

US EPA ARCHIVE DOCUMENT

NPDES Permit No. NN0030343

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. Section 1251 et seq; the "Act"),

Navajo Tribal Utility Authority  
Northern Edge Navajo Casino  
P.O. Box 1749  
Shiprock, New Mexico 87420

is authorized to discharge treated wastewater from the Northern Edge Navajo Casino's wastewater treatment facility, located in Upper Fruitland, San Juan County, New Mexico, from Discharge Outfall Serial Number 001,

Latitude: 36° 43' 11"N  
Longitude: 108° 15' 12"W

to an unnamed wash, a tributary to the San Juan River, in accordance with the effluent limitations, monitoring requirements, and in attached 10 pages of EPA Region 9 "Standard Federal NPDES Permit Conditions," dated July 1, 2009 and updated July 27, 2011.

This permit shall become effective on February 1, 2012 .

This permit and the authorization to discharge shall expire at midnight, January 31, 2017 .

Signed this 27<sup>th</sup> day of January, 2012.

For the Regional Administrator

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Alexis Strauss, Director  
Water Division  
EPA, Region 9

**SECTION A. EFFLUENT LIMITATIONS AND SELF-MONITORING REQUIREMENTS**

Based upon the current average design capacity of 0.03 MGD, the permittee is authorized to discharge from Outfall Number 001 treated domestic wastewater.

1. During the period beginning on the effective date of this permit and lasting through the date of permit expiration, the permittee shall not discharge wastewater pollutants to receiving waters, except from Discharge Outfall No.001 as specified below.
2. The influent shall be sampled where wastewater enters by gravity to the collector. The effluent shall be sampled after final treatment prior to discharge into the unnamed wash, a non-perennial tributary to the San Juan River.
3. Such discharge shall be limited and monitored by the permittee as follows:

Effluent Parameter	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sampling Type
Flow	MGD	-- <sup>1</sup>	--	-- <sup>1</sup>	Monthly	Instantaneous
BOD <sub>5</sub> <sup>2</sup>	Mg/l	30	45	--	Monthly	Composite
	kg/day	3.4	5.1	--	Monthly	Composite
TSS <sup>2</sup>	Mg/l	30	45	--	Monthly	Composite
	kg/day	3.4	5.1	--	Monthly	Composite
E coli	#/100ml	126 <sup>3</sup>	--	235 <sup>4</sup>	Monthly	Discrete
TRC <sup>5</sup>	μg/l	--	--	11.0	Monthly	Discrete
Total Ammonia Nitrogen (as N) <sup>6</sup>	Mg/l	-- <sup>6</sup>	--	-- <sup>6</sup>	Monthly	Discrete
TDS <sup>7</sup>	Mg/l	--	--	--	Quarterly	Discrete
Temperature <sup>8</sup>	Deg C	--	--	--	Monthly	Discrete
pH <sup>8</sup>	Std. units	between 6.5 to 9.0			Monthly	Discrete
Whole Effluent Toxicity (chronic) <sup>9</sup>	--	-- <sup>1</sup>	--	-- <sup>1</sup>	Monthly <sup>10</sup>	24-hour Composite

Priority Pollutant Scan <sup>11</sup>	Mg/l	--	--	-- <sup>12</sup>	Once/1 <sup>st</sup> Quarter during year 1	24-hour Composite
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“MGD” indicates units of million gallons per day.

FOOTNOTES:

1. No effluent limits are set at this time, but both the influent and effluent shall be monitored and reported.
2. “BOD<sub>5</sub>” = Biological Oxygen Demand (5-day test.) “TSS” = Total Suspended Solids. For BOD<sub>5</sub>, the arithmetic means of values, by weight, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 percent of the arithmetic mean of values, by weight, for influent samples collected at approximately the same times during the same period. For TSS, the arithmetic means of values, by weight, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period. The mass limits are calculated based upon the 0.03 MGD design flow.
3. Geometric mean of samples collected during the calendar month.
4. Single sample maximum for protection of secondary human contact beneficial uses.
5. “TRC” = Total Residual Chlorine. If chlorination is used, the permittee shall at all times operate the plant to achieve the lowest possible residual chlorine while still complying with permit limits for E. coli.

