NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT FACT SHEET

Permittee Name:	Nacogdoches Oil and Gas, Inc.
Mailing Address:	English Lease Boundary Butte, Utah P.O. Box 623418 Nacogdoches, Texas 75963
Facility Location:	English Lease Boundary Butte Field (Nacogdoches Oil and Gas, Inc.) San Juan County, Utah
Contact Person(s):	Sean Finely, Vice President (936) 560-4747 Tom Fox, Contract Operator (970) 903-8833
NPDES Permit No.:	NN0020133

I. STATUS OF PERMIT

Nacogdoches Oil and Gas, Inc. ("NOGI" or "permittee") has applied for the renewal of their National Pollutant Discharge Elimination System (NPDES) permit to authorize the discharge of treated effluent from Battery No. 1 and Battery No. 3 on the English Lease Boundary Butte oil field located in San Juan County in Southwestern Utah to unnamed tributaries to Gothic Creek which is a tributary to the San Juan River. A complete application was submitted on July 22, 2016. EPA Region IX has developed this permit and fact sheet pursuant to Section 402 of the Clean Water Act, which requires point source dischargers to control the amount of pollutants that are discharged to waters of the United States through obtaining a NPDES permit.

The permittee is currently discharging under NPDES permit NN0020133 issued on January 1, 2012. Pursuant to 40 CFR 122.21, the terms of the existing permit are administratively extended until the issuance of a new permit.

This permittee has been classified as a minor discharger.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

1. The permit includes a new requirement to develop an Asset Management Program (AMP) within the first quarter of permit issuance to ensure that permit limitations are not exceeded. The permit also lists the requirement for priority pollutant scan within the first quarter of permit issuance in Table 1. This is not a substantive change from the previous permit but by including it in Table 1. the requirement for conducting the scan is high-lighted.

2. The permit includes a new requirement for submitting a new requirement for submitting Discharge Monitoring Reports ("DMRs") electronically through EPA's NetDMR system

3. The permit also includes a new requirement for submitting annual biosolids reports electronically using U.S. EPA's NPDES Electronic Reporting Tool ("NeT")

III. GENERAL DESCRIPTION OF FACILITY

NOGI owns and operates the Battery No. 1 and Battery No. 3 on the English Lease within the Boundary Butte oil field, which is located on the Navajo Nation in southeastern Utah. Wastewater discharges from Battery No. 1 via Outfall No.001 and from Battery No. 3 via Outfall No. 002. Water is separated from oil using heat treaters then allowed to settle in a series of settling ponds before being discharged. The ponds are routinely skimmed to remove the floating layer of petroleum called emulsion which is stored in on-site tanks. These emulsion tanks are pumped when full with the emulsion portion transported offsite and the water portion put back into the onsite ponds.

Battery No. 1: Battery No. 1 sits on top of Boundary Butte Mesa. Crude oil from active Well Nos. 20, 28 and 33 is collected and sent to Battery No. 1. The overall Battery No. 1 site contains: 1 treater-heater structure (22 bbls), 1 knockout water tank (80 bbls), 1 out of service "pre-pond" water tank (500 bbls), 2 backup emulsion storage tanks (200 & 400 bbls), 3 production tanks (400 bbls each), 1 emulsion storage tank (500 bbls), 3-pond series, and a pipeline that carries discharge water down to the valley floor. A bird net covers the first two ponds. Knockout water is sent to Pond No. 1 for settling. A transfer pipe sends water from Pond No. 1 to Pond No. 2 for further settling. A transfer pipe sends water from Pond No. 2 to Pond No. 3. In Pond No. 3, a pipe at a 45° angle in the pond bed and 3.5 feet below the water surface discharges water to Outfall No. 001. At Outfall No. 001, discharge water enters a pipeline that carries the water down to the valley floor into an unnamed wash. The unnamed wash is a tributary to Gothic Creek which is a tributary to the San Juan River. The average flow from Outfall No. 001 is 8,000 gallons per day, with a maximum flow of 80,000 gallons per day or 0.08 million gallons (MGD).

