.7 Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation (e.g., strip charts, continuous electronic recording), copies of all reports required by this Permit, and records of all

data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

5.8 Twenty-Four Hour Notice of Noncompliance Reporting:

- 5.8.1 The Permittee shall orally report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to a) EPA, Region 8, Superfund & Emergency Management Division at (303) 293-1788; b) Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917, and c) Tribe(s) (Appendix A)].
- 5.8.2 The following occurrences of noncompliance shall be orally reported by telephone to EPA, Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and Tribe(s) within 24 hours of the Permittee becoming aware of the circumstances:
 - 5.8.2.1 Any unanticipated bypass which exceeds any effluent limitation in the Permit (see section 7.5, Bypass of Treatment Facilities.);
 - 5.8.2.2 Any upset which exceeds any effluent limitation in the Permit (see section 7.6, Upset Conditions);
 - 5.8.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours;
- 5.8.3 For any noncompliance notification required under sections 5.8.1 or 5.8.2, a written report shall also be provided to the EPA, Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch, and to the Tribe(s)] within five days of the time that the Permittee becomes aware of the circumstances. Reports shall be submitted to the addresses in section 5.4.1, Other Reporting Requirements.
- 5.8.4 The written report shall contain:
 - 5.8.4.1 A description of the noncompliance and its cause;
 - 5.8.4.2 The period of noncompliance, including exact dates and times;
 - 5.8.4.3 The estimated time noncompliance is expected to continue if it has not been corrected;
 - 5.8.4.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - 5.8.4.5 The signed certification statement required by the Signatory Requirements (see section 8.8).
- 5.8.5 An EPA delegated representative may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under section 5.8.1 or 5.8.2 above, if the incident has been orally reported in accordance with the requirements of those sections.

5.9 Other Noncompliance Reporting:

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for section 6.4 are submitted. The reports shall contain the information listed in section 6.8.4, and, if applicable, when the Permittee failed to comply with any applicable long-term combined sewer overflow control plan or other Permit requirements.

5.10 Inspection and Entry:

The Permittee shall allow the Tribe(s) or the EPA, or 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:

- 5.10.1 Enter upon the Permittee's premises where a regulated Facility or activity is located or conducted, or where records must be kept under the conditions of the DWGP;
- 5.10.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of the DWGP;
- 5.10.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the DWGP; and,
- 5.10.4 Sample or monitor at reasonable times, for assuring DWGP compliance or as otherwise authorized by the Act, any substances or parameters at any location.

6 COMPLIANCE RESPONSIBILITIES

6.1 Duty to Comply:

The Permittee must comply with all conditions of the DWGP. Any failure to comply with the DWGP may constitute a violation of the Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the EPA advanced notice of any planned changes at the permitted facility that will change any discharge from the Facility, or of any activity that may result in failure to comply with DWGP conditions.

6.2 Penalties for Violations of DWGP Conditions:

The Clean Water Act provides for statutory maximum and minimum civil and criminal monetary penalties for violations of its provisions. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires EPA to make adjustments of statutory civil penalties on an annual basis according to a prescribed formula to reflect inflation, beginning in 2016. EPA has adjusted its civil monetary penalties effective December 27, 2023 (88 Fed. Reg. 89309-89313). Please note that the civil penalties described below are reflective of the most recent Civil Monetary Penalty Inflation Rule the year the DWGP was issued and that civil penalties will have been adjusted annually thereafter. Civil penalties that EPA issues will therefore be reflective of the minimum amounts adjusted for inflation at the time of the violation. The civil and criminal penalties for violations of the Act are as follows:

- 6.2.1 Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$66,712 per day for each violation.
- 6.2.2 Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.
- 6.2.3 Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than six years, or both.
- 6.2.4 Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 6.2.5 Any person may be assessed an administrative penalty by the EPA for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$26,685 per violation, with a maximum amount not to exceed \$66,712. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$26,685 per day for each day during which the violation continues, with the maximum amount not to exceed \$333,552.
- 6.3 Need to Halt or Reduce Activity not a Defense:

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

6.4 Duty to Mitigate:

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

7 **Inspections, Corrective Actions, Operations and Maintenance:**

7.1 Logs and Documentation:

This section requires activities for inspections, corrective actions, and maintenance to be documented in a paper or electronic log(s). The Permittee may have one log or multiple logs to document these activities. The Permittee shall maintain the log(s) of inspections, corrective actions, and maintenance in either paper or electronic format in accordance with record-keeping requirements in section 5.7 and shall make the log(s) available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency.

7.2 Inspection Requirements:

7.2.1 On at least a weekly basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its Facility, at a minimum, for the following:

7.2.1.1 Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred since the previous inspection or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in sections 3 and 5.4 of this Permit in accordance with the required frequencies);

7.2.1.2 For all wastewater containment:

7.2.1.2.1 Determine if there is any leakage or other damage to the containment such as animal burrows or erosion of lagoon dykes (e.g., rills, cracks or other structural indications of erosion);

7.2.1.2.2 Determine if there are any rooted plants, including weeds growing in the water;

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

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

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

7.2.1.2.6 Determine if proper operation and maintenance procedures are being undertaken at the Facility.

- 7.2.2 The Permittee shall maintain a log in either paper or electronic format recording information obtained during inspection activities. At a minimum, the log shall include the following:
- 7.2.2.1 Date and time of the inspection;
 - 7.2.2.2 Name of the inspector(s);
 - 7.2.2.3 The Facility's discharge status;
 - 7.2.2.4 The flow rate of the discharge if occurring;
 - 7.2.2.5 The condition or status of all aspects required to be inspected in section 7.2.1;
 - 7.2.2.6 Identification of operational problems and/or maintenance problems;
 - 7.2.2.7 Corrective actions, as appropriate, to remedy identified problems, the planned date for each corrective action, and the actual date each corrective action was taken; and,
 - 7.2.2.8 Other information, problems identified, or observations, as appropriate.
- 7.2.3 Problems identified during the inspection including, but not limited to, those associated with section 7.2.1 of the Permit, shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify and document a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. The corrective action shall be completed by the time specified. Corrective actions to remedy problem(s) shall be in line with and addressed through proper operation and maintenance (section 7.3 of the Permit). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

7.3 Proper Operation and Maintenance:

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

- 7.3.1 Operation and Maintenance Program: The Permittee shall complete the following as part of the operation and maintenance program for the wastewater treatment facility:
- 7.3.1.1 As soon as possible, but no later than six (6) months after gaining coverage under this Permit, develop a current Operation and Maintenance Manual(s) (O&M Manual(s)) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility. Thereafter, maintain and implement the O&M Manual(s);
 - 7.3.1.2 Have the O&M Manual(s) readily available (e.g., on-site) to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;

- 7.3.1.3 Have a documented schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
 - 7.3.1.4 Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s) and document them in a log in accordance with 6.3.2.
- 7.3.2 Operation and Maintenance Log: The Permittee shall maintain a log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. Activities shall be recorded within 48 hours of completing the activity. At a minimum, the log shall include the following information:
- 7.3.2.1 Date and time;
 - 7.3.2.2 Name and title of person(s) making the log entry;
 - 7.3.2.3 Name of the persons(s) performing the activity;
 - 7.3.2.4 A brief description of the activity; and,
 - 7.3.2.5 Other information, as appropriate.
- 7.3.3 Resilience

Based on information submitted with its NOI, a Permittee whose Facility has physical treatment assets located within the 100-year floodplain shall develop, document and implement an Asset Management Plan (AMP) within three years after the effective date of the DWGP. Physical treatment assets are defined as components of the Facility involved in conveyance, treatment and/or discharge of wastewater from drinking water treatment. The AMP shall satisfy the following requirements.

