

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8 NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM STATEMENT OF BASIS**

PERMITTEE:	Prairie Knights Casino
FACILITY NAME AND ADDRESS:	Prairie Knights Casino Wastewater Treatment Facility 7932 Highway 24 Fort Yates, North Dakota 58538
PERMIT NUMBER:	ND-0031135
RESPONSIBLE OFFICIAL:	Wayne Hosie, Director of Facilities (701) 854-7717 whosie@prairieknights.com
FACILITY CONTACT:	Wayne Hosie, Director of Facilities (701) 854-7717 whosie@prairieknights.com
PERMIT TYPE:	Minor, Permit Renewal POTW
FACILITY LOCATION:	7932 Highway 24 Fort Yates, North Dakota 58538 46.272793, -100.635130

1 INTRODUCTION

This statement of basis (SoB) is for the issuance of a National Pollutant Discharge Elimination System (NPDES) permit (the Permit) to the Standing Rock Sioux Tribe for the Prairie Knights Casino (Facility). The Permit establishes discharge limitations for any discharge of wastewater from the Facility through Outfall 002A to an unnamed tributary to Fool Bear Creek, a tributary to Lake Oahe (Missouri River). The SoB explains the nature of the discharges, EPA's decisions for limiting the pollutants in the wastewater, and the regulatory and technical basis for these decisions.

The Facility is located on the Standing Rock Indian Reservation. EPA Region 8 is the permitting authority for facilities located in Indian country, as defined in 18 U.S.C. § 1151, located within Region 8 states and implements federal environmental laws in Indian country consistent with the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) and the federal government's general trust responsibility to federally recognized Indian tribes.

2 MAJOR CHANGES FROM PREVIOUS PERMIT

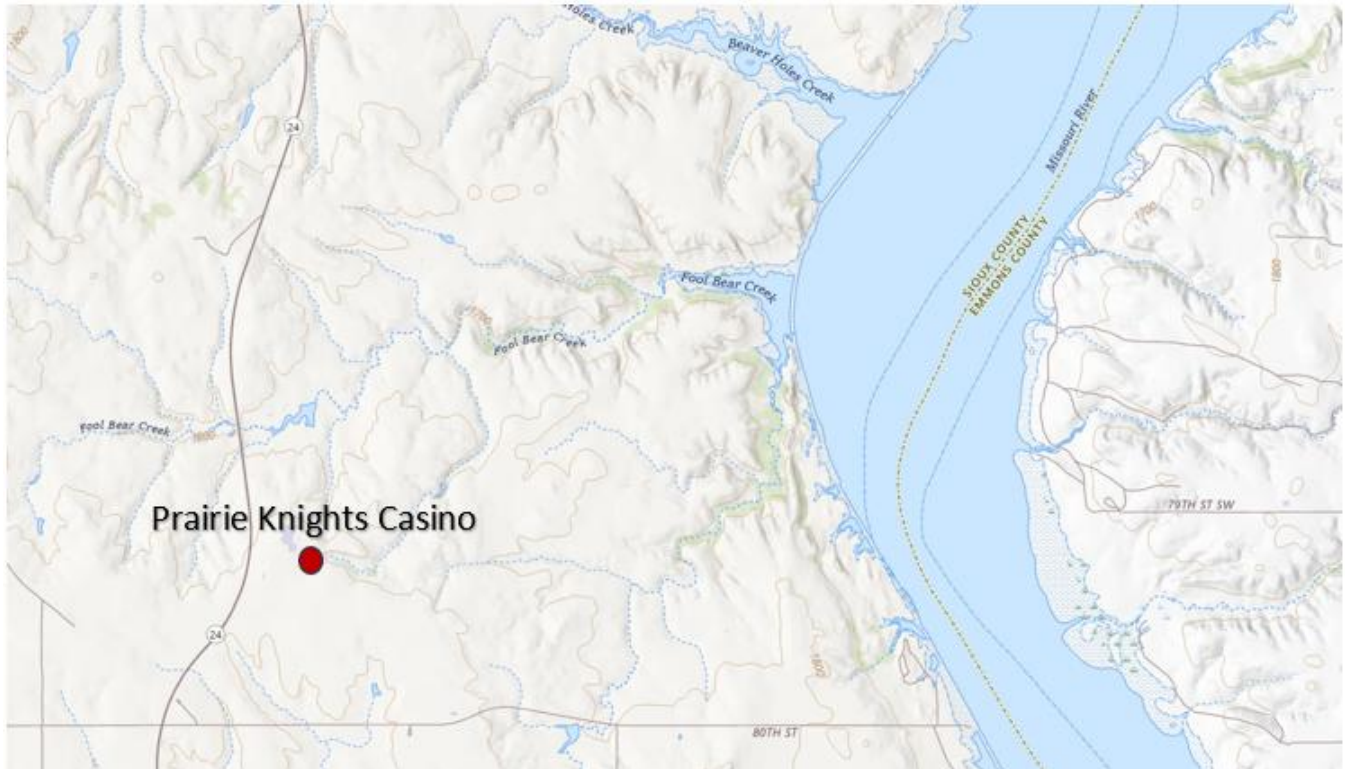
Major changes from the previous permit include the following:

- Addition of reporting a calculated total nitrogen concentration
- Addition of percent removal limits for biochemical oxygen demand (BOD₅) and total suspended solids (TSS)
- Addition of an asset management plan
- Change in reporting units of temperature and flow
- Changes in monitoring frequency for oil and grease, nutrients, ammonia, and nitrate+nitrite
- Change in DMR reporting from quarterly to monthly

3 BACKGROUND INFORMATION

The Prairie Knights Casino is a 200-room resort hotel that is owned and operated by the Standing Rock Sioux Tribe. The resort includes a casino, pool, hot tub, entertainment pavilion, and onsite bars and restaurants. This permit renewal is for the discharge from the onsite wastewater treatment facility (Facility) that treats domestic wastewater from the approximate 2000 guests and staff. The Facility is located approximately 15 miles north of Fort Yates, North Dakota, east of State Highway 24, in the NE ¼ of Section 12, Township 132 N, R 60W (Figure 1). It is entirely within the boundaries of the Standing Rock Reservation. Outfall 002A is located at latitude 46.272598, longitude -100.635480.

Figure 1. Facility Location



3.1 Service Area Description

The Facility treats domestic wastewater from the Prairie Knights Casino which includes a casino, hotel, pool, hot tub, entertainment pavilion, four restaurants inside the casino (The Hunters Club, Feast of the Rock, Tatanka Sports Bar, and Top This Pizza), and a gas station (which includes bathrooms, fast food deli, and car wash). The EPA conducted a site visit on July 28, 2026. Per a conversation with the maintenance manager during the site visit, the recreational vehicle dump station wastewater is transferred directly to cell 1 of the lagoon system and does not go through the mechanical plant (Figure 2).

A grease interceptor is installed in the collection system below the restaurants to reduce loading from the restaurants. The interceptor contents are removed by a contractor and disposed of offsite every three months.

