



REGION 7

LENEXA, KS 66219

May 27, 2026

Certification under Section 401(a)(1) of the Clean Water Act

Village of Pender Wastewater Treatment Facility Pender, Thurston County, Nebraska (Within the Exterior Boundaries of the Omaha Tribe of Nebraska Reservation)

The U.S. Environmental Protection Agency has proposed renewing the Village of Pender Wastewater Treatment Facility National Pollutant Discharge Elimination System (NPDES) permit. The Village of Pender Wastewater Treatment Facility is located within the exterior boundaries of the Omaha Tribe of Nebraska Reservation. The Omaha Tribe of Nebraska is a federally recognized Indian Tribe. The Environmental Protection Agency, Region 7 is reissuing the Village of Pender Wastewater Treatment Facility NPDES Permit under Section 402 of the Clean Water Act (CWA). This NPDES permit will re-authorize the discharge of wastewater effluent from the facility to waters of the United States, within the exterior boundaries of the Omaha Tribal Reservation. The Omaha Tribe of Nebraska is the homeland of the Tribe and is Indian Country located within the State of Nebraska.

The EPA may not issue an NPDES permit to conduct any activity that may result in a discharge to a water of the United States, until a certification or waiver under the CWA Section 401 has been issued (see 40 CFR 121.2 and 121.7). The EPA acts as the certifying authority where no state or Tribe has authority to certify, pursuant to CWA Section 401(a)(1). The EPA makes certification decisions after consideration of applicable tribal, federal, and/or adjacent state water quality standards. The EPA consults with the affected federally recognized Indian Tribes, States and Federal Agencies regarding their concerns, when evaluating NPDES permits for certification under Section 401 of the CWA. The Omaha Tribe of Nebraska does not have authority under CWA Section 401(a)(1) to issue Section 401 Certification for the proposed Village of Pender Wastewater Treatment Facility NPDES Permit. Therefore, the EPA acts as the certifying authority for the proposed NPDES Permit. **Pursuant to this authority, the EPA grants CWA Section 401 Certification for the proposed NPDES permit for the Village of Pender Wastewater Treatment Facility.**

Jeffery Robichaud,
Water Division Director