

**November 2015**  
**FACT SHEET**  
**Authorization to Discharge under the**  
**National Pollutant Discharge Elimination System**  
**for the**  
**Bureau of Indian Affairs – Wingate High School Wastewater Treatment Lagoon**  
**NPDES Permit No. NN0020958**

Applicant Address: U.S. Department of the Interior  
Bureau of Indian Affairs (BIA)  
Navajo Regional Office  
Division of Environmental, Cultural, and Safety Management  
P.O. Box 1060  
Gallup, New Mexico 87305

Applicant Contact: George Padilla, Navajo Nation Environmental Specialist  
(505) 863-8476

Facility Location: BIA Wingate High School Wastewater Treatment Facility  
Intersection at Shush Drive and Highway NM400  
Building 521  
Fort Wingate, New Mexico 87316

Facility Mailing Address: BIA Wingate High School Wastewater Treatment Facility  
P.O. Box 581  
Fort Wingate, New Mexico 87316

Facility Contact: Paul Tohtsonie, NM Navajo South Agency Facility Manager  
(505) 488-6422

**I. SUMMARY**

The U.S. Department of the Interior -- Bureau of Indian Affairs, Navajo Regional Office (“BIA”) was issued an National Pollutant Discharge Elimination System (“NPDES”) Permit (NN0020958) on June 11, 2010 for discharge from its Wingate High School wastewater treatment facility (“WWTF”), pursuant to the U.S. Environmental Protection Agency Region 9 (“U.S. EPA”) regulations set forth in Title 40, Code of Federal Regulations (“CFR”) Part 122.21. The WWTF is located in McKinley County, New Mexico. The permit became effective on July 1, 2010 and expired at midnight, June 30, 2015. A permit application was due to U.S. EPA on December 1, 2014, which is 180 days prior to the permit expiration date of June 30, 2015. BIA applied to U.S. EPA for reissuance on July 30, 2015, a month past the permit expiration date. This fact sheet is based on information provided by the applicant through its application and discharge data submittal, along with the appropriate laws and regulations.

Pursuant to Section 402 of the Clean Water Act (“CWA”), U.S. EPA is proposing issuance of the NPDES permit renewal to BIA Wingate High School (“permittee”) for the discharge of treated domestic wastewater to an unnamed wash of the Puerco River, a tributary to the Lower Colorado River which is a water of the United States.

## **II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT**

- Incorporation of Ammonia Impact Ratio for reporting ammonia. In addition, measurements for temperature are required to be taken concurrently with ammonia and pH measurements.
- Option of submitting DMRs electronically through EPA's NetDMR system.

## **III. GENERAL DESCRIPTION OF FACILITY**

The BIA Wingate wastewater treatment facility ("WWTF") is located west of the intersection of New Mexico Highway 400 and Shush Drive in the community of Fort Wingate, McKinley County, New Mexico, within the southern portion of the Navajo Nation. The WWTF serves a population of approximately 800 and receives only domestic sewage with a design flow of 0.1 million gallons per day ("MGD"). The facility discharges continuously when the school is in full session, and experiences intermittent or no discharge when school is out. According to the permit application, the annual average daily flow rate is approximately 0.05 MGD in 2013, 2014 and 2015.

Treatment consists of a three-cell, gravity flow evaporation system with aeration and no pretreatment. Microorganisms begin digestion of the solids while the liquid portion of the waste stream evaporates to the atmosphere. Wastewater from a collection system enters a splitter box where flow is directed to either Cell #1 or Cell #2. Six aerators are located in Cell #1. Two transfer pipes must be manually opened to move wastewater from Cell #1 to Cell #2. A single transfer pipe must be manually opened to move wastewater from Cell #2 to Cell #3 for final treatment and polishing. A 6-inch pipe from Cell #3 is connected to a tablet-fed chlorination box to disinfect the wastewater which immediately followed by a tablet-fed de-chlorination box prior to discharge.

Between March 2008 and August 2010, the BIA Wingate High School underwent constructions of new academic buildings, a dining hall, gymnasium, sewage lagoon upgrades, water tank replacement, and associated infrastructure and utilities. The WWTF upgrades included installations of a new sewer line from the high school to the WWTF and a new non-splitting inflow box at Cell #1, dredging of Cells #1 and #2, new aerators for Cell #1, dismantling of former overflow valve boxes on Cells #1 and #2, a new inflow splitter box, and installing a Cell #1 bypass pipe that runs to Cell #2.

Although BIA is a federal facility and not a publicly-owned treatment works ("POTW"), U.S. EPA is proposing federal discharge limits that are applicable to POTWs. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 001.

## **IV. DESCRIPTION OF RECEIVING WATER**

The discharge of treated domestic wastewater is to an unnamed wash of the Puerco River, a tributary of the Lower Colorado River. The facility discharges continuously when the school is in full session and experiences intermittent or zero discharge when school is out. The coordinates for the discharge outfall are: Latitude 35 ° 28' 44" North and Longitude: 108 ° 32' 28" West.