- 7.3.3.1 The AMP shall identify emerging or increased threats to the Facility's physical treatment assets resulting from flooding risk and other long-term environmental concerns, such as risk of wildfires or drought risk, that may impact compliance between the start of the current Permit and the year 2050. The Permittee shall project upgrades to existing assets, relocation of existing infrastructure, new infrastructure projects, and additional operation and maintenance along with associated costs, necessary to ensure continued compliance.
- 7.3.3.2 Further guidance and assistance on developing and implementing an AMP may be obtained through the following two sources: 1) the EPA's Creating Resilient Water Utilities initiative at www.epa.gov/climate-change-water-sector/creating-resilient-water-utilities-initiative; and 2) the Building Resilient Infrastructure and Communities grant program offered by the Federal Emergency Management Agency at www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities.

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

7.4 Removed Substances:

Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal, state, Tribal, or local regulations (e.g., 40 CFR Part 257 [Criteria For Classification Of Solid Waste Disposal Facilities And Practices], 40 CFR Part 258 [Criteria For Municipal Solid Waste Landfills], 40 CFR Part 503 [Standards for the Use or Disposal of Sewage Sludge]). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

7.5 Bypass of Treatment Facilities:

7.5.1 Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to sections 7.5.2 and 7.5.3.

7.5.2 Notice:

7.5.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice in accordance with section 5.4.1, Other Reporting Requirements, if possible at least 10 days before the date of the bypass to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch, and the Tribe(s)].

7.5.2.2 Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under section 5.8, Twenty-four Hour Notice of Noncompliance Reporting, to the EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch, and the Tribe(s)].

7.5.3 Prohibition of bypass

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

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

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

7.5.3.1.3 The Permittee submitted notices as required under section 7.5.2.

7.5.3.2 The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in section 7.5.3.1.

7.6 Upset Conditions:

7.6.1 Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of section 7.6.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

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

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

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

7.6.2.3 The Permittee submitted notice of the upset as required under section 5.8, Twenty-four Hour Notice of Noncompliance Reporting; and,

7.6.2.4 The Permittee complied with any remedial measures required under section 6.4, Duty to Mitigate.

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

7.7 Toxic Pollutants:

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

8 GENERAL REQUIREMENTS

8.1 Planned Changes:

The Permittee shall give written notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted Facility. The notice shall be signed and certified in accordance with the Signatory Requirements (see section 8.8) sent to the address below:

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

Notice is required only when:

- 8.1.1 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit.
- 8.1.2 The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of Permit conditions that are different from or absent in the existing Permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan; or,
- 8.1.3 The alteration or addition to a permitted Facility may meet one of the criteria for determining whether a Facility is a New Source.

8.2 Anticipated Noncompliance:

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

8.3 Permit Actions:

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

8.4 Renewal of DWGP Coverage:

- 8.4.1 Permittees are required to submit an NOI for renewal 30 days after the renewal Permit is effective.
- 8.4.2 In accordance with 40 C.F.R. § 122.46(a), NPDES permits shall be effective for a fixed term not to exceed five (5) years. Therefore, this DWGP will expire five years from the effective date of the final Permit. If the DWGP is not reissued prior to the expiration date, Permittees will be covered under an administrative extension of coverage in accordance with 40 C.F.R. § 122.6. DWGP facilities will remain covered by DWGP administrative extension until the earlier of the following:

Authorization for coverage under reissuance or replacement of the DWGP in accordance with 40 CFR §122.28(b);

The Permittee's submittal of a Notice of Termination in accordance with 40 CFR §122.64(c);

The issuance of an individual NPDES permit in accordance with 40 CFR §122.28(b)(3)(iv); or,

A formal permit decision by the EPA not to reissue the DWGP, at which time the Permittee must seek coverage under an alternative general or individual permit in accordance with 40 CFR §122.28(b).

8.5 Duty to Reapply:

The Permittee must submit an updated NOI if the Permittee wishes to renew coverage for an activity regulated by this Permit once the Permit is renewed and is effective. If this Permit is administratively extended before renewal, the Permittee will automatically be covered by the administrative extension. An updated NOI will not be required from the Permittee until the permit is renewed and effective. Once the Permit is renewed and effective, the Permittee must submit an updated NOI. The NOI shall be submitted within 90 days of the effective date of the renewed Permit, unless permission for a later date has been granted by the EPA. EPA cannot accept an NOI submitted later than the expiration date of the Permit.

8.6 Duty to Provide Information:

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

8.7 Other Information:

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

8.8 Signatory Requirements:

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

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

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

- 8.8.3 For a municipality, State, Federal, or another 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).
- 8.8.4 All reports required by the DWGP and other information requested by the EPA shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 8.8.4.1 The authorization is made in writing by a person described above and is submitted to the EPA; and,
 - 8.8.4.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated Facility, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- 8.8.5 Changes to authorization: If an authorization under section 8.8.4 is no longer accurate because a different individual or position has responsibility for the overall operation of the Facility, a new authorization satisfying the requirements of section 8.8.4 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 8.8.6 Certification: Any person signing a document under this section shall make the following certification:

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

8.9 Penalties for Falsification of Reports:

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

8.10 Availability of Reports:

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

8.11 Oil and Hazardous Substance Liability:

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

8.12 Property Rights:

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

8.13 Severability:

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

8.14 Transfers:

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

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

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

- 8.14.2 The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of Permit responsibility, coverage, and liability between them;
- 8.14.3 The notice includes the signed certification statement required by the Signatory Requirements (see section 8.8); and,
- 8.14.4 The EPA does not notify the existing Permittee and the proposed new Permittee of the EPA's intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 8.14.2.

8.15 Permittees in Indian Country:

The EPA is issuing the DWGP pursuant to the Agency's authority to implement the Clean Water Act NPDES program in Indian country, as defined at 18 U.S.C. § 1151. Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any

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

8.16 Reopener Provision:

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

- 8.16.1 **Water Quality Standards:** The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in the DWGP.
- 8.16.2 **Wasteload Allocation:** A wasteload allocation is developed and approved by the Tribe(s) and/or the EPA for incorporation in the DWGP.
- 8.16.3 **Water Quality Management Plan:** A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in the DWGP.
- 8.16.4 If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the Permit, the EPA shall institute proceedings to modify or revoke and reissue the Permit to conform to the toxic effluent standard or prohibition.
- 8.16.5 If sources of PFAS or PFAS containing chemicals are identified in either the Facility's effluent or collection system, the Permit may be reopened to include PFAS monitoring, PFAS limitations, and/or PFAS-related Best Management Practices (BMPs).

Appendix A Tribal Mailing List(reflects information available at the time of Permit issuance)

Tribe	Phone Number	Mailing Address
Assiniboine & Sioux Tribes	(406) 457-5040	PO Box 1027 Poplar, MT 59255-1027
Blackfeet Tribe	406-338-7421	PO Box 2029, 457 Hospital Road Browning, MT 59417-0850
Cheyenne River Sioux Tribe	(605) 964-6558	PO Box 590 Eagle Butte, SD 57625-0590
Chippewa Cree Tribe	(406) 395-4225	PO Box 544, Rocky Boy Route Box Elder, MT 59521
Confederated Salish and Kootenai	(406) 657-2700 x7208	301 Main St. Polson, MT 59860-0278
Crow Creek Sioux Tribe	(605) 245-2608	PO Box 380 Ft. Thompson, SD 57339-0050
Crow Tribe	(406) 426-0397	PO Box 159 Crow Agency, MT 59022-0400
Eastern Shoshone Tribe	(406) 335-3532	PO Box 538 Ft. Washakie, WY 82514-0538
Flandreau Santee Sioux Tribe	(605) 997-5123	PO Box 283 Flandreau, SD 57028-0283
Gros Ventre & Assiniboine Tribes	(406) 353-8429	656 Agency Main Street Harlem, MT 59526-9455
Lower Brule Sioux Tribe	(605) 473-0163	187 Oyate Circle Lower Brule, SD 57548-8500
Northern Arapaho Tribe	(307) 438-2163	PO Box 396 Ft. Washakie, WY 82514-0217
Northern Cheyenne Tribe	(406) 477-6508 x101	PO Box 128 Lame Deer, MT 59043-0128
Northwest Band of the Shoshone Nation	(208) 406-6774	707 North Main Street Brigham City, UT 84302
Oglala Sioux Tribe	(605)867-5236/5736/5476	PO Box 2070 Pine Ridge, SD 57770-2070
Paiute Indian Tribe of Utah	(435)586-1112 x102	440 North Paiute Drive Cedar City, UT 84721
Rosebud Sioux Tribe	(605) 747-2933	PO Box 430 Rosebud, SD 57570-0430
Sisseton-Wahpeton Oyate Tribe	(605) 698-8388	PO Box 509 Agency Village, SD 57262-0509
Skull Valley Band of Goshute Indians	(435) 882-4532	PO Box 448 Grantsville, UT 84029
Southern Ute Indian Tribe	(970) 563-2206	PO Box 737 Ignacio, CO 81137-0737

