

June 2011
FACT SHEET
Authorization to Discharge under the
National Pollutant Discharge Elimination System for the
Navajo Tribal Utility Authority (NTUA) - Pinon
NPDES Permit No. NN0024228

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I. Summary

The NTUA was issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (No. NN0024228) on September 28, 2006, for its Pinon wastewater treatment lagoon facility (“WWTF”), pursuant to the U.S. Environmental Protection Agency (“U.S. EPA”) regulations set forth in Title 40, Code of Federal Regulations (“CFR”) Part 122.21. The permit was effective October 2, 2006, through midnight, October 1, 2011. NTUA applied to U.S. EPA Region 9 for reissuance on April 19, 2011. 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”), the U.S. EPA is proposing issuance of the NPDES permit renewal to NTUA Pinon (“permittee”) for the discharge of treated domestic wastewater to receiving waters named Wepo Wash, a tributary to Polacca Wash, an eventual tributary to the Little Colorado River, a water of the United States.

II. Description of Facility

The NTUA Pinon wastewater treatment lagoons are located 0.6 miles southwest of Bashas Store in Pinon, Navajo County, Arizona, in the central portion of the Navajo Nation. The facility serves a population of 1,855 and receives only domestic sewage with a design flow of 0.3 million gallons per day (“MGD”). In addition, the facility receives septic waste from local septic haulers and effluent from the Pinon Health Center wastewater lagoon. The Pinon WWTF is considered a Publicly Owned Treatment Works (“POTW”). The four-cell facultative lagoon system is originally designed as a total retention system to treat wastewater. However, NTUA maintains its NPDES permit should effluent be discharged from the final Cell #4, which was

constructed as a retention pond for wetland treatment. Cell #4 is divided into three smaller compartments and currently, only a third is being used. Facility headworks consists of a bar screen, a grit chamber, a Parshall Flume, a velocity meter and a splitter box that directs flow in succession from Cell #1 to Cell #2, then Cell #3 and Cell #4. In June 2009, a new aerator was installed in Cell #1. Additionally, there are two (2) wind-powered mixers in Cell #2 and Cell #3. Disinfection is achieved via gas chlorination at the chlorine contact chamber prior to discharge. There is no dechlorination at the facility, pending construction of a sulfur dioxide building. Effluent is discharged through a pipe from Outfall No. 001 into Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 001.

On September 29, 2010, the Navajo Nation EPA's ("NNEPA") conducted an NPDES compliance evaluation inspection (CEI) and observed that there are two places along the northeast perimeter of Cell #3 that are being headcut by stormwater running into the cell. In addition, review of Discharge Monitoring Reports from January 2008 to March 2011 indicated minor exceedances of discharge limits for pH, Total Residual Chlorine ("TRC"), Total Suspended Solids ("TSS"), and five-day Biochemical Oxygen Demand ("BOD₅"); and the influent velocity is not being reported, in violation of reporting requirements.

III. Basis of Proposed Permit Requirements

A. Applicable Technology-Based Effluent Limitations

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 BOD₅ and TSS. The requirements contained in the draft permit are necessary to prevent violations of applicable treatment standards.

B. 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. USEPA approved the 1999 Navajo Nation Surface Water Quality Standards ("NNSWQS"), on March 23, 2006. The NNSWQS were revised in 2007 and approved by the EPA on March 26, 2009. The approved 1999 Navajo Nation water quality standards and 2007 revisions will be used on a best professional judgment ("BPJ") basis for purposes of developing water quality based effluent limitations. The requirements contained in the proposed permit are necessary to prevent violations of applicable water quality standards.

IV. Determination of Effluent Limitations, Monitoring, and Reporting Requirements

A. Federal Secondary Treatment Effluent Discharge Limitations

The proposed permit contains discharge limitations for biochemical oxygen demand (BOD₅), total suspended solids (TSS) and priority toxic pollutants. For both BOD₅ and TSS, the arithmetic means of values, by weight, for effluent samples collected in a period of 30 consecutive calendar days cannot exceed 35 percent of the arithmetic mean of values, by weight, for influent samples collected at approximately the same times during the same period.