## **V. EFFLUENT CHARACTERISTICS**

The facility is considered a minor discharger and, therefore, requires a compliance evaluation inspection (CEI) every five years. On March 25, 2015, the Navajo Nation EPA conducted a CEI at the facility and made the following observations: (1) Cell #1 was not being in use despite having six new aerators in place; (2) Wastewater was directly flowing into Cell #2; (3) Overgrowth of cattails was evident on the north and southeast corner of Cell #3, and, (2) a lack of influent and effluent flow measurement devices. The plant operator indicated that flow was calculated using the bucket method, from influent collection at the final manhole prior to entering Cell #1 to effluent collection at the discharge point for the effluent data. During the inspection, NNEPA staff informed the facility of the failure to obtain flow measurements as required by the NPDES permit, and the failure to reapply for an NPDES permit within 180 days prior to the expiration of the current permit as required by 40 CFR § 122.21(d). A detailed review of the facility's most recent discharge monitoring reports is found in Section VII.B.4 and in the attached appendix.

## **VI. BASIS OF PROPOSED PERMIT REQUIREMENTS**

Section 301(a) of the Clean Water Act ("CWA") provides that the discharge of any pollutant to waters of the United States is unlawful except in accordance with a National Pollutant Discharge Elimination System ("NPDES") permit. Section 402 of the Act establishes the NPDES program. The program is designed to limit the discharge of pollutants into waters of the United States from point sources [40 CFR 122.1(b)(1)] through a combination of various requirements including technology-based and water quality-based effluent limitations.

Sections 402 and 301(b)(1)(C) of the CWA require that the permit contain effluent limitations to meet water quality standards. Specifically, the regulation under 40 CFR 122.44(d) states that an NPDES permit must contain:

*"Water quality standards and State requirements: any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under Sections 301, 304, 306, 307, 318 and 405 of CWA necessary to:*

*(1) Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality."*

Section 40 CFR 122.44(d)(i) states the following:

*"Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality."*

**A. Navajo Nation Surface Water Quality Standards**

In accordance with 40 CFR 122.44(d), the need for discharge limitations for all pollutants that may impact applicable water quality criteria and water quality standards must be evaluated. As part of this evaluation, discharge limitations are based on application of the water quality standards. EPA approved the 1999 Navajo Nation Surface Water Quality Standards (“NNSWQS”), on March 23, 2006. The NNSWQS were revised in 2007 and approved by the USEPA on March 26, 2009. A 2010 *draft* NNSWQS revision has been under review by EPA. The approved 1999 NNSWQS, the 2007 revision and the 2010 *draft* revisions will be used on a best professional judgment (“BPJ”) basis for purposes of developing water quality based effluent limitations.

**B. Applicable Technology-Based Effluent Limitations, Water Quality-Based Effluent Limitations (“WQBELs”) and BPJ**

Technology-based effluent limitations require minimum levels of treatment based on currently available treatment technologies. Section 301 of the CWA established a required performance level, referred to as “secondary treatment”, that all POTWs were required to meet by July 1, 1977. Federal secondary treatment effluent standards for POTWs are contained in Section 301(b)(1)(B) of the CWA. Implementing regulations for Section 301(b)(1)(B) are found at 40 CFR Part 133. The CWA requires POTWs to meet performance-based requirements based on available wastewater treatment technology. These technology-based effluent limits apply to all municipal wastewater treatment plants, and identify the minimum level of effluent quality attainable by secondary treatment in terms of Five-Day Biochemical Oxygen Demand (“BOD<sub>5</sub>”) and Total Suspended Solids (“TSS”). The requirements contained in the draft permit are necessary to prevent violations of applicable treatment standards.

**VII. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS**

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. EPA proposes the following provisions and effluent discharge limitations for flow, BOD<sub>5</sub>, TSS, *E. coli*, total dissolved solids (“TDS”), total residual chlorine (“TRC”) and ammonia taken concurrent with temperature and pH measurements. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge by prior to entry into the receiving water.

**A. Federal Secondary Treatment Effluent Discharge Limitations**

1. Flow Rates

The facility discharges continuously when the school is in full session, and experiences intermittent or no discharge when school is out. Due to the episodic nature of the discharge, U.S. EPA believes it is prudent to set a maximum discharge rate of no more than 0.10 MGD in order to restrict pollutant loadings that may cause or contribute impact on water quality and minimize erosion near the discharge point. The monthly and daily maximum flows of the

influent and effluent must be monitored and reported in the event of a discharge. The monitoring frequency is being proposed as once per month, consistent with the previous permit.

2. Five-Day Biochemical Oxygen Demand (BOD<sub>5</sub>):

Under the proposed permit, the discharge shall not exceed a weekly average of 65 mg/l and a monthly average of 45 mg/l BOD<sub>5</sub>, and shall achieve no less than a monthly average rate of 65% removal. These limits are required under 40 CFR Section 122.45(d).