Tribe	Phone Number	Mailing Address
Spirit Lake Tribe	(701) 766-1259	PO Box 359 Ft. Totten, ND 58335-0357
Standing Rock Sioux Tribe	(701) 854-3823	PO Box D Ft. Yates, ND 58538-5516
Three Affiliated Tribes (MHA Nation)	(701) 627-4569	404 Frontage Road New Town, ND 58763-9404
Turtle Mountain Band of Chippewa	(701) 477-0407 x213	PO Box 900 Belcourt, ND 58316-0900
Ute Indian Tribe	(435) 725-4803	PO Box 70 Ft. Duchesne, UT 84026-0190
Ute Mountain Ute	(970) 564-5432	PO Box JJ Towaoc, CO 81334-0188
Yankton Sioux Tribe	(605) 384-5012	PO Box 1153 Wagner, SD 57380-1153

Appendix B Complying with the Endangered Species Act

Assessing the Effects of The Permittee's Discharge and Discharge-Related Activities

Coverage under the DWGP is available only if the Permittee's wastewater discharge and related activities are determined to have "no effect" or to "may affect, but not likely to adversely affect" federally listed endangered or threatened species ("listed species") or habitat that is federally designated as "critical" under the ESA. This appendix outlines the process to assess the potential effects of wastewater discharges and related activities on listed species and their critical habitat, and to determine which of the eligibility criteria for coverage, if any, the Permittee qualifies under. The Permittee shall select the appropriate criterion on the NOI prior to NOI submission. In accordance with section 5.7 of the DWGP, the Permittee must keep documentation of records to support the Permittee's determination of eligibility under section 1.3.6 of the DWGP, including the process employed and results of the endangered species investigation.

If the Permittee is seeking coverage under the DWGP, the Permittee must complete this analysis using any data collected when the Permittee's site was fully active, even if the Permittee is not discharging. If no such data exist for the Permittee's facility, the Permittee should utilize the best available information from any facility expected to discharge substantially similar effluents. The Permittee should contact the EPA if the Permittee needs assistance in obtaining data from a facility with a substantially similar effluent.

When evaluating the potential effects of the Permittee's activities, the Permittee must consider effects to listed species or critical habitats within the "action area." Action area is defined as all areas affected directly or indirectly by the wastewater activities, and not merely the immediate area involved in these discharges and activities. This includes areas beyond the footprint of the facility that are likely to be affected by planned or unplanned lagoon discharges, and discharge-related activities.

Eligibility Criteria

As required by section 1.3.3, the Facility must meet one or more of the following six criteria (A-F) to be eligible for coverage under the DWGP for the Permittee's wastewater discharge and discharge-related activities. **The FWS IPaC site (<https://ecos.fws.gov/ipac/>) must be used to determine the likely presence of federally-listed species or designated critical habitat.**

- Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area". In order to be eligible for coverage under Criterion A, the applicant must confirm there are no federally-listed species nor designated critical habitat in the facility's action area. An explanation of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.
- Criterion B. Consultation between a Federal agency and the FWS under section 7(a)(2) of the ESA has been concluded. The consultation may be either formal or informal and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit). Consultation must have addressed the potential effects of the facility's wastewater discharge and related activities on all federally-listed threatened or endangered species or all federally designated critical habitat in the facility action area. The result of this consultation must be either:
- i) An FWS biological opinion that concludes that the action in question (taking into account the effects of the Facility's discharges and related activities) is not likely to jeopardize the continued existence of federally-listed species, nor the destruction or adverse modification of designated critical habitat.

- ii) Written concurrence from the FWS with the federal agency's finding that its action (including the facility's wastewater discharge and related activities) is not likely to adversely affect federally-listed species or designated critical habitat.

The Permittee must verify that the consultation remains valid, in accordance with 50 CFR § 402.15. If re-initiation of consultation is required, the Permittee must conclude the reinitiated consultation and the result must be consistent with (i) or (ii) above.

Documents retained to support this criterion shall include identification of the federal agency(ies) and its action, the FWS office involved in the consultation, any identifiers or tracking information for the process, the date consultation was completed and federal agency's biological evaluation or assessment and the FWS biological opinion or concurrence letter.

Criterion C. The Permittee's activities are authorized through the issuance of a permit under section 10 of the ESA, and authorization addresses the effects of the wastewater discharge on federally-listed species and federally-designated critical habitat. The Permittee must keep documentation with the DWGP, including a copy of the FWS issued permit.

In order to be eligible for coverage under Criterion C, the applicant must confirm that the following is true:

- A permit has been issued under section 10 of the ESA. The permit authorization specifically addresses the effects of the facility's wastewater discharges and related activities on all federally-listed species or designated critical habitat in the facility's action area.

Documentation retained to support this criterion shall include information on the FWS office that provided the permit, any tracking numbers or identifiers (e.g., IPaC number, ECO number) and a copy of the permit from the FWS.

Criterion D. Federally-listed species or their designated critical habitat(s) are likely to occur in or near the facility's "action area". Wastewater discharges and related activities **are not** likely to adversely affect listed species or their designated critical habitat.

To be eligible for DWGP coverage under Criterion D, the applicant must demonstrate that the facility's wastewater discharge and wastewater management related activities are not likely to adversely affect federally-listed species and designated critical habitat that may occur in the facility's action area. To arrive at this conclusion, the applicant must maintain documentation to conclude that at least one of the following is true:

- Listed species or critical habitat are not likely to be exposed to the effects of the facility's activities; or
- If they may be exposed, the facility's activities are not likely to adversely affect the listed species or result in the destruction or adverse modification of designated critical habitat.

The permittee must follow the assessment procedures in this Appendix: Summary of Steps to Assist in the Determination of ESA Eligibility. The permittee must provide the following information to the EPA with the completed NOI form:

- i. If the facility is an **EXISTING DICHARGER**, the following must be submitted:
- a. An updated list of the federally-listed species and any designated critical habitat that are likely to occur in the “action area” based on the most current FWS IPaC and other informational resources;
 - b. A list of the pollutant parameters for which the facility has ever exceeded any applicable permitted effluent limitations, or for which the facility has ever been found to have caused or contributed to an exceedance of any applicable water quality standard or to have violated a Tribal water quality requirement; AND
 - c. If the facility was eligible under this criterion for the previous EPA Region 8 DWGP, documentation as noted in either option 1 or 2 (below) shall be submitted based on the facility’s circumstance at the time of the NOI submission:
 1. If there is **NO CHANGE** to the:
 - action area;
 - federally-listed species/ designated critical habitat; and
 - potential effects from the discharge and related activities to such species or critical habitat; then

The applicant must submit all of the following:

- a. A rationale supporting the facility’s determination that it qualifies under Criterion D;
 - b. documentation confirming that there has been no change in the facility’s action area and, based on the current FWS IPaC or other informational resources, there are no additional FWS-listed species, designated critical habitat listed by FWS or other new information relevant to potential effects on such species or critical habitat;
 - c. A map, or other description, showing the approximate distance (in miles) between the facility’s discharge(s) and federally-listed species or designated critical habitat; and
 - d. a description of measure(s) the facility will implement, or continue to implement, to ensure no likely adverse effects on federally-listed species or critical habitat. (e.g. appropriate practices/measures to avoid or eliminate the likelihood of adverse effects).
2. If there **HAVE BEEN CHANGES** in:
- Action area;
 - Federally-listed species;
 - Designated critical habitat; and/or