TRC shall also be measured once/month at the outfall and reported on the Discharge Monitoring Reports, along with an estimate of the natural flow of the stream. (When the only flow in the receiving water is the effluent, the “natural flow” should be reported as zero.)

6. This is a monitoring and reporting requirement. For total ammonia (in mg-N/liter), the proposed 2007 Navajo Nation Surface Water Quality Standards specify ammonia limitations for aquatic and wildlife (warm water habitat) for support and propagation of animals, plants, or other organisms. See attached total ammonia table on pages 15-16. The criteria for ammonia are pH and temperature dependent; therefore, pH and temperature field measurements must be taken concurrently at the same location as the water samples destined for the laboratory

analysis of ammonia.

7. Both the plant effluent (Outfall Number 001), the intake water supply shall be sampled and reported. The incremental increase is the difference between the two sample analyses.

Salinity (“TDS”) is determined by the “calculation method” (sum of constituents) as described in the latest edition of constituents) as described in the latest edition of “Techniques of Water Resources Investigations of the United States Geological Survey-Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases.”

8. Temperature and pH measurements shall be taken concurrently with measurements for ammonia.
9. No chronic toxicity effluent limit is set for this discharge. A test result shall be calculated to determine either a *Pass or Fail* of the multiple-effluent concentration chronic toxicity test at the IWC, in accordance to Appendix A in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA/833-R-10-003). A *Pass* result indicates no toxicity at the IWC, and a *Fail* result indicates toxicity at the IWC. See Section F. of the permit for details of the chronic WET test requirement of the permit cycle.
10. If no toxicity is found in the test results during the first 12 *monthly* test results, the permittee shall conduct the tests on a *quarterly* basis thereafter.
11. Priority Pollutants: During the first quarter in Year 1 of the permit cycle, the permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 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 EPA’s National Water Quality Criteria for priority pollutants, monitoring will no longer be required for the remainder of the permit cycle.
12. Monitoring and reporting required. No limitation is set at this time.

## SECTION B. GENERAL DISCHARGE SPECIFICATIONS

1. All Waters of the Navajo Nation shall be free from pollutants in amounts of combinations that, for any duration:
  - a. Cause injury to, are toxic to, or otherwise adversely affect human health, public safety, or public welfare.
  - b. Cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
  - c. Settle to form bottom deposits, including sediments, precipitates and organic materials, that cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.
  - d. Cause physical, chemical, or biological conditions that promote the habitation, growth or propagation of undesirable, non-indigenous species of plant or animal life in the water body.
  - e. 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.
  - f. Cause objectionable odor in the area of the water body.
  - g. Cause objectionable taste, odor, color, or turbidity in the water body.
  - h. Cause objectionable taste in edible plant and animal life, including waterfowl, that reside in, on or adjacent to the water body.
  - i. Cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth, or propagation of other aquatic life or that impair recreational uses.

2. All waters of the Navajo Nation shall be free of toxic pollutants from other than natural sources in amounts, concentrations, or combinations which affect the propagation of fish or which of toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or which will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish, or other aquatic organisms to levels which will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers.
3. No person shall place animal carcasses, refuse, rubbish, demolition or construction debris, trash, garbage, motor vehicle parts, batteries, appliances, tires, or other solid waste into waters of the Navajo Nation or into their banks.

### **SECTION C. PERMIT REOPENER**

1. At this time, there is no reasonable potential to establish any other water quality-based limits. Should any monitoring indicate that the discharge cause, has the reasonable potential to cause, or contributes to excursions above water quality criteria, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. In accordance with 40 CFR 122 and 124, this permit may be modified to include appropriate conditions or effluent limits, monitoring, or other conditions to implement new regulations, including U.S. EPA-approved new Tribal water quality standards; or to address new information including the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedences of water quality standards.
2. In accordance with 40 CFR 122.44(c), EPA may promptly modify or revoke and reissue any permit issued to a treatment works treating domestic sewage (including “sludge only facilities”) to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA, if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

### **SECTION D. BIOSOLIDS REQUIREMENTS**

1. The permittee shall submit a report 60 days prior to disposal of biosolids. The report shall include:
  - a. A map showing biosolids handling facilities (e.g. digesters, lagoons, drying beds, incinerators, location of land application and surface disposal sites).
  - b. The quantity of biosolids produced in dry metric tons.