Under 40 CFR Section 122.45(f), mass limits are required for BOD<sub>5</sub>. Based on the 0.10 MGD maximum flow rate, the mass limits for BOD<sub>5</sub> are based on the following calculations:

Monthly average

$$\frac{0.10 \text{ MG}}{\text{day}} \times \frac{45 \text{ mg}}{\text{l}} \times \frac{8.345 \text{ lb/MG}}{1 \text{ mg/l}} \times \frac{0.45 \text{ kg}}{\text{lb}} = 17 \text{ kg/day}$$

Weekly average

$$\frac{0.10 \text{ MG}}{\text{day}} \times \frac{65 \text{ mg}}{\text{l}} \times \frac{8.345 \text{ lb/MG}}{1 \text{ mg/l}} \times \frac{0.45 \text{ kg}}{\text{lb}} = 24 \text{ kg/day}$$

The daily maximum will also be monitored and reported. The monitoring frequency is once per month, consistent with the previous permit

3. Total Suspended Solids (TSS):

Under the proposed permit, the discharge shall not exceed a weekly average of 135 mg/l and a monthly average of 90 mg/l TSS, and shall achieve no less than a monthly average rate of 65% removal. These limits are consistent with 40 CFR 133.102(b). Mass limit requirements in accordance with 40 CFR 122.45(f) have also been set in the proposed permit. Mass loadings shall not exceed a 7-day average of 51 kg per day and a 30-day average of 34 kg per day based on the 0.10 MGD maximum flow rate. Similar to BOD<sub>5</sub> requirements above, the monitoring frequency is proposed as once per month, consistent with the previous permit.

4. Priority Pollutants

During the first quarter during Year 5 of the permit, the permittee must monitor for the full list of priority pollutants found in 40 CFR Part 423, Appendix A. No limit is set at this time. Should the results reveal levels below the Navajo Nation Surface Water Quality Standards and U.S. EPA's National Water Quality Criteria for priority pollutants, monitoring will no longer be required for the remainder of the permit cycle.

**B. Water Quality Based Effluent Limitations ("WQBELs")**

A requirement for monitoring discharge volume is proposed in the proposed permit

to ensure that the discharge will not cause severe erosion at any discharge location(s). In accordance with the requirements set forth at 40 CFR Parts 122.45(e), specific discharge flow rate will be authorized for the outfall. The discharge shall not exceed 0.10 MGD at Outfall No. 001.

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

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

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers Manual* (Office of Water, U.S. EPA, December 1996). These factors include:

1. Applicable standards, designated uses and impairments of receiving water

The 2007 NNSWQS and 2010 *draft* NNSWQS revisions established water quality criteria for the following beneficial uses in Puerco River within Navajo Nation boundary, a tributary to the Lower Colorado River: are domestic water supply, secondary human contact, fish consumption, aquatic and wildlife habitat, and livestock watering.

2. Dilution in the receiving water

Discharge from Outfall 001 flows to an ephemeral unnamed wash of the ephemeral Puerco River, which may have no natural flow during certain times of the year. Therefore, no dilution of the effluent has been considered in the development of water quality based effluent limits applicable to the discharge.

3. Type of industry

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia, nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. Chlorine is of concern due to treatment plant disinfection operations and therefore, dechlorination is necessary to minimize impact on water quality based effluent limits.

4. History of compliance problems and toxic impacts

a review of the facility's recent DMRs from January 2012 to September

2015 shows permit violations as follows: (1) Numerous exceedances of monthly concentration limit and mass limit for BOD<sub>5</sub>; (2) Numerous exceedances of daily maximum concentration limit and mass limit for BOD<sub>5</sub> and TSS, and corresponding percent removal efficiencies for BOD<sub>5</sub> and TSS; (3) Exceedances of monthly average concentration limit for total ammonia; and, (4) Exceedances of daily maximum concentration limit for TDS. Please see the attached appendix for detailed DMR data reviews for individual pollutant parameters.

On August 10, 2015, U.S. EPA sent a CWA Section 308 information request letter to BIA concerning the failure to reapply for an NPDES permit and the storage of sewage sludge from Cell #1 of the high school WWTF at the inactive elementary school WWTF.

5. Existing data on toxic pollutants

No existing data is available on toxic pollutants.

**C. Rationale for WQBELs**

Pursuant to the narrative surface water quality standards (Section 202 of 2007 NNSWQS and *draft* 2010 NNSWQS revisions), the discharge shall be free from pollutants in amounts or combinations that cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.

1. Determination of Effluent Limitation for *E. coli*

Presence of pathogens in untreated and treated domestic wastewater indicates that there is a reasonable potential for *E. coli* bacteria levels in the effluent to cause or contribute to an excursion above the WQS. In the proposed permit, the monthly geometric mean of *E. coli* bacteria shall not exceed 126/100 ml as a monthly average and 235/100 ml as a single sample maximum. These limits are based on the NNSWQS for secondary human contact (p. 14). The monitoring frequency is once per month, consistent with the previous permit.

2. Total Dissolved Solids (TDS)

Presence of solids in untreated and treated domestic wastewater indicates that there is a reasonable potential for TDS levels in the effluent to cause or contribute to an excursion above the WQS. The regulations at 40 CFR 122.44(i) allow requirements for monitoring as determined to be necessary. The monitoring frequency is once per month, consistent with the previous permit.