- Effects from the discharge and related activities to Federally-listed species or critical habitat; then

The Permittee must submit:

- a. a rationale supporting the facility's determination that it qualifies under Criterion E;
 - b. a description of the changes in the facility's action area, FWS designated critical habitat, or additional federally-listed species (as applicable);
 - c. A map, or other description, showing the approximate distance (in miles) between the facility's discharge(s) and federally-listed species or designated critical habitat.
 - d. A description of measure(s) the facility will implement, or continue to implement, to ensure that likely adverse effects on federally-listed species or critical habitat. (e.g. appropriate practices/measures to avoid or eliminate the likelihood of adverse effects).
- ii. If the facility is a **NEW DISCHARGER**, the following shall be submitted:
- a. a list of the federally-listed threatened or endangered species or their designated critical habitat that are likely to occur in the "action area" based on the most current FWS IPaC and other informational resources;
 - b. a list of the potential pollutants in the facility's discharge; AND
 - c. if any ESA-listed species or designated critical habitat are likely to occur in the action area, but the facility's discharges are not likely to adversely affect them, the applicant shall also submit:
 - The rationale supporting the determination that the facility qualifies under Criterion E;
 - A map, or other description, showing the approximate distance (in miles) between the facility's discharge(s) and federally-listed species or designated critical habitat; and
 - A description of measure(s) the facility will implement, or continue to implement, to ensure no likely adverse effects on federally-listed species or critical habitat. (e.g. appropriate practices/measures to avoid or eliminate the likelihood of adverse effects).

After evaluation of the determination, EPA may require additional controls that the Permittee must implement to avoid or eliminate potential adverse effects on federally-listed species or designated critical habitat from wastewater discharges and related activities.

The Permittee must retain relevant documentation with the DWGP, in accordance with section 5.7 Retention of Records of the DWGP, supporting the claim for Criterion E.

If analysis reveals that the wastewater discharge and its related activities **are** likely to adversely affect federally-listed species and/or designated critical habitat; **and/or the facility cannot devise measures to implement to avoid** the likelihood of adverse effects, **the Permittee cannot submit an NOI for coverage under the DWGP and must apply for an individual permit.**

Criterion E. The Facility's wastewater discharges and related activities were already addressed in another operator's valid certification of eligibility for the Facility's "action area" under one of the other criteria described in this Appendix (i.e. criteria A, B, C or D) and the permittee has confirmed using IPAC that no additional federally-listed species or designated critical habitat may be present or located in the "action area".

In order to be eligible for coverage under Criterion E, the applicant must confirm the following are true:

- There has been no lapse of NPDES permit coverage in the other operator's certification.
- The other operator's certificate of eligibility accounted for the facility's action area, discharges and related activities, and that the eligibility determination was valid.
 - If the certification is based on another operator's certification under Criterion E, that certification is valid only if the applicant has documentation showing that the other operator had certified under Criterion E, and the applicant provides EPA with the relevant supporting information required of dischargers in Criterion E in the NOI form.

If certifying under Criterion E, the facility must:

- Document what certification was relied upon and comply with any measures or controls upon which the other operator's certification was based to ensure that wastewater discharges and discharge-related activities are protective of federally-listed species or designated critical habitat;
- Comply with all terms and conditions imposed under the other operator's valid certification of eligibility, and those terms and conditions are listed in the NOI and maintained with the DWGP file; and
- Retain relevant documentation with the Permit that supported the other operator's eligibility determination, as well as any terms and conditions imposed under the eligibility requirements that applied under the prior certification, and documentation confirming that there are no additional federally-listed species or designated critical habitat since the prior certification.

If the applicant has complied with all of the above listed requirements, the applicant may select Criterion E on the NOI.

Summary of Steps to Assist in the Determination of ESA Eligibility:

The following section provides a summary of step-by-step instructions to determine eligibility under the criteria described above.

Step One: *Determine if the Eligibility Requirements of Criterion B, C, or E can be met.*

The applicant should first determine whether the facility is eligible under Criterion B, C, or E because of a previously completed ESA section 7(a)(2) consultation, a previously issued ESA section 10 permit, or because the facility's activities were already addressed in another discharger's certification of eligibility. If the facility is not likely to be eligible under Criterion B, C, or E, proceed directly to Step 2.

Step Two: *Determine if Listed Threatened or Endangered Species or Critical Habitat are Present in the Action Area.*

Next, the applicant should determine whether federally-listed species or designated critical habitat are likely to occur in the facility's action area. The applicant can do this by obtaining a list of federally-listed species that are likely to occur in facility's general area, including the appropriate receiving water for the facility's discharges.

The FWS IPaC site (<https://ecos.fws.gov/ipac/>) must be used when determining the likely presence of federally-listed species or designated critical habitat. EPA encourages applicants to contact the FWS directly for assistance. If there are federally-listed species in the facility's county or township, the applicant must determine, as best they are able, whether any of the species are likely to occur in the facility's action area (using the appropriate FWS offices or Tribal Heritage Centers, as necessary). General species information can be found at: www.fws.gov/endangered/.

The applicant must also check to see if critical habitat has been designated and whether such areas overlap the facility's action area. Critical habitat should be listed on the species list for the facility's county or township, available from the appropriate FWS office. The applicant can also find critical habitat designations at 50 CFR §§ 17 and 226 and at <http://ecos.fws.gov/crithab/>.

Based on the assessment above utilizing the website tools and any coordination with the FWS:

- if the applicant confirms that there are **no federally-listed species nor designated critical habitat** in the facility's action area, the applicant **may select Criterion A** on the NOI; or
- if the applicant determines that federally-listed species or designated critical habitat **may be present** in the action area, the applicant will need to evaluate whether the facility's discharges have the potential to affect such species or critical habitat. **Proceed to Step Three.**

Step Three: *Determine if Activities Are Not Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat*

To apply for DWGP coverage, the applicant must analyze the effects of facility's activities, which may include not only the facility's wastewater discharge, but also any construction, operation, maintenance, and other activities related to wastewater management. The applicant must assess whether the wastewater discharge and associated activities are likely to adversely affect federally-listed species and/or designated critical habitat.

Construction, operation, and maintenance related to the facility's wastewater discharge can potentially result in adverse hydrological, habitat and toxicity effects. The scope of effects to consider will vary with each site. If the applicant has difficulty determining whether the facility is likely to adversely affect listed species or

designated critical habitat, or the FWS has already raised concerns to the facility, the applicant must contact the appropriate office of the FWS for assistance. Some potential effects include, but are not limited to:

- Wastewater discharges that may adversely affect receiving waters from parameters such as temperature, salinity, pH, or other pollutant parameters. These effects will vary with the amount of wastewater discharged and the volume and condition of the receiving water. Where a wastewater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- Outdoor activities, such as storage of materials, maintenance and land disturbances associated with construction or wastewater management-related activities, may adversely affect receiving waters, federally-listed species or designated critical habitat.
- Pollutants in wastewater discharges and lagoon systems (e.g. waste stabilization ponds) may have adverse or toxic effects on federally-listed species or adversely affect critical habitat. Exceedances of effluent limitations, or Tribal water quality requirements may be indicative of potential adverse effects on federally-listed species or critical habitat.

Step Four: *Determine if the Eligibility Requirements of Criterion E can be met.*

Based on the assessment performed in Step Three:

- if adverse effects to federally-listed species or designated critical habitat are **not likely**, then the applicant **may select eligibility Criterion E** on the NOI form; or
- if the applicant **cannot** yet conclude the facility's wastewater discharge is **not likely** to adversely affect federally-listed species or designated critical habitat, or if the applicant concludes that the facility's **wastewater discharge could potentially** adversely affect listed species or critical habitat, **proceed to Step Five.**

Step Five: *Determine if Measures Can Be Implemented to Avoid Adverse Effects or if Further Analysis Supports the Conclusion that Adverse Effects Are Not Likely.*

If the facility could not make a preliminary determination in Steps Three and Four that adverse effects to listed species and/or critical habitat are not likely to occur, the facility can still receive coverage under Criterion E if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for DWGP coverage (e.g., re-routing a wastewater discharge to avoid an area where federally-listed species and/or designated critical habitat are located, etc.).