Per a conversation with the maintenance manager on July 21, 2026, there is one 20,000-gallon swimming pool. The entire pool is drained twice per year, in the spring and fall. In addition, sand filters are used to clean the pool. These filters are backwashed twice a week or every other week. During these activities, a valve is closed so that the chlorinated pool water does not enter the wastewater treatment plant but instead is diverted to a clay lined lagoon. The water evaporates from the lagoon and is not discharged. Because the pool water is diverted away from the treatment plant in these instances and the Facility uses ultraviolet (UV) disinfection instead of chlorine, no limits will be set for total residual chlorine nor will monitoring be required at this time.

The carwash uses a closed loop recycled water system for washing activities. When the water has reached the end of its useful life, an outside contractor removes the water and associated solids for disposal offsite.

Figure 2. Overview of Prairie Knights Casino WWTF



3.2 Treatment Process

The wastewater treatment system is an Ecolo Chief activated sludge plant that was installed in 2011. Per a conversation with the maintenance manager, of the three lagoons from the original wastewater treatment system, cell 2 has been fully decommissioned. Cell 1 is evaporative only, and if it becomes too full, it is diverted into cell 3. Per the EPA's July 2022 Inspection Report, the pipe from cell 1 to cell 2 was sealed with concrete in 2019. Cells 1 and 3 are used for storage and evaporation only and cannot discharge. Previous iterations of this permit contained an outfall (Outfall 001) to Fool Bear Creek from the lagoons. However, this outfall was decommissioned in a manner to prevent discharges and is no longer in use nor permitted to be used.

Ecolo Chief is a modular pre-engineered mechanical wastewater treatment system that is designed for small communities, subdivisions, motels, etc. and acts as a modified activated sludge plant that offers primary and secondary treatment. It operates in four core phases: Primary separation and digestion, aeration, settling and clarification, disinfection and discharge (Figure 3).

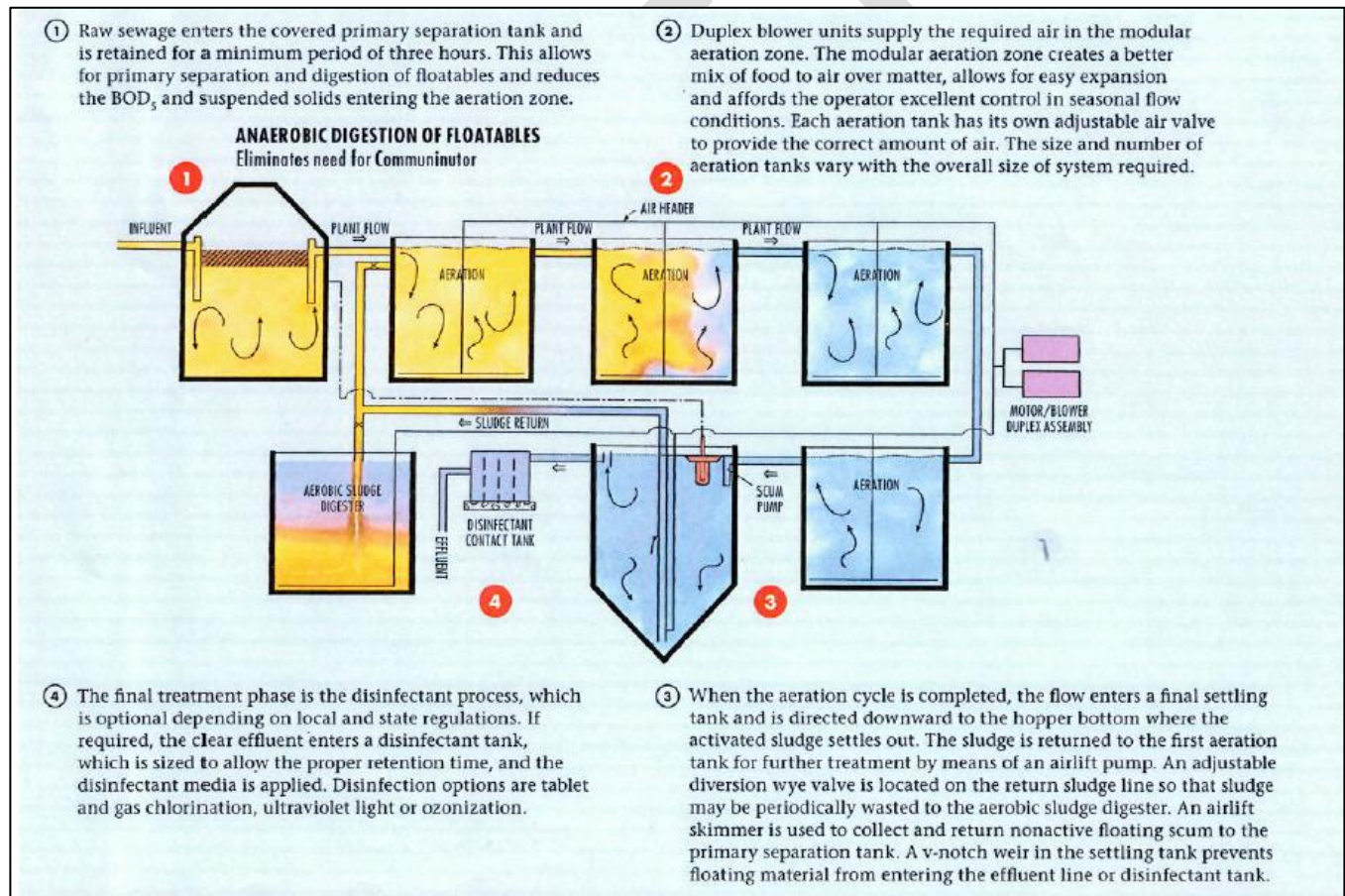
The collection system has one lift station located near the gas station. A grease interceptor is installed in the collection system below the restaurants to reduce loading from the restaurants. Wastewater from the collection system first flows into equalization tanks, followed by a primary clarifier, and then into three aeration basins. Wastewater from the aeration basins flows to a second separation tank (clarifier) and subsequently flows through an ultraviolet (UV) light system to treat the water if being discharged to Outfall 002A (46.272598, -100.635480). If the treated

wastewater is not meeting its permit requirements at this point, it is diverted to cell 1 where it evaporates. If the treated wastewater is meeting its permit requirements, after the wastewater passes through the UV disinfection units, treated wastewater is continuously discharged via Outfall 002A into an unnamed tributary of Fool Bear Creek, a tributary of the Missouri River.

Additionally, in the second separation tank, sludge is removed and flows to the digester where non-active floating scum accumulates on top of liquids to digest. Liquid from the digester is returned to the aeration tanks. Adjacent to the clarifier is a wasted sludge holding tank which receives the wasted activated sludge from the clarifiers. A vac truck is used to transport sludge from the Facility into cell 1 of the lagoon.

Per the application, the design flow rate is 0.06 million gallons per day (mgd) or 60,000 gallons per day (gpd). The Facility's reported average discharge flow rate is 0.03 mgd (30,000 gpd).

Figure 3. Example Ecolo Chief Treatment Process



3.3 Chemicals Used

No chemicals are added with the Ecolo Chief treatment process.