3. Total Residual Chlorine (TRC)

Chlorination for disinfection purposes indicates that there is reasonable potential for TRC levels in the effluent to cause or contribute to an excursion above the WQS. Therefore, a TRC limit of 11 µg/l has been established in the proposed permit to protect the

beneficial uses of the receiving waters (Puerco River within Navajo Nation boundary, a tributary to the Lower Colorado River.) The monitoring frequency is once per month, consistent with the previous permit.

4. Ammonia and Ammonia Impact Ratio (“AIR”)

Presence of ammonia in untreated and treated domestic wastewater indicates that there is a reasonable potential for levels in the effluent to cause or contribute to an excursion above the WQS. In accordance with the NNSWQS for protection of aquatic and wildlife habitat, the proposed permit contains effluent limitations for total ammonia. The ammonia limits are temperature and pH dependent and are listed in Table 206.3 (page 37) of 2007 NNSWQS and *draft* 2010 NNSWQS revisions. They are also provided in Appendix A of the permit. The monitoring frequency is once per month, consistent with the previous permit.

Because ammonia criteria are pH and temperature-dependent, the permittee is required to calculate an AIR. The AIR is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standards as determined by using pH data to derive an appropriate value from the ammonia criteria table in Appendix B of the permit. The AIR limitation has been established as a monthly average of 1.0, equivalent to the standard. The permittee is required to report maximum daily and average monthly ammonia concentrations in addition to an average monthly AIR. The monitoring frequency is once per month.

5. pH

Untreated and treated domestic wastewater could be contaminated with substance that affects the pH. Therefore, there is a reasonable potential for pH levels in the effluent to cause or contribute to an excursion above the WQS. In order to ensure adequate protection of beneficial uses of the receiving water, a maximum pH limit of 9.0 and a minimum limit of 6.5 S.U. are established in Section 206.C. of 2007 NNSWQS and *draft* 2010 NNSWQS revisions. The monitoring frequency is once per month, consistent with the previous permit. Measurements for pH are required to be taken concurrently with ammonia and temperature measurements.

6. Temperature

Measurements for temperature are required to be taken concurrently with ammonia and pH measurements.

**V. Reporting**

The proposed permit requires discharge data obtained during the previous three months to be summarized on monthly DMR forms and reported quarterly. If there is no discharge for the month, report in the No Discharge box on the DMR form for that month. These reports are due January 28, April 28, July 28, and October 28 of each year. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the U.S. EPA and NNEPA.



## **VI. General Standards**

The proposed permit sets general standards that are narrative water quality standards contained in the NNSWQS, Section 203. These general standards are set forth in Section B. General Discharge Specifications of the permit.

## **VII. Permit Reopener**

At this time, we have no reason to establish any other water quality-based limits. Should any monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursion above a water quality criteria, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. The proposed permit may be modified, in accordance with the requirements set forth at 40 CFR 122.44 and 124.14, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any U.S. EPA-approved new Tribal water quality standards.

## **VIII. Sewage Sludge Requirements**

The proposed permit requires a report to U.S. EPA and NNEPA within 90 days of permit issuance with an estimate of the quantity of sewage sludge currently on site, and a projection of when sewage sludge will next be removed. At least 120 days prior to removing sewage sludge for use or disposal, the permittee is required to submit a plan describing the quantity of sewage sludge to be removed, mechanisms for removing, and a proposed sampling plan for pollutants regulated under the use or disposal option being selected. Upon approval of this plan by U.S. EPA and NNEPA, the permittee will have the sewage sludge removed as described. The permit also requires compliance with all applicable requirements of Section 405(d) of the CWA, and 40 CFR Sections 258 (for sewage sludge sent to a municipal landfill) and 503 (for sewage sludge placed in a sludge-only surface disposal site, land applied as fertilizer, used in land reclamation, or incinerated).

## **IX. Other Considerations Under Federal Law**

### **A. Anti-Degradation**

U.S. EPA's anti-degradation policy at 40 CFR Section 131.12 and the NNSWQS require that existing water uses and level of water quality necessary to protect the existing uses be maintained. As described in this fact sheet, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone; therefore, these limits will apply at the end of the pipe without consideration of dilution in the receiving water. Therefore, due to the low levels of toxic pollutants present in the effluent, the high level of treatment being obtained, and water quality-based effluent limitations, it is not expected that the discharge will adversely affect receiving water bodies.

**B. Anti-Backsliding**

Section 402(o) of the CWA prohibits the renewal or reissuance of an NPDES permit that contains effluent limits less stringent than those established in the previous permit, except as provided in the statute. The proposed permit is a renewal and therefore does not allow backsliding.

**C. Threatened and Endangered Species and Critical Habitat**

1. Background

Section 7 of the Endangered Species Act (ESA) of 1973 requires Federal agencies such as U.S. EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any actions authorized, funded or carried out by the Agency are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species.

Since the issuance of NPDES permits by U.S. EPA is a Federal action, consideration of a permitted discharge and its effect on any listed species is appropriate. The proposed NPDES permit renewal authorizes the discharge of treated domestic wastewater into an unnamed wash of the Puerco River, a tributary to the Lower Colorado River, a water of the United States.