- If the facility **is able** to install and implement appropriate measures to avoid the likelihood of adverse effects, the **applicant may submit the facility's NOI for coverage under the DWGP and the measures the facility adopts to avoid or eliminate adverse effects must be implemented.**
- If the facility **cannot** devise measures to implement to avoid the likelihood of adverse effects, the permittee **may not** submit an NOI for coverage under the DWGP and **should submit an individual NPDES permit application to EPA.**

Appendix C Complying with the National Historic Preservation Act

Background

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their “undertakings” on historic properties. “Undertaking” is defined in the NHPA regulations as “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” 36 C.F.R. § 800.16(y). Historic properties include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places; the term encompasses artifacts, records, and remains related to and located within such properties, and also includes properties meeting the National Register criteria that are of traditional religious and cultural importance to an Indian Tribe. See 36 C.F.R. § 800.16(1).

EPA Region 8’s issuance of the Drinking Water General Permit (DWGP), is a federal undertaking subject to the NHPA. An individual NOI for coverage under the DWGP does not constitute separate undertaking, however, may trigger obligations under the NHPA to identify, assess, and avoid or mitigate any adverse effects to historic properties as a result of the application. The screening criteria and certifications in this Appendix provide an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the DWGP. Applicants seeking coverage under the DWGP are thus required to make certain certifications regarding the potential effects of their wastewater discharge and related activities on historic properties.

The Permittee must meet one or more of the following three criteria (A-C), which are also required under section 1.3.7 in the DWGP, to be eligible for coverage under the DWGP. The Permittee must follow the historic properties screening procedures in this appendix, and then enter the criterion on the Permittee’s NOI. If the Permittee cannot meet any of the certification criteria relating to historic properties, the Permittee must apply for an individual permit.

At various times the NHPA regulations and the DWGP, as described in this Appendix, require communication with the Tribal Historic Preservation Officer (THPO) for the Tribe on whose lands the facility is located. (“Tribal lands” is defined for this purpose at 36 C.F.R. § 800.16(x).) If the Tribe in question does not have an appointed THPO, then these communications should be with the State Historic Preservation Officer (SHPO) *and* a representative designated by the Tribe. In this Appendix, the term Historic Preservation Official (HPO) refers to whichever official(s) may be appropriate to involve under the circumstances.

Historic Properties Eligibility Criteria

- Criterion A. There will be no new ground-disturbing activity on the Permittee’s site and no new discharges. Wastewater discharges and related activities do not have the potential to affect historic properties.
- Criterion B. Wastewater discharges and related activities have the potential to affect historic properties, but there are no historic properties within the area of potential effects (APE).
- Criterion C. The Permittee’s wastewater discharges and related activities have the potential to affect historic properties, and there are historic properties within the APE, and the Permittee has

obtained and is in compliance with a written agreement with the HPO regarding measures to mitigate or prevent any adverse effects on historic properties.

If the Permittee has been unable to reach agreement with the HPO regarding appropriate measures to mitigate or prevent adverse effects, EPA may notify the Permittee of additional measures the Permittee must implement in order to be eligible for coverage under the DWGP.

Historic Properties Screening Procedures: Initial Considerations

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to affect historic properties fulfills an agency's obligations under the NHPA. The overwhelming majority of sources covered under the DWGP will be facilities seeking renewal of previous permit coverage. These existing dischargers should have already addressed NHPA issues in the DWGP as they were required to certify that they were either not affecting historic properties or they obtained written agreement from the applicable HPO regarding ways to avoid, minimize, or mitigate potential impacts. Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility. EPA is not aware of any impacts on historic properties from activities covered under the DWGP. Therefore, to the extent the DWGP authorizes renewal of prior coverage without relevant changes in operations, with documented prior compliance with NHPA requirements, it has no potential to affect historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes the DWGP may have some potential to affect historic properties where permittees construct or install wastewater control measures that involve ground disturbance of up to one acre of land to comply with the DWGP. (Ground disturbances of one acre or more require coverage under a different permit, the Construction General Permit.) Where the Permittee has to disturb the land through the construction or installation of control measures, there is a possibility that historic properties could be impacted. Therefore, if the Permittee is establishing new or altering existing control measures to manage the Permittee's wastewater that will involve subsurface ground disturbance of up to one acre, the Permittee will need to ensure that the Permittee has identified any properties on and eligible for inclusion on the National Register of Historic Places and (1) that the Permittee has consulted with the appropriate HPO regarding effects of the Permittee's actions on any historic properties identified and determined that the historic properties will not be impacted by the Permittee's activities or (2) that the Permittee has consulted with the appropriate HPO regarding measures that would mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures That Involve Ground Disturbance

EPA has reviewed typical control measures currently employed to determine which practices involve some level of earth disturbance. The types of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts

- Land manipulation: contouring, sloping, and grading
- Channels
- Perimeter Drains
- Swales

EPA cautions dischargers that this list is non-exclusive. Other control measures that involve earth-disturbing activities not on this list must also be examined for the potential to affect historic properties.

Contact information

Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (www.achp.gov/programs.html). In instances where a Tribe does not have a Tribal Historic Preservation Officer, the Permittee should contact the appropriate Tribal government office to obtain contact information for their designated representative.

Historic Properties Screening Procedures: Steps for Assessing Eligibility

The Permittee should follow the following process to assess and certify the Permittee's compliance with historic property eligibility requirements under the DWGP (see section 1.3.7). Note that after the Permittee submits the Permittee's NOI, there is a 30-day waiting period during which the HPO may review the Permittee's NOI and may request that EPA pause authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify the Permittee if any additional measures to address adverse impacts to historic properties are necessary.

Step One: Is the Permittee an existing facility reapplying for certification under the DWGP?

If the Permittee is an existing facility the Permittee should have already addressed NHPA issues, unless the Permittee is seeking to commence new ground disturbing activities. To gain coverage under an NPDES permit the Permittee was required to certify that the Permittee was either not affecting historic properties or had obtained written agreement from the relevant HPO regarding methods of addressing potential impacts. As long as the Permittee is not constructing or installing any new wastewater treatment facility modifications or otherwise conducting ground disturbing activities in connection with the permit then the Permittee has met eligibility Criterion A.

If the Permittee is a new facility, or an existing facility without documented NHPA compliance, then proceed to Step Two.

Step Two: Is the Permittee constructing or installing a new wastewater treatment facility that requires ground disturbance of up to one acre?

If the Permittee's compliance with the DWGP will not involve any ground disturbance, then the Permittee may select eligibility Criterion A on the Permittee's NOI form and the Permittee has no further obligations relating to historic properties. However, if at any time during the DWGP term the Permittee determines that ground disturbance is needed and the Permittee initially chose eligibility Criterion A, then the Permittee must follow the procedures in Steps Three through Five to ensure that the Permittee's eligibility for continued authorization to discharge is maintained before any ground disturbance occurs.

If the Permittee is building or installing wastewater treatment facilities on the Permittee's site that cause up to one acre of ground disturbance, or if the Permittee has no documentation of NHPA compliance for the Permittee's facility, then proceed to Step Three.

Step Three: *Within the Permittee's APE, determine whether (a) there is a property listed in, or eligible for listing in, the National Register of Historic Places; or (b) prior earth disturbances, surveys or other activity have revealed the existence of a historic property or provided evidence that a historic property may exist.*

Under this step the Permittee must consider the APE associated with the Permittee's facility as described in (a) and (b) below. The APE includes each wastewater facility covered by the DWGP and any locations that may be affected (for instance, as a result of downstream scouring) by facility discharges. See 36 C.F.R. §§ 800.4(a)(1), 800.16(d).

(a) *Determine whether the Permittee's APE includes any portion of a property listed in the National Register of Historic Places.* Listed properties can be identified by consulting the National Register of Historic Places website at www.nps.gov/nr/. Note that this website may not be up to date, and that the connection between the Permittee's APE and a listed historic property may not be obvious. For any questions regarding listings in the National Register of Historic Places the Permittee should contact the Permittee's HPO.