4 PERMIT HISTORY

Prior to the installation in 2011 of the Ecolo Chief activated sludge WWTF, wastewater discharges were permitted under the Lagoon General Permit (LGP), permit number NDG589202. With the installation of the Ecolo Chief mechanical WWTF, wastewater discharges were no longer eligible for LGP coverage. According to EPA records maintained for the Facility, this renewal is at least the 2nd issuance of this individual NPDES permit. The previous permit for the Facility became effective on January 1, 2019, and was set to expire on December 31, 2023. The Facility submitted a permit renewal application prior to the permit's expiration, which EPA received on October 13, 2023, and thus the previous permit was administratively continued.

4.1 Discharge Monitoring Report (DMR) Data

The table below summarizes the DMR data for Outfall 002A from January 2021 through June 2026. Over the course of the monitoring period, on several occasions there were consecutive months that lacked monitoring data. This was due to the Facility diverting the treated effluent to cell 1 during periods of noncompliance (see section 3.2 above).

Table 1. Summary of the DMR Data (January 2021 through June 2026) for Outfall 002A from EPA Integrated Compliance Information System (ICIS) database (date accessed 8/10/2026)

Parameter	Permit Limit(s)	Reported Average	Reported Range	Number of Data Points	Number of Exceedances
Discharge Volume, million gallons per day (mgd)	N/A	0.026	0-0.057	45	N/A
5-Day Biochemical Oxygen Demand (BOD ₅), 30-Day average, mg/L	30	10.4	2.0-47.6	47	3
5-Day Biochemical Oxygen Demand (BOD ₅), 7-Day average, mg/L	45	10.4	2.0-47.6	47	2
Total Suspended Solids (TSS), 30-Day Average, mg/L	30	19.2	2.0-76.0	47	7
Total Suspended Solids (TSS), 7-Day Average, mg/L	45	19.2	2.0-76.0	47	4
30-Day Avg <i>E. coli</i> , no./100 mL	126	67.09	1.0-1986	47	3
Daily Max <i>E. coli</i> , no./100 mL	410	67.09	1.0-1986	47	2
Nitrate+Nitrite as N, Daily Max, mg/L	N/A	22.4	0.2-42.6	47	N/A
Total Kjeldahl Nitrogen as N, Daily Max, mg/L	N/A	5.3	1.2-11.5	47	N/A
Ammonia Nitrogen as N, Daily Max, mg/L	N/A	0.45	0.2-3.68	47	N/A
Total Nitrogen, Daily Max, mg/L <u>a/</u>	N/A	27.7	5.5-47.6	47	N/A

Parameter	Permit Limit(s)	Reported Average	Reported Range	Number of Data Points	Number of Exceedances
Total Phosphorus as P, Daily Max, mg/L	N/A	4.0	0.49-8.61 <u>b/</u>	46	N/A
Temperature, Degrees F	N/A	61.5	39.9-78.9	48	N/A
Oil & Grease	10	1.73	1.4-13.9	47	1
pH, standard units	6.5-9.0	6.7 <u>c/</u>	6.5-7.5	96	0

a/ Calculated as the sum of “Nitrite+Nitrate” plus “Total Kjeldahl Nitrogen (TKN)”

b/ The table above excludes a reported phosphorus value of 417 mg/L. The EPA discussed it with the Facility and determined it was likely erroneous.

c/ Median value of pH

4.2 Other Facility History

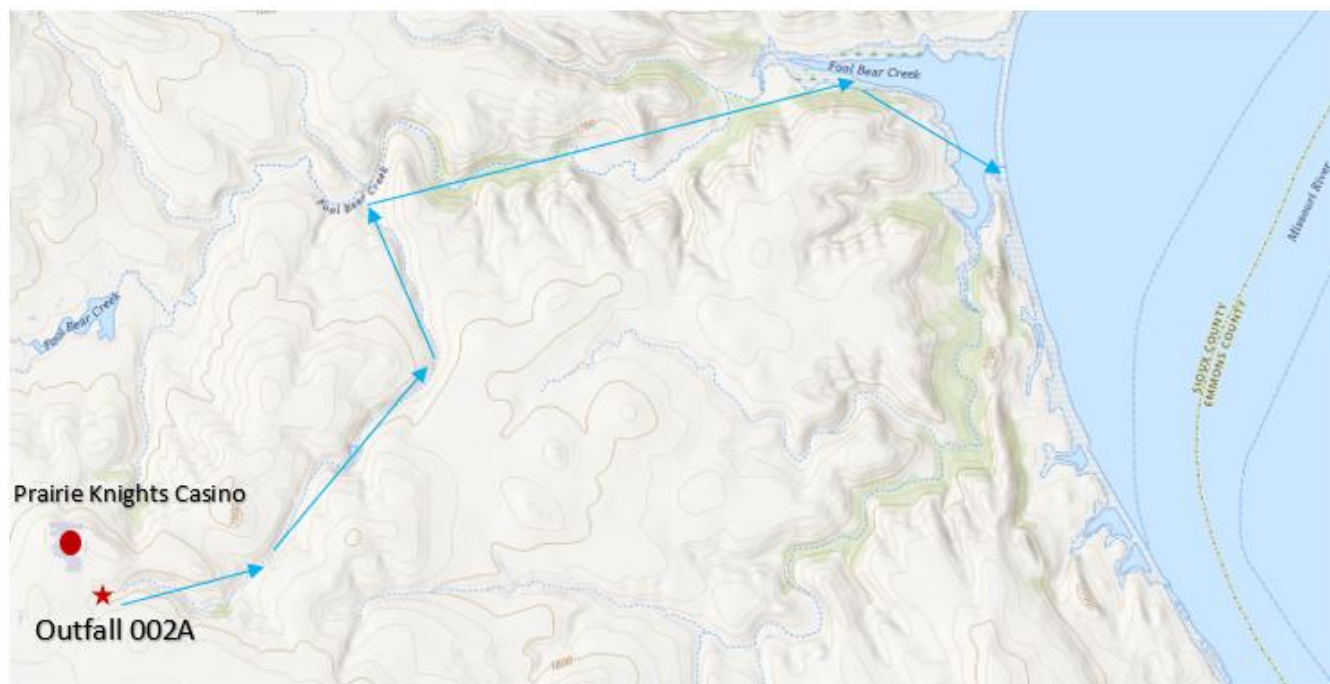
The Facility was inspected by the EPA on July 12, 2022. The EPA inspection report is part of the administrative record for the Permit. Some of the EPA’s findings are listed below:

- Inspections of the WWTF were not being conducted on a daily basis
- Calibration records for pH were not properly documented nor were calibration procedures being conducted
- The lift station waste basket was not functioning properly
- Sewage sludge was observed along the dirt road leading to cell 1
- A significant amount of grease was observed in the grease interceptor and holding tanks
- DMR reports were submitted when the Facility was not discharging
- Exceedance of TSS and *E. coli* in October 2020

The Facility addressed the findings following the 2022 inspection. However, since then, the Facility has reported repeated effluent exceedances for TSS, BOD, and *E. coli*. The EPA’s compliance team is currently working to see if a contractor can provide some compliance assistance to the Facility.

5 DESCRIPTION OF RECEIVING WATER

Outfall 002A discharges treated wastewater into an unnamed tributary of Fool Bear Creek and travels approximately 1.5 miles until it reaches Fool Bear Creek, and another 1.75 miles until it reaches the Missouri River (Figure 4).