Battery No. 3: Battery No. 3 sits in the valley floor of Gothic Creek. Crude oil from active Well Nos. 19 and 23 is collected and sent to Battery No. 3. The overall Battery No. 3 site contains: 1 treater-heater structure (120 bbls), 1 knockout water tank (80 bbls), 2 injection well tanks used as backup emulsion storage (400 bbls each), 1 water tank (300bbls), 3 production tanks (300 bbls each), 1 emulsion storage tank (500 bbls), 2-pond series, and a buried pipeline that carries discharge water toward Gothic Creek. A bird net covers the two ponds. Knockout water is sent to Pond No. 1 for settling. A transfer pipe sends water from Pond No. 1 to Pond No. 2 for further settling. In Pond No. 2, a pipe at a 45° angle in the pond bed and 3.5 feet below the water surface discharges water to Outfall No. 002. At Outfall No. 002, discharge water enters a buried pipeline that carries the water toward Gothic Creek which is a tributary to the San Juan River. The average flow from Outfall No. 002 is 7,000 gallons per day, with a maximum flow of about 40,000 gallons or 0.04 million gallons (MGD) per day.

On July 20, 2016, the Navajo Nation EPA ("NNEPA") conducted an NPDES compliance evaluation inspection which revealed Oil and Gas and Total Dissolved Solids exceedances at both outfalls, pH monitoring of NPDES samples is done at the lab not in the field, the skimming of ponds has dropped off, and flow measurements involve the use of 5-gallon bucket. It was also reported that a disgruntled local unplugged a vacuum truck that was skimming the ponds at Battery No. 1 resulting in emulsion spilling onto the ground.

IV. DESCRIPTION OF RECEIVING WATER

Discharge from Outfall No. 001 is to an unnamed wash that is tributary to Gothic Creek and from Outfall No. 002 is to Gothic Creek, which may have no natural flow during certain time of the year. Gothic Creek is a tributary to the San Juan River.

V. EFFLUENT CHARACTERISTICS

The facility has had several effluent limit violations reported in their discharge monitoring reports between July 2010 and March 2016. There were 16 effluent violations for Oil and Grease and 7 effluent violations for Total Dissolved Solids. The permit retains the limits established in the previous permit for both Oil and Grease and Total Dissolved Solids.

VI. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

Section 301(a) of the CWA provides that the discharge of any pollutant to waters of the United States is unlawful except in accordance with a 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."

The permit limitations in this permit are based on the following:

A. 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 applicable 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 U.S. EPA on March 26, 2009. The approved 1999 NNSWQS and the 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 permit are necessary to prevent violations of applicable water quality standards.

B. U.S. EPA's best professional judgment ("BPJ") based on effluent guidelines for the onshore segment of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart E).

C. The Colorado River Basin Salinity Policy.

D. The State of Utah Wastewater Disposal Regulations.

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequency specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data is insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where effluent limits have not been established.

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

The permit contains discharge limitations for 5-day Biological Oxygen Demand, Total Suspended Solids, Oil and Grease, Total Dissolved Solids, and pH. 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.

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)].

U.S. 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 (Gothic Creek and the San Juan River) are defined by the NNSWQS secondary human contact, fish consumption, aquatic and wildlife habit, and livestock watering (Table 205.1, page 24). In the previous permit, the designated uses of the receiving water (San Juan River and its tributaries) as defined by the State of Utah Department of Health are as follows:

1C - Protected for domestic purposes with prior treatment by treatment processes as required by the Utah Department of Health;
2B - Protected for boating, water skiing, and similar uses, excluding recreational bathing (swimming);
3B - Protected for warm water species of game, fish, and other warm water aquatic life, including the necessary aquatic organisms in their food chain; and,
4 - Protected for agricultural uses including irrigation of crops and stock watering.

2. Dilution in the receiving water

Discharge from Outfall No. 001 is to an unnamed wash that is a tributary to Gothic Creek and from Outfall No. 002 is to Gothic Creek, 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 treated wastewater from oil and gas operations include, oil and grease, organics found in petroleum products, as well as total dissolved solids, and total suspended solids. pH and BOD may also be of concern due to the treatment operations.

4. History of compliance problems and toxic impacts

The facility violated the effluent limits for Oil and Grease and Total Dissolved Solids (TDS) on multiple occasions both at Outfall No. 001 (at least 12 effluent limit violations) and Outfall No. 002 (at least 11 effluent limit violations) during the previous permit term. Other permit limits were not exceeded as indicated by a review of the DMR reports submitted by permittee. This permit includes a requirement to develop an Asset Management Program (AMP) to support maintenance and future capital improvements to improve compliance with the CWA.

5. Existing data on toxic pollutants

The permittee performed a priority pollutant scan in the first quarter of 2015 calendar year. This was following an inspection of the facility by EPA in October of 2014. However, the priority pollutant scan was not complete. The permittee reported multiple pollutants as No Discharge (NODI) with NODI code E or Q. NODI code E is described as "Analysis not Conducted/No Sample" and NODI code Q is described as "Not Quantifiable". Thus it is unclear what levels if any of toxic pollutants as represented by the pollutants in a priority pollutant scan are present in the effluent.

B. Rationale for WQBELS

Pursuant to the narrative surface water quality standards (Section 202 of 2007 NNSWQS and Section 203 of *draft* 2016 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. Flow Rates

Under the permit, there are no flow limits but the flow must be monitored and reported. The monitoring frequency is once per month, same as the previous permit.

2. Five-Day Biochemical Oxygen Demand (BOD_5)

The BOD_5 of 25 mg/L monthly average and 35 mg/L weekly average, respectively, are based on the State of Utah Wastewater Disposal Regulations. The monitoring frequency is once per quarter. These limits are consistent with those in the previous permit. Under 40 CFR Section 122.45(f), mass limits are required for BOD_5. Based upon the design flow of 0.08 MGD at Battery No. 1 (Discharge Outfall 001), the mass limits for BOD_5 are based on the following calculations:

Monthly average

$$\frac{0.08\ MG}{day} \times \frac{25\ mg}{l} \times \frac{8.345\ lb/MG}{1\ mg/l} \times \frac{0.45\ kg}{lb} = 7.5\ kg/day$$

Weekly average

$$\frac{0.08\ MG}{day} \times \frac{35\ mg}{l} \times \frac{8.345\ lb/MG}{1\ mg/l} \times \frac{0.45\ kg}{lb} = 10.5\ kg/day$$

3. Total Suspended Solids (TSS)

The TSS limitations of 25 mg/L monthly average and 35 mg/L weekly average, respectively, are based on the State of Utah Wastewater Disposal Regulations. The monitoring frequency is once per quarter. These limits are consistent with those in the previous permit. Based upon the design flow of 0.08 MGD at Battery No. 1 (Discharge Outfall 001), the mass limits for TSS are based on the following calculations:

Monthly average

$$\frac{0.08\ MG}{day} \times \frac{25\ mg}{l} \times \frac{8.345\ lb/MG}{1\ mg/l} \times \frac{0.45\ kg}{lb} = 7.5\ kg/day$$

Weekly average

$$\frac{0.08\ MG}{day} \times \frac{35\ mg}{l} \times \frac{8.345\ lb/MG}{1\ mg/l} \times \frac{0.45\ kg}{lb} = 10.5\ kg/day$$

Using the design flow of 0.04 MGD at Battery No. 3 (Discharge Outfall 002), the monthly and weekly mass limits for BOD_5 are 3.75 kg/day and 5.26 kg/day, respectively. TSS limits are identical to those of BOD_5.

4. Oil and Grease (O&G)

Consistent with the previous permit, the O&G maximum limitations is 10 mg/L and the monitoring frequency is once per month.

5. Total Dissolved Solids (TDS)

The TDS daily maximum concentration of 1200 mg/L is based on the NNSWQS for both these discharge outfalls. The mass limit is also well below the 1 ton/day maximum guideline as set by the Colorado River Basin Salinity Policy. The TDS limitation for the permit is based on present and past performances of the facility. The monitoring frequency is once per quarter. These limits are consistent with those in the previous permit.

6. pH

The permit requires that effluent pH not fall below 6.5 or above 9.0 standard pH units, identical to those in the previous permit. They are based on NNSWQS. The monitoring frequency is once per quarter.

7. Priority Pollutant Scan

To ensure that the effluent discharged is fully protective of the various designated uses of the receiving water, the permittee is required to conduct a Priority Toxic Pollutants scan during the first quarter of the first year of the of the five-year permit term to ensure that the discharge does not contain toxic pollutants in concentrations that may cause a

violation of water quality standards. The permittee shall perform all effluent sampling and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit or by EPA. 40 CFR 131.36 provides a complete list of Priority Toxic Pollutants. No permit limit has been set for any of the pollutants at this time. Should the results show levels above Navajo Nation Surface Water Quality Standards and/or National Water Quality Criteria for priority pollutants, the permit may be reopened to include limits for such pollutants. If there are no exceedances then no further monitoring or testing for these pollutants shall be required for the remainder of the permit cycle.

The 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, indicate "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, NNEPA, and Utah Department of Health--Bureau of Water Pollution Control.

VII. GENERAL STANDARDS

The permit sets general standards that are narrative water quality standards contained in the NNSWQS, Section 203, as well as that contained in Utah's Standards of Quality for Waters of the State. These general standards are set forth in Section B. (General Discharge Specifications) of the permit.

VIII. PERMIT REOPENER

At this time, there is no reasonable potential 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 excursions above a water quality criterion, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. This 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 new U.S. EPA-approved water quality standards.

IX. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

The 2007 Navajo Nation Water Quality Standards contains narrative water quality standards applicable to the receiving water. Therefore, the permit incorporates applicable narrative water quality standards.

IX. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequency specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data are insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where

effluent limits have not been established. The 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, indicate "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. EPA has implemented electronic reporting of DMRs and therefore the Permittee shall submit all DMRs electronically as specified in the permit. A waiver from electronic reporting is available if the Permittee meets the requirements for, and follows the procedures to request such a waiver. Duplicate copies of electronic DMRs are no longer required to be submitted to Navajo Nation EPA or the Utah Department of Health-Bureau of Water Pollution Control.

A. Effluent Monitoring and Reporting

The permittee shall conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the permit. All monitoring data shall be reported on monthly DMRs and submitted quarterly as specified in the permit. All DMRs are to be submitted electronically to EPA using NetDMR.

B. Asset Management and Operations and Maintenance

40 CFR 122.41(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. Asset management planning provides a framework for setting and operating quality assurance procedures and ensuring the permittee has sufficient financial and technical resources to continually maintain a targeted level of service. Asset management requirements have been established in the permit to ensure compliance with the provisions of 40 CFR 122.41(e).

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X. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. 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 permit does not establish any effluent limits less stringent than those in the previous permit and does not allow backsliding.

B. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 requires that existing water uses and the level of water quality necessary to protect the existing uses be maintained. As described in this document, 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 pipe without consideration of dilution in the receiving water. The permit is not expected to adversely affect receiving water bodies or result in any degradation of water quality.

C. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency does not jeopardize the continued existence of a listed or candidate species, or result in the destruction or adverse modification of its habitat. 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 NPDES permit authorizes the discharge of treated domestic wastewater into unnamed tributaries of Gothic Creek, which may reach the San Juan 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. The Navajo Nation NHP had identified seven (7) listed, proposed or candidate T or E species that may potentially occur in the project boundaries. The listed species are as follows:

Names (common and scientific)	Status
Mountain Plover (*Charadrius montanus*)	Proposed T
Southwestern willow flycatcher (*Empidonax traillii extimus*)	E
Bald Eagle (*Haliaeetus leucocephalus*)	T
Black-footed ferret (*Mustela nigripes*)	E
Colorado pikeminnow (*Ptychocheilus lucius*)	T
Razorback sucker (*Xyrauchen texanus*)	E
Mesa Verde cactus (*Sclerocactus mesae-verdae*)	T

The latest information that U.S. EPA has from the Navajo Nation NHP had also identified several species in addition to the Federally-listed T & E species identified above as follows:

Names (common and scientific)
Ferruginous Hawk (*Bueto regalis*)
Kit Fox (*Vulpes macrotis*)
Parish's alkali Grass (*Puccinellia parishii*)
Peregrine Falcon (*Falco peregrinus*)

2. U.S. EPA's Finding

This permit authorizes the discharge of treated wastewater in conformance with the federal secondary treatment regulations and the NNSWQS. 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.

U.S. 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 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. U.S. 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. EPA has forwarded a copy of the draft permit and this fact sheet to NNHP for review and comment on conclusions concerning the effects of the permit on listed species

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. EPA is renewing an existing permit and no new construction or disturbance of land is anticipated. Therefore, pursuant to the NHPA and 36 CFR §800.3(a)(1), EPA is making a determination that issuing this NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

E. 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 EPA's EJSCREEN tool. Specifically, EPA used EJSCREEN to identify facilities near the NOGI English Lease Boundary Butte 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 NOGI 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 January 03, 2017, the area in which the NOGI English Lease Boundary Butte facility is located was above the 93rd percentile nationally for ozone and 80th percentile nationally for PM2.5. The EJSCREEN analysis of the demographic characteristics of the community living near the facility indicates that a high proportion of Minority Population (100%) and Low Income population (61%).

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 NOGI facility is unlikely to discharge any noticeable ozone. EPA finds no evidence to indicate wastewater facility discharge poses a significant risk to local residents. EPA concludes that the facility is unlikely to contribute to 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.

XI. STANDARD CONDITIONS

The permit requires the permittee to comply with EPA Region IX Standard Federal NPDES Permit Conditions, dated March 28, 2016.

XII. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application.

B. Public Comment Period (40 CFR 124.10)

The permit was public noticed on EPA's website, and/or in a daily or weekly newspaper within the area affected by the facility or activity, with a minimum of 30 days provided for interested parties to respond in writing to EPA. No comments were received during the comment period which closed on March 3, 2017.

C. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approved water quality standards, EPA is requesting certification from the affected State, Territory, or Tribe that the proposed permit will meet all applicable water quality standards. The Navajo Nation provided Certification under section 401 of the CWA for this permit on March 22, 2017.

XIII. CONTACT INFORMATION

Requests for additional information relating to this permit may be directed to:

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San Francisco, California 94105
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XIV. REFERENCES

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. Office of Water, EPA. EPA/505/2-90-001.

EPA. 1996. *Regions IX & X Guidance for Implementing Whole Effluent Toxicity Testing Programs*, Interim Final, May 31. 1996.

EPA. 2002a. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* - Fifth Edition. Office of Water, EPA. EPA-821-R-02-012.

EPA. 2002b. *National Recommended Water Quality Criteria*. Office of Water, EPA. EPA-822-R-02-047.

EPA. 2010. *U.S. EPA NPDES Permit Writers' Manual*. Office of Water, EPA. EPA-833-K-10-001.

EPA. 2015. *NPDES CEI Report prepared by Eric Magnan, of the Enforcement Division, U.S. EPA Region IX*

NOGI. 2016. *Nacogdoches Oil & Gas, Inc.'s Permit Application and supporting documents.*