If the result of the Permittee's inquiry is yes then proceed to Step Five. If no, consider part (b).

b) *Determine whether any prior ground disturbance, survey of historic resources, or other activity has revealed the presence of historic properties or provided other evidence that a National Register-eligible historic property may exist within the Permittee's APE.* Evidence that a National Register-eligible historic property may exist includes any artifacts, records or remains that may have been found indicating the presence of a potential historic property even if such evidence or property has not yet been evaluated for eligibility for listing in the National Register of Historic Places. Be aware that discovery of human remains may trigger separate requirements under state law or the federal Native American Graves Protection and Repatriation Act (NAGPRA), but any such requirements are not associated with DWGP eligibility.

If a prior ground disturbance, survey, or other activity has not conclusively revealed the existence of historic properties or other evidence that a National Register-eligible historic property may exist within the Permittee's APE, or if there has been no prior earth disturbance, survey, or other activity with which to make this assessment, then proceed to Step Four.

If a prior ground disturbance, survey, or other activity has revealed the presence of historic properties or other evidence that a National Register-eligible historic property may exist within the Permittee's APE, proceed to Step Five.

Alternatively, if the Permittee substitutes or modifies the Permittee's activities to eliminate any ground disturbance, the Permittee may select eligibility Criterion A on the Permittee's NOI form and the Permittee has no further obligations relating to historic properties, unless unforeseen historic properties are discovered during the course of construction and operations.

Step Four: *In coordination with the Permittee's HPO, or by retaining a qualified historical or archaeological consultant, determine whether there are any historic properties within the APE not already identified in Step Three.*

This step assumes that the Permittee is disturbing up to one acre of land in connection with the DWGP, and that the APE for the Permittee's project does not include any site listed in the National Register of Historic Places, and that no prior earth disturbance, survey, or other activity has revealed the presence of historic properties or other evidence that a National Register-eligible historic property may exist within the

Permittee's APE. In these circumstances, the Permittee must still determine, in coordination with the relevant HPO, whether any properties eligible for listing in the National Register of Historic Places exist within the Permittee's APE. The HPO and/or a qualified professional consultant can assist the Permittee's analysis and determination in many ways, including examining local records to determine whether historic artifacts have been found in nearby areas, conducting surveys of the Permittee's APE, and performing limited surface and subsurface examinations. The Permittee's historic resource survey assistance provider and results must be documented and retained.

The Permittee may contact the appropriate HPO to request their help in determining the presence of historic properties. Alternatively, the Permittee may opt to contact a qualified historical or archaeological consultant without first contacting the HPO. If the HPO indicates to the Permittee within 30 calendar days after the Permittee's contact that they are unable to assist the Permittee, then the Permittee must engage the services of a qualified professional consultant. If the HPO does not respond within 30 days after the Permittee's contact, and if the Permittee does not otherwise have information that there are historic properties in the APE, the Permittee may assume there are no historic properties or National Register of Historic Places-eligible property within the Permittee's APE, and the Permittee may certify the Permittee's eligibility under Criterion B on the Permittee's NOI form, and the Permittee has no further obligations relating to historic properties, unless unforeseen historic properties are discovered during the course of construction and operations..

The HPO and/or a qualified professional consultant can assist the Permittee's analysis and determination in many ways, including examining local records to determine whether historic artifacts have been found in nearby areas, conducting surveys of the Permittee's APE, and performing limited surface and subsurface examinations. The Permittee's historic resource survey assistance provider and results must be documented and retained. Alternatively, the Permittee may opt to contact a qualified historical and/or archaeological consultant without first contacting the HPO. If the Permittee, after reviewing the information provided by its qualified historical and/or archaeological consultant, determines there are no historic properties within the Permittee's APE, the Permittee must inform the appropriate HPO of that finding in writing. If the HPO provides written concurrence or does not respond within 30 days after the Permittee's contact, the Permittee may assume there are no historic properties or National Register of Historic Places-eligible property within the Permittee's APE, and the Permittee may certify the Permittee's eligibility under Criterion B on the Permittee's NOI form, and the Permittee has no further obligations relating to historic properties, unless unforeseen historic properties are discovered during the course of construction and operations.

If the Permittee determines that there are or may be historic properties within the Permittee's APE, continue to Step Five.

Alternatively, if the Permittee substitutes or modifies the Permittee's activities to eliminate any actions involving ground disturbance, the Permittee may select eligibility Criterion A on the Permittee's NOI form and the Permittee has no further obligations relating to historic properties, unless unforeseen historic properties are discovered during the course of construction and operations.

Step Five: *Contact the EPA and appropriate historic preservation authorities.*

This step assumes that the Permittee is constructing treatment facilities affecting up to one acre of land to control wastewater discharges associated with the DWGP, and that the Permittee has determined that there are or may be historic properties within the Permittee's APE. In that case, the Permittee must contact the EPA and the relevant HPO in writing and request to discuss mitigation or prevention of any adverse effects from the Permittee's activities on the historic properties. The letter should state that the Permittee is seeking coverage under the DWGP, and that historic properties may be present within the APE. It should also describe the Permittee's facility, the nature and location of subsurface disturbance activities that are contemplated,

any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state that if the HPO does not respond within 30 days of receiving the Permittee's letter, the Permittee may submit the Permittee's NOI without further consultation. EPA encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property. Contact with all parties should be made as soon as possible, but in no event less than 30 days before the Permittee submits the Permittee's NOI.

If the Permittee enters into, and complies with, a written agreement with the HPO regarding how to address any adverse impacts on historic properties, the Permittee has met eligibility Criterion C. In this case, the Permittee should retain a copy of the written agreement and retain documentation of the Permittee's compliance with its terms consistent with section 5.7 of the DWGP. As noted above, the HPO may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties.

If the Permittee does not receive a response from the Permittee's HPO within 30 days after making contact in this step, or if the Permittee consults with the HPO regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached, EPA may require the Permittee to obtain coverage under an individual permit. Alternatively, EPA may determine what additional measures, if any, are required for the Permittee to become eligible for DWGP coverage.

Appendix D Notice of Intent and Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1595 WYNKOOP STREET (8WP-CWW)
DENVER, COLORADO 80202-1129
NOTICE OF INTENT FOR THE 2024 DRINKING WATER GENERAL PERMIT

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Drinking Water General Permit (DWGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.3 of the DWGP for the facility identified in Section IV of this form. DWGP coverage is required prior to commencement of discharge. To obtain authorization, the Permittee must submit a complete and accurate NOI form. Discharges are not authorized if the Permittee's NOI is incomplete or inaccurate or if the Permittee were never eligible for DWGP coverage. Refer to the instructions at the end of this form.

I. Electronic Reporting and Paper NOI Form

EPA has published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which will modernize Clean Water Act (CWA) reporting for municipalities, industries and other facilities.

As of December 21, 2025, regulated entities that submit certain NPDES reports will begin submitting these reports electronically, instead of on paper. These reports include Notices of Intent to discharge in compliance with an NPDES general permit. An electronic NOI is not currently available, and EPA Region 8 has waived this regulatory requirement until an electronic NOI is developed.

II. Permit Information

**NPDES ID (EPA _____
Use Only):**

Previous NPDES Permit _____ (e.g. SDG589123 or SD-DW0009I)
Number:

Public Water System _____ (e.g. PWS ID SD123456789o)
Number:

III. Operator Information

Operator Last Name:

Operator First Name:

Title:

Mailing Address:

Street:

City:

State:

Zip:

County:

Phone:

Extension:

xxx-xxx-xxxx _____

E-mail:

NOI Preparer (Complete if NOI was prepared by someone other than the certifier or operator):

Name:

Organization:

Phone:

Extension:

xxx-xxx-xxxx _____

E-mail:

IV. Facility Information

Facility Name:

Facility Address:

Street/Location:

City:

State:

Zip:

County:

Drinking Water Treatment Plant - Latitude/Longitude (Use decimal degrees):

Latitude: xx.xxxxxx N. Longitude: xx.xxxxxx W.