Figure 4. Facility Receiving Water

6 PERMIT LIMITATIONS

6.1 Technology Based Effluent Limitations (TBELs)

6.1.1 Secondary Treatment

The Facility meets the definition of a POTW as defined in 40 CFR § 403.3. The secondary treatment standards (40 CFR Part 133) have been developed by EPA and represent the level of effluent quality attainable through the application of secondary or equivalent treatment. The regulation applies to all publicly owned treatment works (POTWs). The pH requirement in the secondary treatment standards is between 6.0 to 9.0 standard units at all times; however, as discussed in section 6.2 of the SoB, the water quality-based effluent limitation for pH is more restrictive and will therefore be implemented in the Permit. The TBELs for the Facility are listed in Table 2.

Table 2. Secondary treatment standards

Parameter	30-day average (mg/L)	7-day average (mg/L)	30-day average percent removal (%)
BOD ₅	30	45	85
TSS	30	45	85
pH	Maintained within the limits of 6.0 to 9.0		

6.1.2 Oil and Grease

The EPA Region 8 has also developed technology-based guidance for oil and grease for POTWs and other equivalent treatment facilities. It states, “If a visible sheen or floating oil is detected in the discharge, a grab sample shall be taken immediately, analyzed, and recorded in accordance with the

requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.” The visual narrative “sheen or floating oil” requirement was developed in alignment with 40 CFR § 401.16 which lists “oil and grease” as a conventional pollutant (as related to technology-based limitations in line with 40 CFR § 125.3(h)(1)) pursuant to section 304(a)(4) of the Clean Water Act (see section 6.2.2). This consideration for oil and grease will be included in the Permit.

6.2 Water Quality Based Effluent Limitations (WQBELs)

The Facility discharges to a tributary of Fool Bear Creek that flows into Fool Bear Creek and then to the Missouri River. The receiving water is within the Standing Rock Indian Reservation. The Standing Rock Sioux Tribe does not have EPA-approved water quality standards under Section 303(c) of the CWA. Section 101(a)(2) of the CWA states, “[I]t is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by July 1, 1983.” To achieve this Congressional goal in the absence of federally-approved Tribal water quality standards (WQS) on the Reservation, EPA considers the beneficial uses of the receiving waters to include aquatic life, human health (fish consumption) and recreation. EPA relied on CWA § 301(b)(1)(C) in establishing WQBELs based on EPA’s Section 304(a) recommended water quality criteria (WQC) to protect the uses of the Tribe’s receiving water(s).

The discharge is located approximately four stream miles upstream from the Reservation Boundary with the state of North Dakota, which is located within Lake Oahe (Missouri River). Based on the relatively small flow rate of the discharge, the substantial dilution provided by the Missouri River, and the distance from the discharge point to the border with the state of North Dakota, the EPA did not consider North Dakota’s WQS in the development of the Permit.

The following pollutants were identified as pollutants of concern and were further evaluated to determine whether they would need to be limited in the permit.

6.2.1 *Escherichia coli* (*E. coli*)

E. coli is a type of bacteria that is commonly found in human and animal feces and its presence in domestic sewage makes it a contaminant of concern for POTWs. *E. coli* is used as an indicator organism to identify fecal contamination in freshwater and its presence signals the possibility of other disease-causing bacteria and viruses (i.e., pathogens). Individuals exposed to water with elevated levels of *E. coli* are at an increased risk of infection, diarrhea, and other illnesses.

As described in Section 6.2 of the SoB, the beneficial uses of the receiving waters include recreation. The EPA has published CWA 304(a) recommended *E. coli* criteria for primary contact recreation (“Recreational Water Quality Criteria,” Office of Water 820-F-12-058, 2012). These contact values for *E. coli* in freshwater are 126 cfu/100 mL (geometric mean) and 410 colony forming units (cfu)/100 mL (statistical threshold value). To implement these standards in the Permit, an average monthly limitation will be included based on the geometric mean from the total number of samples collected during a 30-day period. The EPA has determined that the “10% may not exceed” duration and frequency is best implemented in the Permit as a daily maximum. For all practical purposes a daily maximum and ‘10% may not exceed’ criteria are equivalent. They

are equivalent because the Facility is required to collect only one sample per month under this sampling regime. Thus, any one sample that exceeds the daily maximum limit would also exceed the 10 percent threshold from the WQS unless the Facility collects 10 samples. Implementing this criterion as a daily maximum limit is more protective, as it allows for no exceedances of this value. This also provides consistency with how the EPA has issued other NPDES permits with considerations for similar criteria.

The bacteria reporting and analytical measurement units used in the Permit are the number per volume analyzed (i.e., "Number/100 mL" or "no./100 mL"), to be inclusive of all potential approved analytical units of measure for EPA-approved bacteria analyses applicable to wastewater (i.e., Colony Forming Units (CFU) and Most Probable Number (MPN)).

6.2.2 Oil and Grease

Oil and grease can be present in wastewater from both organic wastes and mechanical sources of lubrication, etc. (such as the restaurants and gas station on the premises). Oil and grease can contain compounds that may be toxic to aquatic life, and can also harm aquatic life by coating feathers, gills, the water surface, etc. Oil and grease also present an aesthetic issue. The Facility is required to conduct frequent visual inspections of the effluent, looking for a visible sheen or floating oil. If either is observed, a grab sample must be taken immediately, analyzed and recorded in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample, which is consistent with the previous permit.

The limit for oil and grease is based on a combination of EPA Region 8 TBEL (see section 6.1.2) and protecting the receiving waters from a visible "sheen or floating oil." The visual narrative "sheen or floating oil" requirement aligns with the National Recommended Aquatic Life Criteria which recommend that "surface waters shall be virtually free from floating nonpetroleum oils of vegetable or animal origin, as well as petroleum derived oils."

6.2.3 pH

The Facility meets the definition of a POTW as defined in 40 C.F.R. § 403.3. Additionally, as described in Section 6.2 of the SoB, EPA considers the beneficial uses of the receiving waters, which include aquatic life. Therefore, the National Secondary Standards for POTWs in 40 CFR part 133 should be applied in conjunction with the EPA National Recommended Aquatic Life Criteria. The pH range for secondary treatment standards is 6.0 - 9.0; however, the EPA National Recommended Aquatic Life Criteria freshwater chronic range is 6.5 - 9.0. Therefore, the range of 6.5 - 9.0 has been selected to ensure that the range is protective of the more stringent requirements.

6.3 Final Effluent Limitations

Applicable TBELs and WQBELs were compared, and the most stringent of the two was selected for the following effluent limits (Table 3).