The FWS has deferred all of its survey and information collection in the Navajo Nation to the Navajo Nation's Department of Fish & Wildlife Natural Heritage Program (NHP). The NHP database on Endangered and Threatened Species in the Navajo Nation is found at: <http://www.nndfw.org/> EPA has sent a request for species information to NHP on September 29, 2015 and has not received a response to date. Based on review of the NHP database, EPA found that NHP had identified the following federally-listed threatened or endangered species: Black-footed ferret (*Mustela nigripes*), known to occur within one to 3 mile of the facility boundary; and, Zuni fleabane (*Erigeron rhizomatus*), known to potentially be within proximity to the facility.

2. USEPA's Finding:

The NPDES permit authorizes the discharge of treated wastewater in conformance with the more stringent of federal secondary treatment regulations and the NNSWQS. These standards are applied in the permit as both numeric and narrative limits. The standards are themselves designed to protect aquatic species, including threatened and endangered species; and therefore, any discharge in compliance with these standards should not adversely impact any threatened and endangered species.

EPA believes effluent released in compliance with this permit will have no effect on any federally-listed threatened or endangered species or its critical habitat that may be present in the vicinity of the discharge. The treatment facility has been in existence for some time, and no new construction or modifications had been made to it due to the proposed NPDES permit. Therefore, no requirements specific to the protection of endangered species are proposed in the

permit. EPA may decide that changes to the permit may be warranted based on receipt of new information. A re-opener clause has been included should new information become available to indicate that the requirements of the permit need to be changed.

**D. Consideration of Environmental Justice (EJ) Impact**

EPA has conducted a screening level evaluation of the potential impact of this facility and other permitted facilities within the immediate area on local residents through use of U.S. EPA's EJSCREEN tool. Specifically, EPA used EJSCREEN to identify facilities near the BIA Wingate High School facility that could pose risk to local residents through discharge of environmental contaminants. EPA has also evaluated whether demographic characteristics of the population living in the vicinity of the BIA facility indicate that the local population might be particularly susceptible to such environmental risks. The results show that, at the time of this analysis conducted on October 28, 2015, the area in which the BIA facility is located was above the 89<sup>th</sup> percentile nationally for ozone. The EJSCREEN analysis of demographic characteristics of the community living near the facility indicates the local population may be at relatively higher risk if exposed to environmental contaminants than the national population. Demographic characteristics that showed potentially sensitive scores were a high proportion of minority and low income population and population with less than high school education.

EPA also considers the characteristics of the wastewater treatment facility operation and discharges, and whether those discharges, in combination with discharges from local ozone sources, pose exposure risks that the NPDES permit needs to further address. The BIA facility is unlikely to discharge any noticeable ozone. EPA finds no evidence to indicate the wastewater facility discharge poses a significant risk to local residents. EPA concludes that the facility is unlikely to contribute to any EJ issues. Furthermore, EPA believes that by implementing and requiring compliance with the provisions of the Clean Water Act, which are designed to ensure full protection of human health, the permit is sufficient to ensure the facility discharges to not cause or contribute to human health risk in the vicinity of the wastewater facility.

**X. Administrative Information -- Public Notice, Public Comments, and Requests for Public Hearings**

In accordance with 40 CFR 124.10, public notice shall be given by the U.S. EPA Director that a draft NPDES permit has been prepared by mailing a copy of the notice to the permit applicant and other Federal and State agencies, and through EPA Region 9 website at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>. The public notice shall allow at least 30 days for public comment on the draft permit.

In accordance with 40 CFR 124.11 and 12, during the public comment period, any interested person may submit written comments on the draft permit, and may request a public hearing if no hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. In accordance with 40 CFR 124.13, all persons must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position within thirty (30) days from the date of the public notice. Comments may be received either in person or mailed to:

U.S. Environmental Protection Agency, Region 9  
NPDES Permits Section (WTR-2-3)  
Attn: Linh Tran  
75 Hawthorne Street  
San Francisco, CA 94105  
Telephone: (415) 972-3511

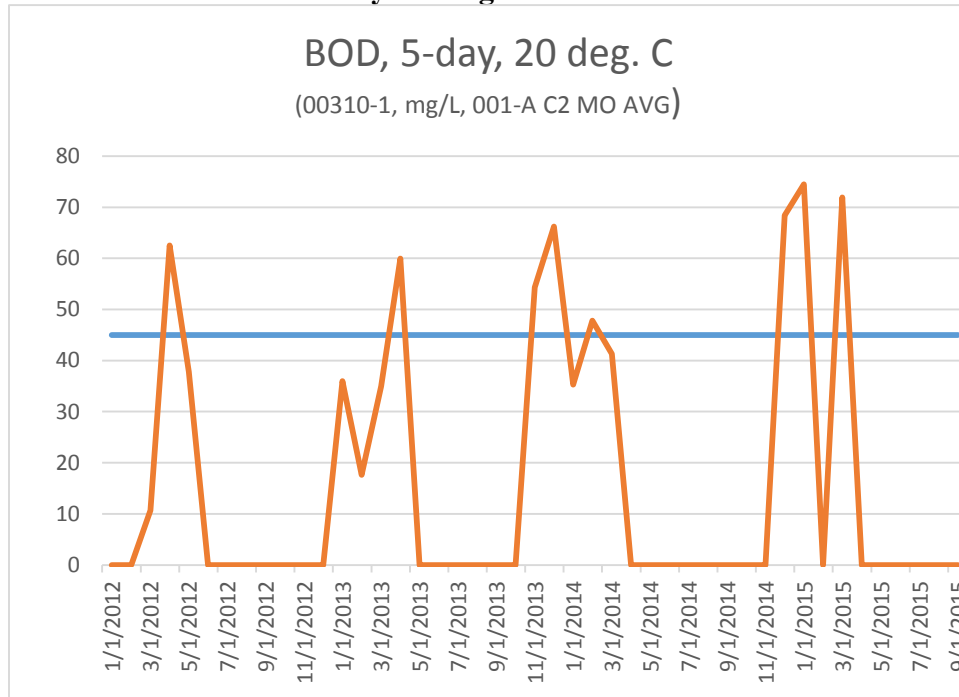
Interested persons may obtain further information, including copies of the draft permit, fact sheet/statement of basis, and the permit application, by contacting Linh Tran at the U.S. EPA address, above. Copies of the administrative record (other than those which U.S. EPA maintains as confidential) are available for public inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