- c. The treatment applied to biosolids including process parameters. For example, if the biosolids is digested, report the average temperature and retention time of the digester. If drying beds are used, report depth of application and drying time. If composting is used, report the temperature achieved and duration. Also report dewatering methods and percent biosolids of final reports.
  - d. Disposal methods (e.g., 50% to land fill, 40% land applied, 10% sold as commercial product.) Report the names and locations of all facilities waste.
  - e. If biosolids are to be land-applied, analyses shall be conducted and submitted for Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Molybdenum, Zinc, and Selenium, And for organic-N, Ammonium-N, and nitrate-N. The analyses shall be performed using the methods in “Test Methods for Evaluations Solid Waste, Physical/Chemical Methods” (SW-846) and test results shall be expressed in milligram (mg) pollutant per kilogram(kg) biosolids on a 100% dry weight basis.
  - f. If biosolids are placed in a surface disposal site, analyses shall be submitted for Arsenic, Chromium, and Nickel. A groundwater monitoring plan shall be submitted or a certification from a groundwater scientist that there is no potential for groundwater contamination.
2. The permittee shall comply with all standards for sewer biosolids use and disposal established under Section 405(d) of the Clean Water Act, including for existing standards under 40 CFR Parts 257, 258 and 503.
  3. Reports for biosolids monitoring shall be submitted to:

Regional Biosolids Coordinator  
US EPA (WTR-7)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

## SECTION E MONITOING AND REPORTING

### 1. Reporting of Monitoring Results

- a. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with effluent limitations and permit requirements. Monitoring results shall be reported during the previous three (3) months on monthly Discharge Monitoring Report (“DMR”) forms (EPA No. 3320-1) supplied by the Regional Administrator, to the extent that the results

reported may be entered on the forms. The DMR forms shall be submitted quarterly on the 28<sup>th</sup> day of the month following the previous quarterly reporting period; for example, the three (3) monthly DMR forms for the reporting period January through March shall be submitted by April 28<sup>th</sup>. In the case of no discharge, the permittee shall submit a DMR indicating no discharge as required. Duplicate, signed copies of these, and all other reports required herein, shall be submitted to the U.S. EPA and the Navajo Nation EPA at the following addresses:

**NPDES Data Team**  
**U.S. Environmental Protection Agency**  
**Region IX, Attn:WTR-1**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**Navajo Nation EPA**  
**NPDES Program**  
**P.O. Box 339**  
**Window Rock, AZ 86515**

- b. The Discharger has the option to submit all monitoring results in the electronic reporting format approved by U.S. EPA. The Discharger may submit DMRs electronically using EPA's NetDMR application. NetDMR is a national tool for regulated Clean Water Act permittees to Submit discharge monitoring reports (DMRs) electronically via a secure Internet application to U.S. EPA. By using NetDMR, dischargers can discontinue mailing hard copy forms under 40 CFR 122.41 and 403.12.
- c. For effluent analyses, the permittee shall utilize and analytical method with a published Method Detection Limit ("ML"; as defined in Section G of this permit) that is lower than the effluent limitations (or lower than applicable numeric water quality criteria). If all published MDLs are higher than the effluent limitations or water quality criteria, then the permittee shall utilize the analytical method with the lowest published MDL. The permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the minimum level ("ML"), as defined in Section G (Definitions) of this permit.

For samples collected during the monthly reporting period, report on the DMR form:

- (1) The maximum value, if the maximum value is greater than the ML; or NODI (Q)<sup>a</sup>, if the maximum value is greater than or equal to the laboratory's MDL, but less than the ML; or NODI (B)<sup>a</sup>, if the maximum value is less than the laboratory's MDL; and
- (2) The average value of all analytical results where 0 (zero) is substituted for NODI (B) and the laboratory's MDL is substituted for NODI (Q), if more than one sample is collected during the monthly reporting period.

- d. As an attachment to each DMR form submitted during this permit term, the permittee shall report for all parameters with monitoring requirements specified under Section A.3. of this permit: the analytical method number or title, preparation and analytical procedure utilized by the laboratory, and published MDL or ML; the laboratory's MDL, the standard deviation (S) from the laboratory's MDL study, and the number of replicate analysis (n) used to compute the laboratory's MDL; and the ML.