Table 3. Final Effluent Limitations for Outfall 002A

Effluent Characteristic	30-Day Average Effluent Limitations <u>a/</u>	7-Day Average Effluent Limitations <u>a/</u>	Daily Maximum Effluent Limitations <u>a/</u>	Limit Basis <u>b/</u>
Flow, gpd	report only	N/A	report only	N/A
Biochemical Oxygen Demand (BOD ₅), mg/L	30	45	N/A	TBEL
BOD ₅ percent removal, % <u>c/</u>	≥ 85%	N/A	N/A	TBEL
Total Suspended Solids (TSS), mg/L	30	45	N/A	TBEL
TSS percent removal, % <u>c/</u>	≥ 85%	N/A	N/A	TBEL
<i>Escherichia coli</i> (<i>E. coli</i>), number/100 mL <u>d/</u>	126	N/A	410	WQBEL
Total Ammonia Nitrogen (as N), mg/L	report only	N/A	report only	N/A
Total Kjeldahl Nitrogen (TKN) (as N), mg/L	report only	N/A	report only	N/A
Nitrate-Nitrite (as N), mg/L	report only	N/A	report only	N/A
Total Nitrogen, mg/L	report only	N/A	report only	N/A
Total Phosphorus, mg/L	report only	N/A	report only	N/A
Temperature, °C	report only	N/A	report only	N/A
BOD ₅ , influent, mg/L <u>e/</u>	use for % removal calculation	N/A	N/A	N/A
TSS, influent, mg/L <u>e/</u>	use for % removal calculation	N/A	N/A	N/A
pH	Must remain in the range of 6.5 to 9.0 <i>at all times</i>			WQBEL
Oil and grease, narrative limit <u>f/</u>	The concentration of Oil and Grease in any single sample shall not exceed 10 mg/L, nor should the discharge contain a visible oil film or sheen, nor should there be any discharge of floating debris, scum, or other floating materials.			TBEL

a/ See section 1 of the Permit for definition of terms.

b/ WQBEL = Limitation based on water quality-based effluent limit; TBEL = Limitation based on technology based effluent limit

c/ The BOD₅ and TSS percent removal shall be calculated using the 30-day average values for influent and the 30-day average values for effluent BOD₅ and TSS reported during that calendar month. To calculate percent removal, use the following equation (replacing X with either BOD₅ or

TSS): Percent Removal = (X30-day average, influent – X30-day average, effluent)/(X30-day average, influent) * 100

d/ The 30-day average limit for *E. coli* is calculated as a geometric mean.

e/ These are influent samples collected at Outfall 001-I (Influent Monitoring location, see Table 5) that are used to calculate the percent removal for Outfall 002A (see footnote c).

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

6.4 Antidegradation

At the time of Permit issuance, the Standing Rock Sioux Tribe did not have EPA-approved tribal WQS; therefore, there is no antidegradation requirement.

6.5 Anti-Backsliding

Federal regulations at 40 CFR § 122.44(l)(1) require that when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit were based have materially and substantially changed since the time the Permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR § 122.62.

This permit renewal complies with anti-backsliding regulatory requirements. All effluent limitations, standards, and conditions in the Permit are either equal to or more stringent than those in the previous permit.

7 MONITORING REQUIREMENTS

7.1 Self-Monitoring Requirements

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, as required in 40 CFR § 122.41(j), unless another method is required under 40 CFR subchapters N or O.

7.1.1 Flow Monitoring

The previous permit required the Facility to monitor effluent flow on a weekly frequency using a grab sample. For the renewal, the EPA will require the Facility to continue monitoring effluent flow on a weekly frequency using an instantaneous/grab measurement. Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The units of the reported rates will be changed from million gallons per day (mgd) to gallons per day (gpd) due to the low flow rates and Permittee preference. The average flow rate (in gpd) during the reporting period and the maximum flow rate observed (in gpd) shall be reported. During the July 28, 2026 site visit, the EPA observed that the Permittee uses a Greyline flow meter to measure flow and record daily flow volumes. Weekly flow measurements are appropriate for a small wastewater treatment facility that has relatively constant flow rates that do not fluctuate greatly over short periods of time.

7.1.2 BOD₅ and TSS

The previous permit required the Facility to monitor effluent BOD₅ and TSS on a monthly frequency using a grab sample. With this permit iteration, the Facility will continue to be required to sample on a monthly frequency. Because the effluent from a mechanical plant can vary, composite samples will be required to ensure the sample is representative of the effluent.

Note that the Facility will also be required to collect influent BOD₅ and TSS and calculate the percent removal of each on a monthly frequency. Influent samples shall be taken at any accessible influent structure or location that contains representative flow from the entire service area and is situated prior to any treatment. Influent samples are collected at the manhole just north of and before entering the Facility, after the grease interceptor. Because the wastewater collected from the lift station and other non-restaurant kitchen wastewater enters the collection system after the grease interceptor, this location is appropriate as it is representative of the inflow. Because the service area primarily includes domestic sources, influent concentrations are also expected to be relatively constant making a grab sample representative of the influent.

7.1.3 pH

The previous permit required the Facility to monitor effluent pH on a weekly frequency using a grab sample. This weekly frequency and grab sample type will be retained in the Permit. This frequency is appropriate because it allows for the characterization of the effluent quality and to detect events of noncompliance. Note that per 40 CFR Part 136, pH samples must be analyzed within 15 minutes of collection and are not amenable to compositing. Therefore, grab samples are appropriate for pH. For this reason, most facilities use an *in situ* meter, such as a pH meter, to measure it directly in the field.

7.1.4 *E. Coli*

The Facility was previously required to sample for *E. coli* on a monthly frequency using a grab sample. This monthly frequency and grab sample type will be retained in the permit. This frequency is appropriate because it allows for regular characterization of the effluent and detection of events of noncompliance, and is consistent with the monthly sampling frequency for other parameters. Grab samples are appropriate for *E. coli*, due to the short holding time requirements which are not amenable to extended periods of composite sampling.

7.1.5 Oil and Grease

The Facility was previously required to monitor for oil and grease on a monthly basis. For this permit renewal, the Facility will be required to monitor the effluent for oil and grease on a weekly frequency using a visual inspection, followed by an immediate grab sample if any visible sheen is observed. A weekly visual inspection also aligns with the inspection requirements in section 6.2 of the Permit. If sampling is required, a grab sample is appropriate because oil and grease are not amenable to compositing in the field due to their tendency to separate from the liquid, leading to an uneven distribution in a composite sample.

7.1.6 Ammonia

The previous permit required the Facility to monitor the effluent for ammonia on a monthly basis using a grab sample. Under this permit iteration, the Facility will be required to monitor on a quarterly basis using a grab sample. Because there are no effluent limits for ammonia, monitoring is for effluent characterization only and thus can be less frequent. In addition, reported ammonia data indicate consistently low concentrations; therefore, quarterly sampling is appropriate for tracking long-term trends and evaluating the overall efficiency of the Facility's ammonia removal processes over time. A grab sample is appropriate because it provides a representative measure of the effluent quality, and ammonia concentrations are expected to be relatively stable at the time of sampling.

7.1.7 Nitrate

Standard water quality tests typically measure nitrate and nitrite together; because nitrite is usually low and rapidly converts to nitrate, it is generally assumed that almost all of the nitrate + nitrite is in the nitrate form.

The previous permit required the Facility to monitor for nitrate + nitrite on a monthly basis using a grab sample. With this permit iteration, the Facility will be required to monitor on a quarterly basis using a grab sample. Since there are no limits, monitoring is for effluent characterization only and thus can be less frequent. Quarterly grab samples for nitrates are also in alignment with general permitting practices in other permits issued by the EPA Region 8. A grab sample is appropriate because the flow and characteristics of the wastestream being sampled are expected to be relatively constant for these pollutants.