Backwash Lagoon Outfall - Latitude/Longitude (Use decimal degrees):

Latitude: xx.xxxxxx N. Longitude: xx.xxxxxx W.

Is this facility or the outfall for the facility located in Indian country?

Yes

No

If Yes, please provide the name of the Indian reservation.

V. Water Treatment Plant History & Information

1. Number people served by the water treatment plant: _____
2. Average daily water production: _____MGD
3. Year that this plant was first built (e.g., 1956): _____
4. Year of the last treatment upgrade or significant expansion of water treatment at this plant: _____

Describe upgrades:

VI. Treatment Information

Type of Source Water and Treatment:

Type of Source Water

Percentage of Total Source Water

Surface Water

Ground Water

Purchased Water

Are copper-based chemicals used at the plant?

Yes No

If yes, please identify which chemicals

Flocculant Chemicals Used:

Are flocculants used? Yes No

If yes, note the type of chemical(s) used below.

Aluminum chlorohydrate/polyaluminum chloride (PACl)

Aluminum sulfate (alum)

Iron-based coagulants (ferric chloride and ferric sulfide)

Potassium permanganate

Polymer coagulants

Lime Softening Chemicals Used:

Is lime softening used in the Drinking Water process? Yes No

If yes, note the type of chemical(s) utilized below.

- Hydrated lime (Ca(OH)_2)
- Caustic soda/sodium hydroxide (NaOH)
- Quick lime (CaO)
- Sodium carbonate/soda ash (Na_2CO_3)

Disinfection Chemicals Used:

Are chemicals used for chlorination? Yes No (Please identify type below)

Drinking water MCL

Please list pollutants in the source water that are or have a history of exceeding the Safe Drinking Water Act Maximum Contaminant Level (MCL):

Radioactivity of Source water

Plants that treat source water containing naturally occurring radioactive pollutants above the Maximum Contaminant Level as defined in the Safe Drinking Water Act are not eligible for coverage under the DWGP.

Does the Facility treat source water containing naturally occurring radioactive pollutants above the Maximum Contaminant Level?

Yes No

Wastewater Treatment and Disposal Operations:

Please identify (☒) below which wastewater treatment operations are performed at the water treatment plant. Treatment of wastewater refers to any activity designed to change the character or composition of liquid and solid wastewater streams from water treatment processes as needed to render it amenable to recycle/recovery, reduce its volume, or prepare it for transportation, storage, disposal, or discharge.

No treatment

Drying

pH adjustment

Equalization of wastewater prior to treatment or disposal

Other (specify):

Sludge Thickening

Mechanical dewatering

Non-mechanical dewatering

Sedimentation tanks and ponds

Lagoon or Stabilization Pond

Aeration

Hydrogen sulfide removal

Evaporation ponds

Dechlorination

Types of Wastewaters Disposed. Please check all that apply.

Wastewater from water treatment operations including coagulation, filter backwashing operations, filter-to-waste, precipitative softening, iron and manganese removal, and slow sand and diatomaceous earth filtration. These include accumulated wastewater for batch discharge.

Wastewater from presedimentation water treatment operations.

Discharges from wastewater treatment including mechanical dewatering (e.g., thickener decant, centrate, and filtrate from belt or plate-and-frame presses) and non-mechanical dewatering (e.g., discharges from dewatering lagoons).

Concentrate (brines) from ion exchange regeneration and saltwater conversion, membrane reject water and spent backwash, activated alumina waste regenerate, and membrane cleaning fluid.

Ion exchange resins, spent granular activated carbon (GAC), and spent filter media.

Stormwater/rainfall infiltration.

Other

VII. Wastewater Discharge Information

Backwash Discharge:

Please identify (q) below the method(s) of wastewater discharge at the water treatment plant. Please select all categories that apply.

- Direct discharge of treated and/or untreated wastewater. Do not select direct discharge if the Permittee's plant only discharges non-contact stormwater to surface waters. Select direct discharge if the Permittee's plant has a permit that regulates or monitors the discharge of treated and/or untreated wastewater to surface waters.
- Indirect discharge of treated and/or untreated wastewater. Select indirect discharge if the Permittee's plant has a permit that regulates or monitors the discharge of treated and/or untreated wastewater to a treatment works (POTW). Indirect discharge does not include spent filter backwash discharged to surface water.
- Zero discharge.

If the water treatment plant operates as a zero-discharge plant, please identify (q) the disposal method(s) for the wastewater.

- Recycle (i.e., return to water treatment plant pre-coagulation)
- Evaporation
- Composting
- Landfill disposal
- Spray irrigation
- Underground injection
- Land application (e.g., soil amendment)
- Other (specify): _____
- Other (specify): _____

Backwash Discharge Frequency:

If the water treatment plant directly discharges its wastewater to surface water, please identify below the frequency of the discharge. In the blank spaces below the batch and emergency discharge categories, please specify the number of times wastewater were discharged to surface waters in the last 5 years. Please check below both 'Continuous discharge' and 'Batch (intermittent) discharge' if the Permittee is doing both types of discharges (e.g., continuous filter backwash and batch discharge of wastewater in settling basins).

- Continuous discharge
- Batch (intermittent) discharge
Wastewater were discharged _____ times in past 5 years.
- Emergency discharge only
Wastewater were discharged _____ times in past 5 years.

Arsenic Pollutant Screen:

All facilities are required to monitor their wastewater effluent for Arsenic and include the results and reporting limit on a spiked sample.

Arsenic Concentration: _____ Method Detection Limit: _____ Date of sample: _____

VIII. Receiving Water Information:

Name of receiving water. If unnamed drainage or ditch please identify first named receiving water.

Type of Receiving Water:

River Creek Wetland Lake Drainage Ditch Unnamed Tributary

Other (specify): _____

Receiving water lowest 7-day average flow over the past 10 years (7Q10): _____

IX. Request for facility specific Aluminum Limitations:

Facilities using aluminum-based coagulants must provide the following information:

Effluent
Monitoring

Hardness: _____ mg/L as
CaCO₃

pH: _____ Standard
units

Dissolved organic carbon: _____ mg/L

Receiving Water
Monitoring

Hardness: _____ mg/L as
CaCO₃

pH: _____ Standard
units

Dissolved organic carbon: _____ mg/L

Monitoring location: (Please use digital GPS points)

Latitude: _____

Longitude: _____

X Request For Reduced Indicator Monitoring:

Facilities requesting reduced indicator monitoring shall provide the dates and monitoring results that show the particular pollutants of concern are not present at quantities that have reasonable potential to cause an exceedance of a water quality standard. The pollutants eligible for this are limited to those in the table below. The Permittee must submit 4 sample results with corresponding dates. There is no benefit to submitting less than 4 data points. Please include dates for monitoring data that was submitted in DMRs. A separate spread sheet may be attached if that is easier for the permittee.

Note: At this time the results must be reported at 0.0 mg/L, or below the method detection limit identified by the analytical laboratory.

Pollutant Name	Dates Sampled (month/year)	Results
Antimony (ug/L)		
Arsenic (ug/L)		
Cadmium (ug/L)		
Total Chromium (ug/L)		
Copper (ug/L)		
Lead (ug/L)		
Nickel (ug/L)		
Selenium (ug/L)		
Silver (ug/L)		
Thallium (ug/L)		
Zinc (ug/L)		

XI Endangered Species Act Certification:

Applicants seeking coverage under the DWGP are required to make certifications regarding the potential effects of their wastewater discharge and related activities on endangered species.

The Permittee must meet one or more of the five criteria (A-E), which are required under Part 1.3.6 in the DWGP, to be eligible for coverage under this DWGP. To help make the Permittee's criterion selection, the Permittee must follow the endangered species screening procedures listed in Appendix B. Every criterion requires submission of the corresponding supporting documentation with the NOI.