**2. Monitoring and Records**

In addition to the information requirements specified under 40 CFR 122.41(j)(3), records of monitoring information shall include: Laboratory (ies) which performed the analyses and any comments, case narrative or summary of results produced by the laboratory. These should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR Part 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, holding times, and preservation.

**3. Twenty Four-Hour Reporting of Noncompliance**

- a. In accordance with 40 CFR 122.41(l)(6)(i), (ii) and (iii), the following condition is expressly incorporated into this permit. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances of the following persons or their office:

Manager  
CWA Compliance Office Manager  
U.S. EPA Region 9  
(415) 972-3577

Patrick Antonio  
Navajo Nation EPA  
(928) 871-7185

If the permittee is unsuccessful in contacting the person above, the permittee shall report by 9 a.m. on the first business day following the noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the date and/or time it is expected to be corrected; and, steps and/or plans to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. The following information shall be included as information which must be

reported within 24 hours under this paragraph.

- (1) Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR 122.44(g)).
- (2) Any upset which exceeds any effluent limit in the permit.
- (3) Violation of a maximum daily discharge limit for any of the pollutants listed by the Director in the permit to be reported within 24 hours [see 40 CFR 122.44(g)]

## SECTION F. CHRONIC WHOLE EFFLUENT TOXICITY (WET) REQUIREMENTS

### 1. Monitoring Frequency

The permittee shall conduct *monthly* chronic toxicity tests on 24-hour composite effluent samples. Once each calendar year, at a different time of year from the previous years, the permittee shall split a 24-hour composite effluent sample and concurrently conduct three toxicity tests using a fish, an invertebrate, and an alga species; the permittee shall continue to conduct routine *monthly* toxicity testing using the single, most sensitive species. If no toxicity is found in the test results during the first 12 monthly test results, the permittee shall conduct the tests in a *quarterly* basis thereafter.

Chronic toxicity test samples shall be collected for each point of discharge at the designed NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained). During years **1,2,3,4, and 5** of the permit, a split of each sample shall be analyzed for all other monitored parameters at the minimum frequency of analysis specified by the effluent monitoring program.

### 2. Freshwater Species and EPA WET Test Methods

Species and short-term EPA WET test methods for estimating the chronic toxicity of NPDES effluents are in the fourth edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR Part 136). The permittee shall conduct static renewal toxicity tests with the following:

- Fathead minnow, *Pimephales promelos* (Larval Survival and Growth Test Method 1000.0)
- Daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0);

- Green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (*Growth Test Method* 1003.0).

### 3. Chronic WET Permit Triggers

There are no chronic toxicity effluent limits for this discharge. The chronic WET permit trigger is any one WET test (either biological endpoint of survival or sublethal) where a test result is *Fail* (during the monthly reporting period) at the chronic in-stream waste concentration (IWC). For this discharge, the IWC is determined to be **100** percent effluent since there was little or no upstream flow in Black Creek. To calculate either a Pass or Fail of the multiple-effluent concentration chronic toxicity test at the IWC, follow the instructions in Appendix A in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA/833-R-10-003). A Pass result indicates no toxicity at the IWC, and a Fail result indicates at the IWC.

The permittee shall report either a Pass or a Fail on the DMR form. If a result is reported as Fail, the permittee shall follow Section 7 (Reporting of Chronic Toxicity Monitoring Results) of this permit.

### 4. Quality Assurance – EPA WET Test Methods

- a. Quality assurance measures, instructions, and other recommendations and requirements are in the EPA WET test methods manual previously referenced in this permit
- b. This permit is subject to a determination of Pass or Fail from a multiple-effluent concentration chronic toxicity test at the IWC (for statistical flowchart and procedures, see *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, Appendix A, Figure A-1). The chronic in-stream waste concentration (IWC) for this discharge is determined to be 100 percent effluent since there was little or no upstream flow in Black Creek.
- c. Effluent dilution water and control water should be standard synthetic dilution water as described in the EPA WET test methods manual, *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/831/R-02/013, 2002). If the dilution water is different from test organism culture water, then a second control using culture water shall also be used.
- d. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly

reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration).