7.1.8 Nutrients

The previous permit required the Facility to monitor the effluent for total phosphorus on a monthly frequency using a grab sample. The Facility collected the components for calculating total nitrogen though did not report total nitrogen. For this permit renewal, the Facility will be required to monitor total phosphorus and total nitrogen on a quarterly frequency using a grab sample. Since there are no limits, monitoring is for effluent characterization only and thus can be less frequent. Quarterly grab samples for nutrients are also in alignment with general permitting practices in other permits issued by the EPA Region 8. A grab sample is appropriate because the flow and characteristics of the wastestream being sampled are expected to be relatively constant for these pollutants.

7.1.9 Temperature

The previous permit required the Facility to monitor the effluent for temperature on a weekly basis. For this permit renewal, the Facility will be required to continue to monitor temperature in the effluent on a weekly basis using an instantaneous sample. Weekly monitoring is appropriate to capture any variability in the effluent. Note that temperature samples must be analyzed within 15 minutes of collection and are not amenable to compositing. For this reason, most facilities use an *in situ* meter, such as a calibrated thermometer, to measure it directly in the field. In addition, at the Facility's request, temperature reporting units will be changed from degrees F to degrees C.

Table 4. Monitoring requirements for Outfall 002A

Effluent Characteristic	Monitoring Frequency	Sample Type <u>a/</u>	Data Value Reported on DMR <u>b/</u>
Flow, gpd <u>c/</u>	Weekly	Instantaneous	Daily Max. 30-Day Avg.
BOD ₅ , mg/L <u>d/</u>	Monthly	Composite	7-day Avg. 30-Day Avg. 30-Day Avg. % removal
TSS, mg/L <u>d/</u>	Monthly	Composite	7-day Avg. 30-Day Avg. 30-Day Avg. % removal
pH, units <u>e/</u>	Weekly	Grab	Minimum Maximum
<i>Escherichia coli</i> (<i>E. coli</i>), number/100 mL	Monthly	Grab	Daily Max. 30-Day Avg.
O&G, visual	Weekly	Visual	Narrative
O&G, mg/L	Immediately if visible sheen detected <u>f/</u>	Grab	Daily Max.
Total Ammonia Nitrogen (as N), mg/L	Quarterly	Grab	Average Value
Total Kjeldahl Nitrogen (TKN) (as N), mg/L	Quarterly	Grab	Average Value
Nitrate+Nitrite (as N), mg/L	Quarterly	Grab	Average Value
Total Nitrogen, mg/L <u>g/</u>	Quarterly	Calculated	Average Value
Total Phosphorus, mg/L	Quarterly	Grab	Average Value
Temperature, °C	Weekly	Grab	Daily Max. 30-Day Avg.

a/ See section 1 of the Permit for definition of terms.

b/ Refer to the Permit for requirements regarding how to report data on the DMR.

c/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in gallons per day (gpd) during the reporting period and the maximum flow rate observed, in gpd, shall be reported.

d/ Samples shall be collected for these characteristics at Outfall 002A and the influent monitoring location on the same day.

e/ This sample must be analyzed within 15 minutes of collection per 40 CFR Part 136.

f/ If a visible sheen or floating oil is observed in the discharge, a grab sample shall be taken immediately, analyzed and recorded in accordance with the requirements of 40 CFR Part 136.

g/ For the purposes of this Permit, the term "Total Nitrogen (TN)" is defined as the calculated sum of analytical results from "Total Kjeldahl Nitrogen (TKN)" plus "Nitrate+Nitrite."

Table 5. Monitoring requirements for Outfall 001-I (Influent)

Effluent Characteristic	Monitoring Frequency	Sample Type <u>a/</u>	Data Value Reported on DMR <u>b/</u>
BOD ₅ , mg/L <u>c/</u>	Monthly	Grab	30-Day Avg. (use for % removal calculation at Outfall 002A)
TSS, mg/L <u>c/</u>	Monthly	Grab	30-Day Avg. (use for % removal calculation at Outfall 002A)

a/ See section 1 of the Permit for definition of terms.

b/ Refer to the Permit for requirements regarding how to report data on the DMR.

c/ These are influent samples and shall be taken at a location representative of the total service area influent flow and is located after the grease interceptor and prior to any other treatment before entering the wastewater treatment facility (e.g., the manhole immediately upstream of the wastewater treatment facility).

8 SPECIAL CONDITIONS

N/A

9 REPORTING REQUIREMENTS

Reporting requirements are based on requirements in 40 CFR §§ 122.44, 122.48, and Parts 3 and 127. A discharge monitoring report (DMR) frequency of monthly was chosen, because the Facility typically discharges continuously.

10 COMPLIANCE RESPONSIBILITIES AND GENERAL REQUIREMENTS

10.1 Inspection Requirements

On a weekly basis, unless otherwise modified in writing by EPA, the Permittee shall inspect its treatment facility. The permittee shall document the inspection, as required by the Permit. Inspections are required to regularly identify and resolve any issues that might interfere with proper operation and maintenance per 40 CFR § 122.41(e).

10.2 Operation and Maintenance

40 CFR § 122.41(e) requires permittees to properly operate and maintain at all times, 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. In addition to an operation and maintenance plan, regular facility inspections, an asset management plan (AMP), and consideration of staff and funding resources are important aspects of proper operation and maintenance. Asset management planning provides a framework for setting and operating quality assurance procedures and helps to ensure the permittee has sufficient financial and technical

resources to continually maintain a targeted level of service. Consideration of staff and funding provide the permittee with the necessary resources to operate and maintain a well-functioning facility.

An AMP can be used to forecast relevant needs and costs associated with long-term compliance concerns, particularly in communities that could be impacted by emerging or increased flooding risk, risk of wildfires, or drought risk. While flooding and wildfires can lead to damage to critical infrastructure, droughts could reduce flows in receiving waters resulting in more stringent permit limits in the future. Long-term construction, additional operation and maintenance, and funding plans for upgrading or relocating critical infrastructure may be necessary to mitigate these concerns. Facilities may also consider optimizing their energy efficiency, which can yield substantial economic benefits and help cut down on associated emissions.

Operation and maintenance requirements have been established in sections 6.3 of the Permit to help ensure compliance with the provisions of 40 CFR § 122.41(e).

10.3 Industrial Waste Management

Since the Facility's collection system is limited to collecting wastewater from only the Prairie Knights Casino's restaurants and domestic wastewater, which includes no industrial sources of pollutants, an Industrial Waste Survey (IWS) is not required as part of the Permit.

11 ENDANGERED SPECIES CONSIDERATIONS

The Endangered Species Act of 1973 requires all Federal Agencies to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any Federal action carried out by the Agency is not likely to jeopardize the continued existence of any endangered species or threatened species (together, "listed" species), or result in the adverse modification or destruction of habitat of such species that is designated by the FWS as critical ("critical habitat"). See 16 U.S.C. § 1536(a)(2), 50 CFR Part 402. When a Federal agency's action "may affect" a protected species, that agency is required to consult with the FWS (formal or informal) (50 CFR § 402.14(a)).