Discharge Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Monitoring Frequency
Flow ¹	MGD	-- ²	n/a	-- ²	Instantaneous
BOD ₅ ³	mg/l	45	65	n/a	Monthly
	kg/day	50.7	73.2	n/a	
TSS ⁴	mg/l	90	135	n/a	Monthly
	kg/day	101	152	n/a	
Priority Pollutants ⁵	µg/l	-- ²	n/a	-- ²	Once/1 st Quarter during Year 5

NOTES:

1. No flow limit is set at this time but influent and effluent flows must be monitored and reported. The monitoring frequency is once/month.
2. Monitoring and reporting required. No limitation is set at this time.
3. Under 40 CFR Section 133.105, the discharge limits for BOD₅ shall not exceed a monthly average of 45 mg/l and a weekly average of 65 mg/l. The mass limits are calculated based upon the 0.30 MGD design flow.
4. Under 40 CFR Section, 122.45(f), the discharge limits for TSS shall not exceed a monthly average of 90 mg/l and a weekly average of 135 mg/l. These limitations (Alternative State Requirements) are consistent with 40 CFR 133.101(f), 133.103(c), 133.105(b) and (d). The mass limits are calculated based upon the 0.30 MGD design flow.
5. Priority Pollutants: In the first year of the permit, 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.

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

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 nonpoint 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
2. Dilution in the receiving water
3. Type of industry
4. History of compliance problems and toxic impacts
5. Existing data on toxic pollutants - Reasonable Potential analysis

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

The 2007 NNSWQS established water quality criteria for the following beneficial uses (Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River), are defined by the NNSWQS as secondary human contact, fish consumption, aquatic and wildlife habitat, and livestock watering (Table 205.1, page 22).

2. Dilution in the receiving water

Discharge from Outfall 001 flows to Wepo Wash, 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

Review of January 2005 to March 2011 DMR data showed exceedances of discharge limits for pH, TRC, TSS and BOD₅; and the influent velocity is not being reported. A table of limit exceedances is attached on pages 9 to 12 of this fact sheet. No dechlorination is provided at the plant.

5. Existing data on toxic pollutants

No existing data is available on toxic pollutants.

C. Rationale for WOBELs

Effluent Parameter	Units	Average Monthly	Average Weekly	Maximum Daily	Monitoring Frequency
<i>E. Coli</i>	CFU/100 ml	126	--	575	Once/month
Total Residual Chlorine	µg /l	--	--	11	Once/month
Total Ammonia (as N)	mg/l	--	--	--	Once/month
TDS	mg/l	--	--	--	Once/quarter
pH	std unit	between 6.5 to 9.0			Once/month
Temperature	deg F	--	--	--	Once/month

E. Coli. In the proposed permit, the monthly geometric mean of *E. coli* bacteria shall not exceed 126/100 ml and 575/100 ml as a single sample maximum. These limits are based on the NNSWQS for secondary human contact (p. 14 of the 2007 NNSWQS). The monitoring frequency is once/month.

Total Residual Chlorine. The proposed permit requires chlorination of the effluent before discharge. No single sample shall exceed 11 µg/l based on the approved 2007 NNSWQS for protection of aquatic & wildlife habitat and livestock watering (Table 206.1, page 32.)

Total Ammonia. In accordance with the 2007 NNSWQS for acute and chronic ammonia limits 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 206.2 and Table 206.3, pages 36-37 of 2007 NNSWQS.

Total Dissolved Solids. No limit is proposed but the regulations at 40 CFR 122.44(i) set forth requirements for monitoring as determined to be necessary. This requirement is consistent with the previous permit.

pH. To ensure adherence to the minimum and maximum pH levels designated by the Navajo Nation for the receiving water, monthly pH monitoring is required in the permit for protection of primary and secondary human contact and protection of aquatic & wildlife habitat and livestock watering (page 14 of 2007 NNSWQS). In order to support the Navajo Nation's established Ammonia standards, which vary with the pH of the effluent, pH monitoring is to be performed concurrently with ammonia monitoring.

Temperature. Also to support the Navajo Nation's established Ammonia standards and their dependence on temperature, monthly temperature monitoring is to be performed concurrently with ammonia monitoring.

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 "C" 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 the Navajo Nation EPA.

VI. General Standards

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

VII. Permit Reopeners

- A. 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 excursion above a water quality criterion, 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 40 CFR 122 and 124, 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 indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.
- B. 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.

VIII. Biosolids Requirements

The permittee shall submit a report 60 days prior to disposal of biosolids. The report shall discuss the quantity of biosolids produced, the treatment applied to biosolids including process parameters, disposal methods, and, if land applied, analyses for Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Zinc, and Selenium, and organic-N, ammonium-N, and nitrate-N, all expressed in mg/kg biosolids on a 100% dry weight basis. The permittee shall comply with all standards for biosolids use and disposal at Section 405(d) of the CWA, and 40 CFR Parts 257, 258 and 503.

IX. Threatened and Endangered Species and Critical Habitat

A. Background:

Section 7 of the Endangered Species Act (ESA) of 1973 requires Federal agencies such as 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 EPA is a Federal action, consideration of a permitted discharge and its effect on any federally-listed species is appropriate. The proposed NPDES permit authorizes the discharge of treated domestic wastewater into Wepo Wash, a tributary to Polacca Wash, an eventual tributary to the Little Colorado River, a water of the United States.

The information below is listed in the Navajo Nation's Department of Fish & Wildlife Natural Heritage Program (NHP) database. The FWS has deferred all of its survey and information collection in the Navajo Nation to the Navajo Nation NHP.

EPA has yet to receive new species information requested from the NHP on May 13, 2011. Based on previous information provided by the Navajo Nation NHP in December 2005, NHP identified no federally-listed species or threatened species are known to occur on or near the project site. NHP identified Mountain Plover (*Charadrius montanus*), a proposed federally-listed threatened species, to occur on the 7.5 minute Pinon, Arizona quadrangle containing the project boundaries.

B. EPA's Finding:

This permit authorizes the discharge of treated wastewater in conformance with the federal secondary treatment regulations and the Navajo Nation Surface Water Quality Standards. These standards are applied in the permit both as numeric and narrative limits. The standards are designed to protect aquatic species, including threatened and

endangered species, and any discharge in compliance with these standards should not adversely impact any threatened and endangered species.

EPA believes that 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 will be 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.

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 publication of a notice in a daily or weekly newspaper within the area affected by the facility. 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 Office (WTR-5)
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 (WTR-5) 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.

NPDES Permit Effluent Limitation Exceedences
January 2005 to March 2011

DATE	PARAMETER	LIMIT	RESULT	UNIT
January 2006	Fecal Coliform, maximum	400	1575	#/100 ml
February 2006	BOD ₅ , monthly average, quality	45	50.3	mg/l
April 2006	BOD ₅ , monthly average, quality	45	72.4	mg/l
April 2006	BOD ₅ , weekly average, quality	65	72.4	mg/l
April 2006	Fecal Coliform, maximum	400	550	#/100 ml
August 2006	BOD ₅ , monthly average, quality	45	57.9	mg/l
October 2006	BOD ₅ , monthly average, quality	45	45.6	mg/l
October 2006	Total Residual Chlorine, monthly	5.0	200	µg/l
October 2006	Total Residual Chlorine, maximum	11.0	200	µg/l
November 2006	Total Residual Chlorine, monthly	5.0	1000	µg/l
November 2006	Total Residual Chlorine, maximum	11.0	1000	µg/l
December 2006	Total Residual Chlorine, monthly	5.0	800	µg/l
December 2006	Total Residual Chlorine, maximum	11.0	800	µg/l
December 2006	TSS, percent removal	65	59	%
January 2007	BOD ₅ , monthly average, quality	45	48.4	mg/l
January 2007	Total Residual Chlorine, monthly	5.0	800	µg/l
January 2007	Total Residual Chlorine, maximum	11.0	800	µg/l
February 2007	BOD ₅ , monthly average, quality	45	58.3	mg/l

NPDES Permit Effluent Limitation Exceedences
January 2005 to March 2011 (cont'd)

DATE	PARAMETER	LIMIT	RESULT	UNIT
February 2007	Total Residual Chlorine, monthly	5.0	800	µg/l
February 2007	Total Residual Chlorine, maximum	11.0	800	µg/l
February 2007	E. Coli, monthly average	126	2420	#/100ml
February 2007	E. Coli, maximum	576	2420	#/100ml
March 2007	BOD ₅ , monthly average, quantity	50.7	100.4	kg/day
March 2007	BOD ₅ , weekly average, quantity	73.2	100.4	kg/day
March 2007	BOD ₅ , monthly average, quality	45	107.8	mg/l
March 2007	BOD ₅ , weekly average, quality	65	107.8	mg/l
March 2007	TSS, monthly average, quantity	101	103	kg/l
March 2007	TSS, monthly average, quality	90	129	mg/l
March 2007	Total Residual Chlorine, monthly	5.0	600	µg/l
March 2007	Total Residual Chlorine, maximum	11.0	800	µg/l
April 2007	Total Residual Chlorine, monthly	5.0	1000	µg/l
April 2007	Total Residual Chlorine, maximum	11.0	1000	µg/l
April 2007	TSS, percent removal	65	51	%
May 2007	pH, maximum	9.0	9.09	Std. units
May 2007	Total Residual Chlorine, monthly	5.0	700	µg/l
May 2007	Total Residual Chlorine, maximum	11.0	800	µg/l
May 2007	TSS, percent removal	65	41	%

NPDES Permit Effluent Limitation Exceedences
January 2005 to March 2011 (cont'd)

DATE	PARAMETER	LIMIT	RESULT	UNIT
June 2007	Total Residual Chlorine, monthly	5.0	1000	µg/l
June 2007	Total Residual Chlorine, maximum	11.0	1000	µg/l
June 2007	TSS, percent removal	65	45	%
November 2009	pH, maximum	9.0	9.2	Std. units
November 2009	Total Residual Chlorine, monthly avg.	5.0	1000	µg/l
November 2009	Total Residual Chlorine, daily max.	11.0	1000	µg/l
December 2009	pH, maximum	9.0	9.15	mg/l
December 2009	Total Residual Chlorine, monthly avg.	5.0	1000	µg/l
December 2009	Total Residual Chlorine, daily max.	11.0	1000	µg/l
December 2009	Total Suspended Solids, monthly avg.	90	92.4	mg/l
January 2010	Total Residual Chlorine, monthly avg.	5.0	1000	µg/l
January 2010	Total Residual Chlorine, daily max.	11.0	1000	µg/l
February 2010	Total Residual Chlorine, monthly	5.0	1000	µg/l
February 2010	Total Residual Chlorine, maximum	11.0	1000	µg/l
February 2010	BOD ₅ , monthly average, quality	45	86.2	mg/l
February 2010	BOD ₅ , weekly average, quality	65	86.2	mg/l
March 2010	Total Residual Chlorine, monthly	5.0	1000	µg/l
March 2010	Total Residual Chlorine, maximum	11.0	1000	µg/l
March 2010	BOD ₅ , monthly average, quality	45	54.4	mg/l
March 2010	BOD ₅ , weekly average, quality	65	67.0	mg/l

NPDES Permit Effluent Limitation Exceedences
January 2005 to March 2011 (cont'd)

DATE	PARAMETER	LIMIT	RESULT	UNIT
April 2010	Total Residual Chlorine, maximum	11	1000	µg/l
May 2010	Total Residual Chlorine, maximum	11	1000	µg/l
August 2010	Total Residual Chlorine, maximum	11	1000	µg/l
January 2011	Total Residual Chlorine, maximum	11	1000	µg/l
January 2011	TSS, percent removal	65	58	%
February 2011	Total Residual Chlorine, maximum	11	1000	µg/l
March 2011	Total Residual Chlorine, maximum	11	1000	µg/l
March 2011	TSS, monthly	90	93.3	mg/l