In accordance with 40 CFR 124.12, the U.S. EPA Director shall hold a public hearing when, on the basis of requests, a significant degree of public interest in the draft permit exists. The Director may also hold a public hearing when, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of such hearing shall be given as specified in 40 CFR 124.10.

**APPENDIX**  
**DMRs review from January 2012 to September 2015**

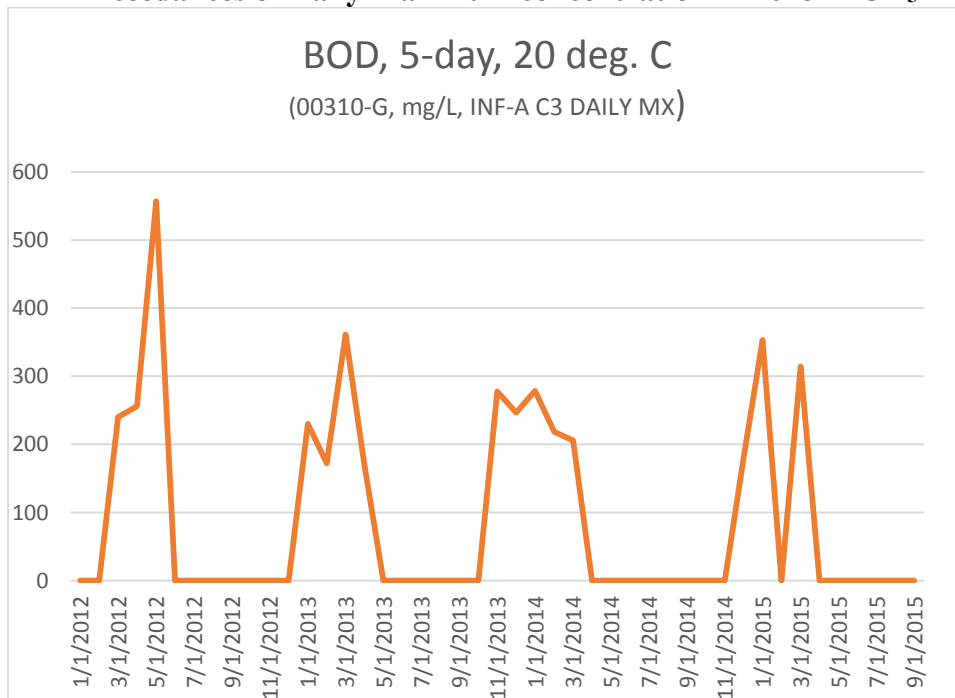
**Figure 1**

**Exceedances of Monthly Average Concentration limit for BOD<sub>5</sub>**

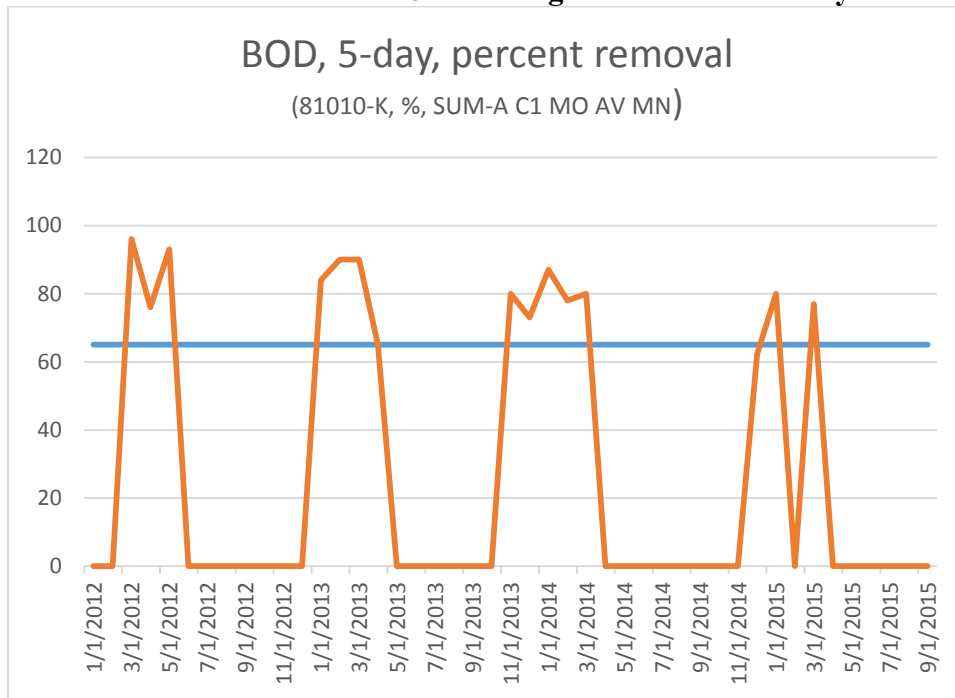


**Figure 2**

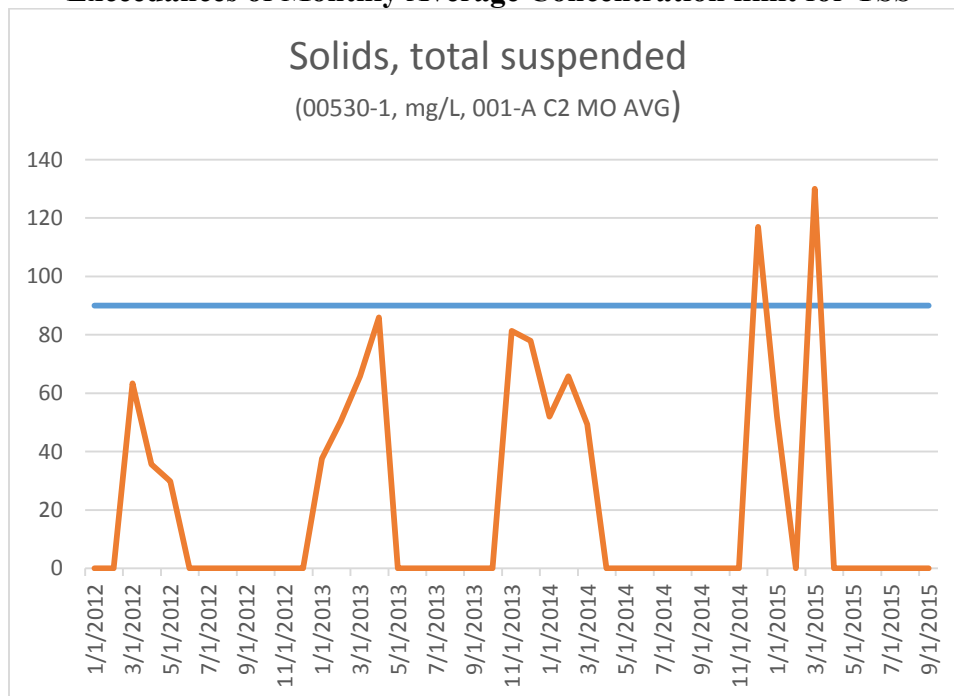
**Exceedances of Daily Maximum concentration limit for BOD<sub>5</sub>**



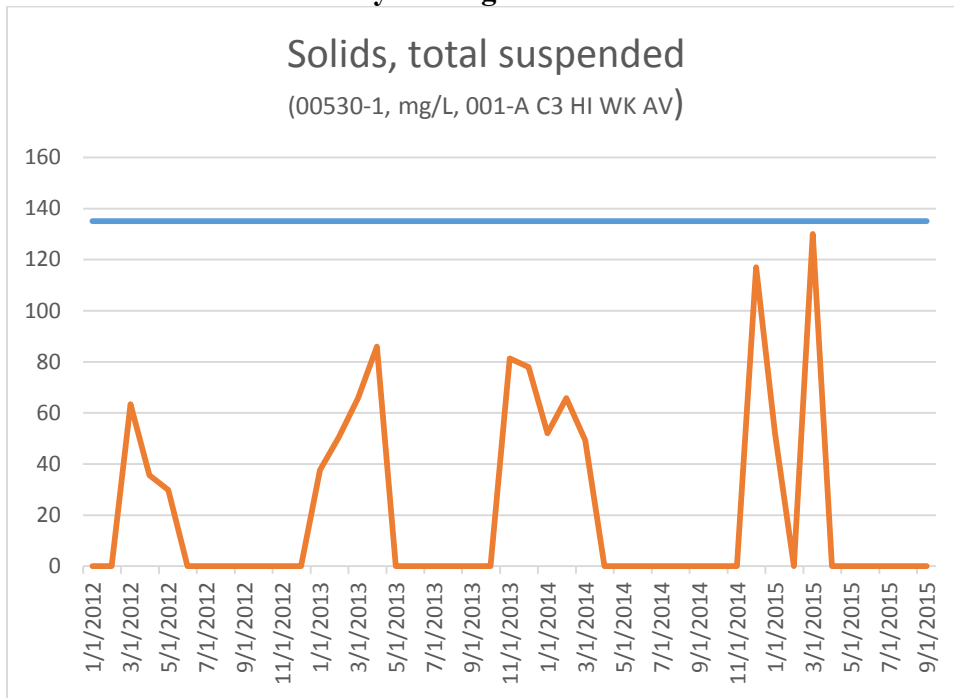
**Figure 3**  
**Violation of BOD<sub>5</sub> Percentage Removal Efficiency**



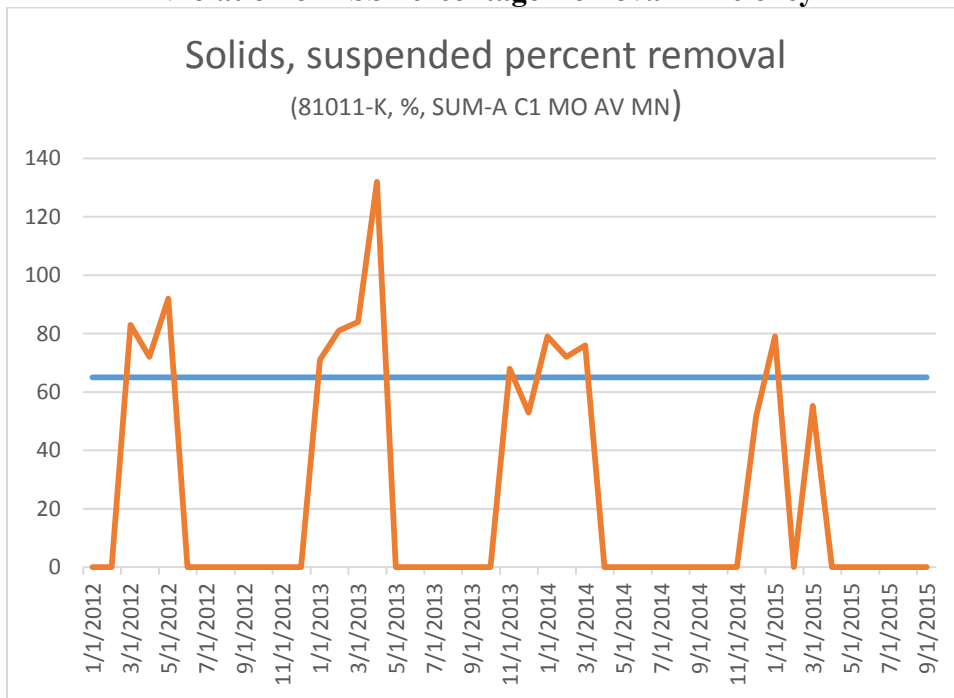
**Figure 4**  
**Exceedances of Monthly Average Concentration limit for TSS**



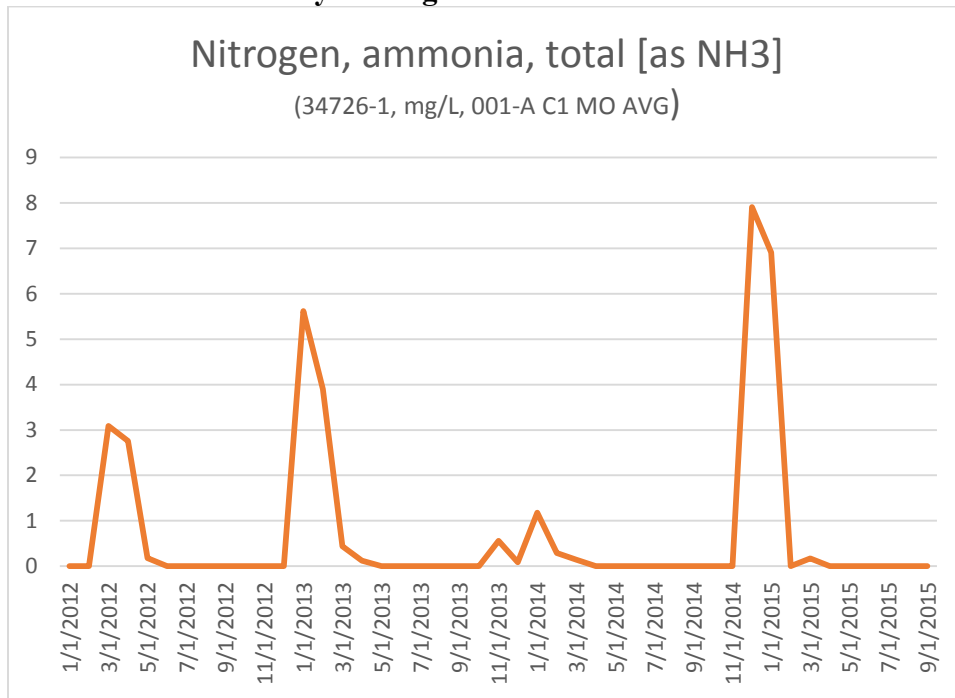
**Figure 5**  
**Exceedances of Weekly Average Concentration limit for TSS**



**Figure 6**  
**Violation of TSS Percentage Removal Efficiency**



**Figure 7**  
**Exceedances of Monthly Average concentration limit for Total Ammonia**



**Figure 8**  
**Exceedances of Daily Maximum Concentration limit for TDS**