The U.S. Fish and Wildlife Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>) was accessed on August 18, 2026 to determine federally-listed Endangered, Threatened, Proposed and Candidate Species for the area near the Facility. The IPaC Trust Resource Report findings are provided below. The designated area was identified in the IPaC search and covers five square miles, which includes the entire Facility area acreage, Prairie Knights Casino, gas station, and RV campground, and the immediate outfall area to the Missouri River and its shoreline.

Table 6. IPaC Federally listed Threatened and Endangered Species

Species	Scientific Name	Species Status	Designated Critical Habitat
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	"No critical habitat has been designated for this species."
Piping Plover	<i>Charadrius melodus</i>	Threatened	"There is final critical habitat for this species (published in the Federal Register on May 19, 2009). Your location overlaps the critical habitat."
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	"There is proposed critical habitat for this species (published in the Federal Register on April 13, 2023). Your location does not overlap the critical habitat."
Whooping Crane	<i>Grus americana</i>	Endangered	"There is final critical habitat for this species (published in the Federal Register on May 15, 1978). Your location does not overlap the critical habitat."
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	"There is proposed critical habitat for this species (published in the Federal Register on December 12, 2024). Your location does not overlap the critical habitat."
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered	"No critical habitat has been designated for this species."
Western Regal fritillary	<i>Argynnis idalia occidentalis</i>	Proposed Threatened	"No critical habitat has been designated for this species."

11.1 Biological Evaluation

Based on the information generated in IPaC, there are seven terrestrial species. Of the species listed in the vicinity of the project area, four have final or proposed designated critical habitat. Only the Piping Plover's designated critical habitat is located in the vicinity of the project area (Table 6).

Northern Long-eared Bat, *Myotis septentrionalis*

The northern long-eared bat is a medium-sized bat about 3 to 3.7 inches in length but with a wingspan of 9 to 10 inches. This bat is distinguished by its long ears, particularly as compared to other bats in its genus. The northern long-eared bat is found across much of the eastern and north central United States and all Canadian provinces. The species typically overwinters in caves or mines and spends the remainder of the year in forested habitats. Their diet is diverse and includes moths, flies, leafhoppers, caddisflies, beetles and arachnids. White-nose syndrome, a fungal disease known

to affect bats, is currently the predominant threat to this bat, especially throughout the Northeast where the species has declined by up to 99 percent.

If this species is present, it is only expected to have limited contact with receiving waters. Discharges that meet permitted limitations are not expected to have significant adverse impacts on water quality in the receiving waters. Permit limitations have been established for those parameters with applicable federal, state and/or tribal water quality standards or criteria, to help ensure maintenance of water quality in receiving waters. Therefore, discharges from permitted facilities are not anticipated to cause significant changes to existing receiving water quality that will impact this species. Regardless of whether northern long-eared bats are found in this area, reissuance of the Permit will not authorize new ground disturbance or pollutant loadings. Therefore, the EPA finds that this proposed permit action will have *no effect* on this species.

Piping Plover, *Charadrius melodus*

The Piping Plover is a small (approximately 7 inches long) sand-colored, sparrow-sized shorebird with a white belly and single, narrow black breast band, and a black bar across the forehead. Their preferred habitat is generally characterized as using exposed, sparsely vegetated shores and islands of shallow, alkali lakes and impoundments for breeding. Salt-encrusted, alkali, or sub-saline semi-permanent lakes, ponds, and rivers with wide shorelines of gravel, sand, or pebbles are preferred. They nest in slight hollows in the sand or shoreline, generally near an object such as a clump of grass, rock, or small log but never in heavy vegetation. Many plovers also nest on sandbars of the Missouri River. Piping plovers forage on fly larvae, beetles, crustaceans, mollusks, and other small animals near the shoreline or sometimes by the nest.

Based on IPaC information, the WWTF overlaps critical habitat for the Piping Plover. Piping Plover and Piping Plover critical habitat are located downstream adjacent to the Missouri River and outside of the footprint for the Facility. Treated effluent may reach the shoreline; however, it is not expected to erode or impact the shoreline. As a result, impacts to the Piping Plover critical habitat are not expected, and a determination of “no effect” has been made.

Piping Plover are terrestrial species that may be associated with water sources and have limited contact with wastewater discharges. If these species are present, they may use receiving waters during the nesting season (approximately three months per year during late spring/early summer); however, there are no expected significant adverse changes in water quality in the receiving water from discharges that meet permitted limitations. Therefore, EPA’s determination for this species is “may affect, but is not likely to adversely affect.”

Rufa Red Knot, *Calidris canutus rufa*

The rufa red knot is a medium-sized shorebird about 9 to 11 inches in length. They generally nest in dry, slightly elevated tundra locations, often on windswept slopes with little vegetation. After the eggs hatch, red knot chicks and adults quickly move away from high nesting terrain to lower, freshwater wetland habitats. Their diet consists mostly of terrestrial invertebrates such as insects and other arthropods.

If this species is present, it is only expected to have limited contact with receiving waters. Discharges that meet permitted limitations are not expected to have significant adverse impacts on water quality in the receiving waters. Permit limitations have been established for those parameters

with applicable federal, state and/or tribal water quality standards or criteria, to help ensure maintenance of water quality in receiving waters. Therefore, discharges from permitted facilities are not anticipated to cause significant changes to existing receiving water quality that will impact this species. Therefore, the EPA has determined the impact for this species is “may affect, but is not likely to adversely affect.”

Whooping Crane, *Grus americana*

Whooping cranes occur only in North America and are North America’s tallest bird, with males approaching 1.5 m when standing erect. The whooping crane is all white except for black wing tips and a red crown. Long black legs set it apart from white pelicans which are sometimes confused for whooping cranes. The whooping crane breeds, migrates, winters, and forages in a variety of wetland and other habitats, including coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows, rivers, and agricultural fields. Nest sites are primarily located in shallow diatom ponds that contain bulrush as the dominant vegetation type.

The whooping crane migrates through North Dakota in April to mid-May and September to early November. It is a terrestrial species that may be associated with water sources and have limited contact with wastewater discharges. If these species are present, they may use receiving waters for a short period of time during the year; however, there are no expected significant adverse changes in water quality in the receiving water from discharges that meet permitted limitations. Therefore, the EPA has determined the impact for these species is “may affect, but is not likely to adversely affect.”

Monarch Butterfly, *Danaus plexippus*

The monarch butterfly is a milkweed butterfly with wings that feature an easily recognizable black, orange, and white pattern, with a wingspan of 8.9-10.2 cm. Monarchs are sensitive to environmental conditions (temperature and precipitation) and can experience large swings in population numbers year-to-year in response to these conditions. To support a strong growth rate, monarch populations require large population sizes and sufficient quantity, quality, and distribution of habitat to accommodate all life stages. Monarchs need a matrix of habitat to support connectivity and timing of their movements during the breeding and migratory seasons. Adult monarch butterflies during breeding and migration require a diversity of blooming nectar resources, which includes milkweed. Milkweed is the sole host plant for monarch caterpillars, and flowering plants provide nectar for adult butterflies. Suitable habitat for overwintering includes habitat that provides a specific roosting microclimate (i.e. protection from the elements), moderate temperatures, nectar, and clean water sources. Some examples of threats to monarch populations include disease/natural enemies; herbicides; logging/tree loss; habitat degradation; grazing/incompatible farming; and change in nectar and milkweed resources. Both western and eastern monarchs rely on the microclimate provided by the trees at their overwintering sites.