- Criterion A No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area". In order to be eligible for coverage under Criterion A, the applicant must confirm there are no federally-listed species nor designated critical habitat in the facility's action area. An explanation of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.
- Criterion B Consultation between a Federal agency and the FWS under section 7(a)(2) of the ESA has been concluded. The consultation may be either formal or informal and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit). Consultation must have addressed the potential effects of the facility's wastewater discharge and related activities on all federally-listed threatened or endangered species or all federally designated critical habitat in the facility action area. An explanation of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.
- Criterion C The Permittee's activities are authorized through the issuance of a permit under section 10 of the ESA, and authorization addresses the effects of the wastewater discharge on federally-listed species and federally-designated critical habitat. The Permittee must keep documentation with the DWGP, including a copy of the FWS issued permit. An explanation of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.
- Criterion D Federally-listed species or their designated critical habitat(s) are likely to occur in or near the facility's "action area". Wastewater discharges and related activities are not likely to adversely affect listed species or their designated critical habitat. An explanation of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.

- Criterion E The Facility's wastewater discharges and related activities were already addressed in another operator's valid certification of eligibility for the Facility's "action area" under one of the other criteria described in this Appendix (i.e. criteria A, B, C or D) and the permittee has confirmed using IPAC that no additional federally-listed species or designated critical habitat may be present or located in the "action area". A description of the basis for selecting this criterion and supporting documentation identifying the FWS information sources (including the FWS IPaC site) must be submitted with the NOI and retained with the Permittee's records.

XII. National Historic Preservation Act Certification:

Applicants seeking coverage under the DWGP are required to make certain certifications regarding the potential effects of their wastewater discharge and related activities on historic properties.

The Permittee must meet one or more of the three criteria (A-C), which are also required under Part 1.3.7 in the DWGP, to be eligible for coverage under this DWGP. To help make the Permittee's criterion selection, the Permittee must follow the full historic properties screening procedures listed in Appendix C.

- Criterion A There will be no new ground-disturbing activity on the Permittee's site and no new discharges. Wastewater discharges and related activities do not have the potential to have an effect on historic properties.
- Criterion B Wastewater discharges and related activities have the potential to have an effect on historic properties, but there are no historic properties within the area of potential effects (APE).
- Criterion C The Permittee's wastewater discharges and related activities have the potential to have an effect on historic properties, and there are historic properties within the APE. The Permittee has contacted EPA and the HPO, informing them in writing that the Permittee's actions have the potential to have an effect on historic properties and the Permittee has obtained and is in compliance with a written agreement with the HPO regarding measures to mitigate or prevent any adverse effects on historic properties, and the Permittee has obtained and is in compliance with a written agreement that outlines all such measures.

XIII. Certification Information:

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.

Responsible Officials Name:

E-mail:

Title:

Signature:

Date:

xx/xx/xxxx

Instructions for Completing EPA

Notice of Intent for the 2024 NPDES Drinking Water General Permit

Who Must File an NOI Form?

Under the provisions of the Clean Water Act, as amended (33

U.S.C. 1251 et. seq.; the Act), federal law prohibits discharges to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit.

For coverage under the Drinking Water General Permit (DWGP), each person, firm, public organization, or any other entity that meets the following criteria must file a Notice of Intent form: (1) they have operational control over a drinking water treatment facility located within the EPA Region 8, (2) the operation of the drinking water may result in discharges of backwash waters to a water of the U.S.

If the Permittee have questions about whether the Permittee need coverage under this NPDES DWGP, or if the Permittee need information to determine whether EPA or the Permittee's state agency is the permitting authority, contact the Permittee's EPA Regional Office.

Completing the Form

Obtain and read a copy of the DWGP, viewable at <https://www.epa.gov/npdes-permits/about-region-8s-npdes-permit-program> To complete this form, type or print in the appropriate areas only. Please place each character within the provided boxes (abbreviate if necessary to stay within the number of characters allowed for each item).

Section I. Electronic Reporting and Paper NOI Form

With this permit issuance, electronic NOI application requirements are not in effect and a signed paper copy of the NOI must be submitted.

Please submit the original document with signature in ink - do not send a photocopied signature.

Section II. Permit Information

Please provide information on the current or previous NPDES permit coverage that the Permittee's facility may have been covered under.

Also provide the Public Water System identification number (PWS ID) under which the drinking water facility is covered for distribution of treated drinking water.

Section III. Operator Information

Provide the legal name of the person that operates the facility described in this NOI.

Also provide the operators official title, operator's mailing address, county, telephone number, and e-mail address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by an Indian Health Service (IHS) contact), include the full name, organization, phone number, and email address of the NOI preparer.

Section IV. Facility Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county of the facility. If the facility lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Additionally, provide the latitude and longitude of the Permittee's facility in decimal degrees format. The latitude and longitude of the Permittee's facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others.

For consistency, EPA requests that measurements be taken from the approximate center of the facility location and at the outfall location.

Indicate whether the project is in Indian country and provide the name of the Indian reservation associated with the area.

Section V. Water Treatment Plant History & Information

Provide information on the approximate number of water system users, the amount of water produced by the plant (in millions of gallons per day), the year the plant was built, and information on any upgrades to the facility.

Section VI. Treatment Information

Indicate the type of source water utilized by the drinking water facility. Also indicate if copper-based chemicals are utilized by the facility to control nuisance algal prior to treatment.

Indicate the various types of chemicals used in the drinking water processes. These include: flocculants; lime softening chemicals; chemicals used for disinfection; and any other chemicals used by the facility for the production of drinking water.

In addition to the known chemicals utilized in the treatment of drinking water, please note any known disinfection wastewater in the backwash or filter to backwash water; as well as the wastewater treatment and disposal practices.

Section VII. Discharge and Receiving Stream Information

Indicate the methods used to dispose of wastewater at the drinking water treatment plant. This includes information on: The type of discharge; direct, indirect, or zero discharge; the frequency of discharges; and the receiving stream for discharges. If the facility is considered a zero-discharge facility, indicate the disposal method for wastewater.

Provide receiving water and related information in the table provided on the form (if known). If receiving

water is dry during periods of the year enter "0" for critical flow. If unknown enter "unknown" for critical flow.

Section VIII. Request for facility specific Aluminum Limitations

If the facility uses aluminum based coagulants and has had trouble meeting aluminum effluent limitations in the previous permit they may request site specific aluminum limitations which allow for the local conditions to be considered when calculating the applicable aluminum effluent limitations. The required monitoring information is Hardness, pH and dissolved organic carbon for the effluent and receiving waters. Receiving water sampling location must be documented in the Facility operations manual for consistency between operators.

Section X. Requesting reduced indicator monitoring

Use this section to submit previous monitoring data for justification of reduced monitoring data. The Data need to be consecutive and be representative of the results expected during normal Facility operation

Section XI. Endangered Species

Use the instructions in Appendix B of the DWGP to complete the questions on the NOI form regarding historic preservation.

Section XI. Historic Preservation

Use the instructions in Appendix C of the DWGP to complete the questions on the NOI form regarding historic preservation.

Section XII. Certification Information

The NOI must be signed by:

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 a well field,

superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

Submitting The Permittee's Form

Submit the Permittee's NOI form by mail to the following addresses:

**U.S. EPA Region 8
(8WD-CWW)
1595 Wynkoop Street
Denver, Colorado 80202-1129**

Appendix E – Definitions

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

The *30-day (monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. (40 CFR § 122.2)

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

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

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

- (a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- (b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;

- (c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
- (d) Continuous collection of samples with sample collection rate proportional to flow rate.

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

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

E. coli means *Escherichia coli*.

Facility means any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

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

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

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

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

Lands of Exclusive Federal Jurisdiction means, for the purposes of the DWGP, federal lands where the Enclave Clause of the U.S. Constitution establishes that EPA has exclusive jurisdiction to implement relevant sections of the Clean Water Act.

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

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

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

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (40 CFR § 403.3(k))

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

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

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

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

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

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

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR § 122.41(m)(1)(ii))

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

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

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

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

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

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after control measures are put in place. (U.S. EPA Office of

Water, March 1991, Technical Support Document for Water Quality-based Toxics Control [EPA/505/2-90-001], pg. xxi)

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

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

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