- e. If either the reference toxicant or effluent toxicity test do not meet all test acceptability criteria in the EPA WET test methods manual, then the permittee shall resample and retest within 14 days.
- f. Following Paragraph 10.2.6.2 of the freshwater EPA WET test methods manual, all chronic toxicity tests results from the multi-concentration tests required by this permit shall be reviewed and reported according to EPA guidance on the evaluation of concentration-response relationships in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136) (EPA/821/B-00-004,2000)*.
- g. If the discharge effluent is chlorinated, then chlorine shall not be removed from the effluent sample before toxicity testing without written approval by the permitting authority.

**5. Initial Investigation TRE Work Plan**

Within 90 days of the permit effective date, the permittee shall prepare and submit to the U.S. EPA Director a copy of its Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan (1-2 pages) for review. This plan shall contain steps the permittee intends to follow if toxicity is measured above a chronic WET permit limit or trigger and should include the following, at minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
- b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
- c. If a Toxicity Identification Evaluation (TIE) is necessary, an indication of who would conduct the TIEs (i.e., an in house expert or outside contractor).

**6. Accelerated Toxicity Testing and TRE/TIE Process**

- a. If a chronic WET permit or trigger is exceeded and the source of toxicity is known (e.g., a temporary plant upset), then the permittee shall conduct one

additional toxicity test using the same species and EPA WET test method. This WET test shall begin within 14 days of receipt of WET test results exceeding a chronic WET permit limit or trigger. If the additional toxicity test does not exceed a chronic WET permit limit or trigger, then the permittee may return to their regular testing frequency.

- b. If a chronic WET permit limit or trigger is exceeded and the source of toxicity is not known, then the permittee shall conduct six additional toxicity tests using the same species and EPA WET test method, approximately every two weeks, over a 12 week period. This
- c. If one of the additional toxicity tests (in paragraphs 6.a or 6.b) exceeds a chronic WET permit limit or trigger, then, within 14 days of receipt of this WET test result, the permittee shall initiate a TRE using a guidance, according to the type of treatment facility, the EPA TRE manual, *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/ 833/B-99/002,1999) or EPA TRE manual, *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070,1989). In conjunction, the permittee shall develop and implement a Detailed TRE Work Plan which shall contain the following: further actions undertaken by the permittee to investigate, indentify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for such actions.
- d. The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using the same species and EPA WET test method and, as guidance, EPA WET TIE/TRE method manuals: *Toxicity Identification Evaluation; Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080,1993); *Methods for Aquatic Toxicity identification Evaluations, Phase III Toxicity* (EPA/600/R-92/081,1993).

7. **Reporting of Chronic Toxicity Monitoring Results**

- a. The permittee shall submit a full laboratory report as an attachment to the DMR for all toxicity testing for the month in which the toxicity test was conducted; the laboratory report shall contain the following; the toxicity test results, the dates of sample collection and initiation of each toxicity test; all results for effluent parameters monitored concurrently with the toxicity test(s); and progress reports on TIE/TRE investigations.

- b. The permittee shall provide the actual test endpoint responses for the control (i.e., control mean) and IWC concentration (i.e., IWC mean) for each WET test conducted to make it easier for permit writers to find the necessary WET test results when determining WET RP.
- c. The permittee shall notify the U.S. EPA Director in writing within 14 days of exceedance of a chronic WET permit limit or trigger. The notification shall describe actions the permittee has taken or will take to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

#### **8. Permit Reopener for Chronic Toxicity**

In accordance with 40 CFR Parts 122 and 124, this permit may be modified to include effluent limitations or permit conditions to address chronic toxicity in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to chronic toxicity.

#### **SECTION G. INSPECTION AND ENTRY**

The permittee shall allow the U.S. EPA Director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to perform inspections under authority of Section 10: Inspection and Entry of the EPA Region 9 “*Standard Federal NPDES Permit Conditions*”, dated June 3, 2002, as attached.

#### **SECTION H. DEFINITIONS**

The following definitions shall apply unless otherwise specified in this permit:

1. A "Composite samples" means a time-proportional mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours.) The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18<sup>th</sup> edition of “*Standard Methods for the Examination of Water and Wastewater*” shall be used.
2. A “daily discharge” means the “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling. For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the sampling day. For

pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the sampling day.

3. A “daily discharge determination of concentration” made using a composite sample shall be the concentration of the composite sample. When the grab sample technique is used, the “daily discharge” determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
4. A "daily maximum discharge effluent limitation" means the highest allowable “daily discharge” during the calendar month.
5. A “daily average discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar divided by the number of “daily discharges” measured during that month.
6. A “discrete sample” means any individual sample collected in less than 15 minutes. “Grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
7. The "EPA" means the United States Environmental Protection Agency.
8. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream. “Method Detection Limit” (MDL) is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by the specific laboratory method listed in 40CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
9. “Instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
10. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by the specific laboratory method listed in 40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B. “Monthly average” concentration for *E. coli* means the geometric mean of measurements made during a month. The geometric mean is the nth root of the product of n numbers.
11. The “Minimum Level” (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration

standard analyzed by a specific analytical procedure, assuming that all of the method-specified sample weights, volumes, and processing steps have been followed (as defined in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). Published method-specific MLs are contained in 40 CFR Part 136, Appendix A, and must be utilized if available. If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor an MDL are available under 40 CFR Part 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than for non-metals:

- a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
  - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10<sup>n</sup>, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18=7.95 µg/l. The multiple of (1, 2, or 5) x 10<sup>n</sup> nearest to 7.95 is 1 x 10<sup>1</sup>=10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)
12. A "monthly average" concentration for *E. coli* means the geometric mean of measurements made during a month. The geometric mean is the nth root of the product of n numbers
  13. A "monthly average" limitation means the highest allowable discharge 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.
  14. The "Regional Administrator" means EPA Region 9's Regional Administrator.
  15. A "weekly average" (or 7-day average) is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. 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 Sunday, 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 calendar week overlaps two months (i.e., the Sunday is in one

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month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the month that contains the Saturday.

**SECTION H. EPA REGION IX STANDARD CONDITIONS**

See attached 10 pages of EPA Region 9 “Standard Federal NPDES Permit Conditions,” dated July 1, 2009, and updated July 27, 2011.

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## ATTACHMENTS

See attached map of discharge location and schematic of treatment process

**2007 Navajo Nation Surface Water Quality Standards  
Table 206.2 Maximum Total Ammonia Concentration  
Acute Standard for Aquatic and Wildlife Habitat  
(Total Ammonia in mg-N/liter)**

Ph	Salmonids Absent
6.5	48.8
6.6	46.8
6.7	44.6
6.8	42.0
6.9	39.1
7.0	36.1
7.1	32.8
7.2	29.5
7.3	26.2
7.4	23.0
7.5	19.9
7.6	17.0
7.7	14.4
7.8	12.1
7.9	10.1
8.0	8.40
8.1	6.95
8.2	5.72
8.3	4.71
8.4	3.88
8.5	3.20
8.6	2.65
8.7	2.20
8.8	1.84
8.9	1.56
9.0	1.32

NOTES:

1. pH is a field measurement to be taken at the same time and location as the water samples destined for the laboratory analysis of ammonia.
2. If the field measured pH value falls between the tabular values, round the field measured value according to standard scientific rounding procedures to the nearest value to determine the ammonia standard.

**2007 Navajo Nation Surface Water Quality Standards  
Table 206.3 Maximum Total Ammonia Concentration**

**Chronic Standard for Aquatic and Wildlife Habitat  
 (Total Ammonia mg-N/liter)**

pH	Temperature in Degrees Celsius										pH
	0	14	16	18	20	22	24	26	28	30	
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46	6.5
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42	6.6
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37	6.7
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32	6.8
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25	6.9
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18	7.0
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09	7.1
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99	7.2
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87	7.3
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74	7.4
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61	7.5
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47	7.6
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32	7.7
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17	7.8
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03	7.9
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897	8.0
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773	8.1
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661	8.2
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562	8.3
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475	8.4
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401	8.5
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339	8.6
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287	8.7
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244	8.8
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208	8.9
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179	9.0

NOTES:

1. pH and temperature are field measurements taken at the same time and location as the water samples destined for the laboratory analysis of ammonia.
2. If the field measured pH value falls between the tabular values, round the field measured value according to standard scientific rounding procedures to the nearest tabular value to determine the ammonia standard.