If this species is present, it is only expected to have limited contact with receiving waters. Discharges that meet permitted limitations are not expected to have significant adverse impacts on water quality in the receiving waters. Permit limitations have been established for those parameters with applicable federal, state and/or tribal water quality standards or criteria, to help ensure maintenance of water quality in receiving waters. Therefore, discharges from permitted facilities are not anticipated to cause significant changes to existing receiving water quality that will impact this species. Regardless of whether monarch butterflies are found in this area, reissuance of the Permit

will not authorize new ground disturbance or pollutant loadings. Therefore, the EPA finds that this proposed permit action will have *no effect* on this species.

Suckley's Cuckoo Bumble Bee, *Bombus suckleyi*

Suckley's cuckoo bumble bee is an obligate social parasite of social bumble bees in the genus *Bombus*. Cuckoo bumble bee females emerge from hibernation in the spring and usurp the nest of a suitable host colony, where host workers provision their young. Suckley's cuckoo bumble bee is described as a semi-specialist parasite and is confirmed to usurp nests of Western bumble bees (*Bombus occidentalis*) and Nevada bumble bees (*Bombus nevadensis*), with other potential hosts in subgenus *Bombus* throughout the extent of its range. The species has a broad distribution across North America, stretching from the Yukon down to Arizona and as far east as Newfoundland. The species has been collected in various habitat types from 2 to 3,200 meters (6 to 10,500 feet) in elevation.

Suckley's cuckoo bumble bees cannot successfully reproduce without the availability of suitable host colonies. Additionally, they require a diversity of native floral resources (pollen and nectar) for nutrition. Little is known about bumble bee overwintering sites; however, they are an important habitat need. Bumble bees require temperatures to be within a suitable range throughout their lifecycle, though this number appears to be highly variable both across and within bumble bee species.

Like other bumble bees, Suckley's cuckoo bumble bees require suitable foraging, nesting, and overwintering habitat. Host bumble bee nests are often located in abandoned underground holes, such as rodent burrows, in a wide array of habitat types including meadows, fallow fields, croplands, urban areas, and forests. Suckley's cuckoo bumble bee is a generalist nectar forager with meadows, grasslands, and developed areas providing important foraging habitat. Specific requirements for overwintering sites are unknown, but Suckley's cuckoo bumble bee females overwinter underground in areas separate from nesting habitat, likely using mulch or other decomposing vegetation.

If this species is present, it is only expected to have limited contact with receiving waters. Discharges that meet permitted limitations are not expected to have significant adverse impacts on water quality in the receiving waters. Permit limitations have been established for those parameters with applicable federal, state and/or tribal water quality standards or criteria, to help ensure maintenance of water quality in receiving waters. Therefore, discharges from permitted facilities are not anticipated to cause significant changes to existing receiving water quality that will impact this species. Regardless of whether Suckley's cuckoo bumble bees are found in this area, reissuance of the Permit will not authorize new ground disturbance or pollutant loadings. Therefore, the EPA finds that this proposed permit action will have *no effect* on this species.

Western Regal Fritillary, *Argynnis idalia occidentalis*

Western Regal Fritillary is a terrestrial invertebrate that is commonly found in native grasslands in North Dakota. It is a relatively large showy butterfly similar in size to the monarch. Regal fritillaries are considered a prairie specialist dependent on unplowed remnant prairie. Suitable habitat includes violets for larval feeding, nectar plants for adult foraging, tall grasses for adult rest areas, scattered shrubs for diapause females to rest, and ample leaf litter interspersed with violets for larval overwinter cover.

If this species is present, it is only expected to have limited contact with receiving waters. Discharges that meet permitted limitations are not expected to have significant adverse impacts on water quality in the receiving waters. Permit limitations have been established for those parameters with applicable federal, state and/or tribal water quality standards or criteria, to help ensure maintenance of water quality in receiving waters. Therefore, discharges from permitted facilities are not anticipated to cause significant changes to existing receiving water quality that will impact this species.

Regardless of whether Western Regal Fritillaries are found in this area, reissuance of the Permit will not authorize new ground disturbance or pollutant loadings. Therefore, the EPA finds that this proposed permit action will have *no effect* on this species.

Based on the IPaC information and a conversation with the South Dakota FWS field office representative on August 19, 2026, EPA determined the permitting action "may affect, but is not likely to adversely affect" some of the species listed above.

12 NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

Section 106 of the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The implementing regulations of the NHPA can be found at 36 CFR Part 800. An "undertaking," as defined at 36 CFR § 800.16(y), includes projects requiring a federal permit. Therefore, the issuance of this permit constitutes an undertaking. The first step in this analysis is to consider whether the undertaking is a type of activity that has the potential to cause effects on historic properties. See 36 CFR § 800.3(a). Permit renewals where there is no new construction are generally not the type of action with the potential to cause effects on historic properties.

13 401 CERTIFICATION CONDITIONS

At the time of the Permit reissuance, EPA was the CWA Section 401 certifying authority for the Permit, because the Tribe had not received authorization to implement Section 303(c) of the CWA. The EPA will seek public comments on the Section 401 certification prior to issuing the certification and finalizing the Permit.

14 MISCELLANEOUS

The effective date of the Permit and the Permit expiration date will be determined upon issuance of the Permit. The intention is to issue the Permit for a period not to exceed 5 years.

Permit drafted by Kenley Stone, U.S. EPA, (406) 457-5035, August 2026

ADDENDUM

AGENCY CONSULTATIONS

On September 9, 2026, the FWS concurred with EPA's preliminary conclusion that the Permit reissuance is not likely to adversely affect listed species.

EPA is the CWA Section 401 certifying authority for the Permit, because the Tribe has not received authorization to implement Section 303(c) of the CWA. EPA has determined the following § 401 conditions are necessary:

- [List any 401 certification requirements.]

NEIGHBORING JURISDICTION

The EPA conducted a neighboring jurisdiction analysis of water resources located downstream from the Facility and outside the external boundaries of the Standing Rock Reservation, in accordance with 40 CFR § 121.13. On [Month Day, Year], the EPA permit signatory made a [positive/negative] "may affect" determination for the authorized discharges from the Facility in the neighboring jurisdiction of North Dakota. The EPA documented the factors considered in this determination in the administrative record for this Permit.

PUBLIC NOTICE AND RESPONSE TO COMMENTS

The Permit and statement of basis, including the CWA Section 401 certification, were public noticed [on EPA's website] on [Month Day, Year]. The comment(s) received and the response(s) are provided below/No comments were received. Upon addressing all comments received during the public notice comment period related to Section 401 certification requirements, the signing of the Permit shall constitute EPA's Section 401 certification.]

Comment:

The commenter noted that ...

Response:

The following language was added to the final Permit./No changes were made to the final Permit: