



REGION 7

LENEXA, KS 66219

**United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219**

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

**Prairie Band Potawatomi Casino Wastewater Treatment Facility
Mayetta, Jackson County, Kansas
(Within the Exterior Boundaries of the Prairie Band Potawatomi Nation Reservation)**

The Prairie Band Potawatomi Casino Wastewater Treatment Facility is located within the exterior boundaries of the Prairie Band Potawatomi Nation Reservation. The Prairie Band Potawatomi Nation is a federally recognized Indian Tribe. The Environmental Protection Agency, Region 7 is issuing the National Pollutant Discharge Elimination System permit for the Prairie Band Potawatomi Casino Wastewater Treatment Facility under Section 402 of the Clean Water Act. This permit will re-authorize the discharge of wastewater effluent from the facility to waters of the United States, within the exterior boundaries of the Prairie Band Potawatomi Nation Reservation. The Prairie Band Potawatomi Nation is the homeland of the Tribe and is Indian Country located within the State of Kansas.

Section 401 of the CWA requires that an applicant for a federal permit, such as an NPDES permit, must obtain certification that the discharge will comply with the applicable provisions of sections 208(e), 301, 302, 303, 304(a), 306, 307, 401, 402, 518(e)) of the CWA. Presently, the Prairie Band Potawatomi Nation does not have the EPA-approved water quality standards or Section 401 authority for the purpose of regulating water resources within the borders of an Indian reservation, pursuant to Section 518(e) of the CWA. The CWA states in part that in any case where a state, interstate agency, or Tribe has no authority to issue a water quality certification, such certification shall be issued by the EPA. In determining water quality standards for certification under Section 401 of the CWA, the EPA considers any tribal, federal, and/or adjacent state standards, and any EPA guidance for the water quality standards program such as water quality criteria published under Section 304(a) of the CWA and the Water Quality Standards Handbook. The EPA also consults with affected federally recognized Indian tribes regarding their concerns, when evaluating projects for certification under Section 401 of the CWA.

On the basis of the NPDES Permit and Statement of Basis for the Prairie Band Potawatomi Casino Wastewater Facility and as provided under Section 401(a)(1) of the CWA, the EPA certifies that the NPDES Permit for this facility is in compliance with the applicable provisions of the CWA sections 208(e), 301, 302, 303, 304(a), 306, 307, 401, 402, 518(e)) and appropriate

requirements of Tribal law. 33 U.S.C. 1341(d); 40 C.F.R. 124.53(e)(1).

Jeffery Robichaud, Director
Water Division

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