NPDES PERMIT NO. LA0124664
FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

Jena Band of Choctaw Indians Choctaw Pines Casino WWTP
P.O. Drawer 14
Jena, LA 71342-0014

ISSUING OFFICE

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Region 6
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DATE PREPARED

April 24, 2017

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued May 31, 2012, with an effective date of July 1, 2012 and an expiration date of June 30, 2017.

RECEIVING WATER – BASIN

Unnamed stream thence Hudson Creek, thence into Bayou Rigolette – Lower Red-Lake Latt watershed – Red River Basin – 11140207 HUC

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
DO	Dissolved Oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
E. coli	Escherichia coli
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
LAIP	Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards
LDEQ	Louisiana Department of Environmental Quality
LWQS	Louisiana Water Quality Standards: Title 33 Environmental Quality, Part IX Water Quality
µg/l	Micrograms per liter (one part per billion)
mg/l	Milligrams per liter (one part per million)
MGD	Million gallons per day
ng/l	Nanograms per liter (one part per trillion)
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TDS	Total dissolved solids
TKN	Total Kjeldahl Nitrogen
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall be that of the State of Louisiana and the Jena Band of Choctaw Pines Casino

I. CHANGES FROM THE PREVIOUS PERMIT

1. Removed Fecal Coliforms limit based on compliance with *E.coli* limit while still meeting State's Fecal Coliform Standards.

2. Decrease measurement frequency from once/week to twice/month for *E.coli*, Ammonia-total as N, and DO based on flow of WWTP and compliance history.

3. For DO measurement, added the word minimum for its measurement.

4. $CBOD_5$ and TSS removal limits have been added.

5. TDS monitoring frequency increased to once/year.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located at 149 Chahta Trails Dry Prong, Louisiana 71428, in Grant Parish.Hwy 167 South Prospect, Louisiana 71342, in Gran Parish, Louisiana.

Under the North American Industry Classification System (NAICS) code 2213. The applicant operates a privately owned sanitary wastewater treatment facility that is equivalent to a publicly owned treatment works (POTW). The facility has a design flow capacity of 0.05 MGD serving a transient population of approximately 500.

The discharge from the POTW is through Outfall 001 at Latitude 31° 26' 12.79" North and Longitude 92° 29' 38.2" West, to an unmanned creek thence to Hudson Creek thence into Bayou Rigolette in Grant Parish, LA.

III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received January 25, 2017, are presented below:
Table 1: Discharge characteristics

Parameter	**Max.**	**Avg.**
	(mg/l unless noted)	
Flow, million gallons/day (MGD)	0.02	0.01
Temperature, winter	14.0° C	21.3° C
Temperature, summer	31.0° C	26.7° C
pH, minimum, standard units (su)	6.0 su	N/A
pH, maximum, standard units (su)	8.40 su	N/A
Carbonaceous Biochemical Oxygen Demand, ($CBOD_5$)	9.00	3.00
Fecal Coliform (cfu/100 ml)	160.00	11.00
Total Suspended Solids (TSS)	14.00	4.00

A summary of the last 3-years of pollutant data taken from DMRs indicates reported violations for the following parameters:

- CBOD5 (Concentration, mg/L) 7-day avg. – Jan. 2014 – Jul. 2015, Sep. 2015, Feb. 2016
  CBOD5 (Concentration, mg/L) 30-day avg. – Jan. 2014 - Feb 2014, Apr. 2014 -Jun. 2014, Aug.-Nov.2014, Jan.-Jul. 2015, Sept. 2016
- Fecal Coliform (cfu/100 mL) 7-day avg. – Oct. 2014
- E. coli (monthly geo. mean, cfu/100mL) – Oct. 2014
- Nitrogen, ammonia total as N (Concentration, mg/L) 7-day avg. – Mar. 2014 – Jul. 2014, Sep. 2014 – Oct. 2014, Feb. 2015 – Mar. 2015.
- Nitrogen, ammonia total as N (Concentration, mg/L) 30-day avg. – Mar. 2014 – Jun. 2014, Oct. 2014, Feb. 2015 – Mar. 2015
- TSS (Concentration, mg/L) 7-day avg. – Apr. 2014, Sep. 2014 – Nov. 2014, Jan. 2015 – Apr. 2015, Jan. 2016-Feb. 2016
  TSS (Concentration, mg/L) 30-day avg. – Feb. 2014 – Apr. 2014, Sep. 2014-Oct. 2014, Jan. 2015 – Apr. 2015, Jan. 2016 – Feb. 2016

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; more commonly known as the “swimmable, fishable” goal.

Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

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It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW OF TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits.

The established effluent limits in the proposed draft permit are for TSS, CBOD, *E. coli* and FCB, pH and TRC.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including CBOD, TSS, FCB, pH, and O&G.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

The Choctaw Pines Casino facility is a POTW treating sanitary wastewater. POTW's have technology-based ELG's established at 40 CFR Part 133, Secondary Treatment Regulation. Pollutants with ELG's established in this Chapter are CBOD, TSS and pH. CBOD limits of 25 mg/L for the 30-day average and 40 mg/L for the 7-day average and 85% percent (minimum) removal of both CBOD and TSS are found at 40 CFR §133.102(a). TSS limits; also 30 mg/L for the 30-day average and 45 mg/L for the 7-day average, are found at 40 CFR §133.102(b). ELG's for pH are between 6.0-9.0 s.u. and are found at 40 CFR §133.102(c). Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTW's, the plant's design flow is used to establish the mass load.

Loading in lbs/day = pollutant concentration in mg/l * 8.345 lbs/gal * design flow in MGD

No technology based limitations are established in this permit. In this permit, water quality based limitations will be used in lieu of technology based limitations because they will be more stringent.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on federal or state WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable Tribal/State WQS and applicable Tribal/State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained, or attained. Since the Jena Band of Choctaw Indians does not have Tribal WQS and the discharge flows into the downstream state of Louisiana whose WQS must be protected in accordance with 40 CFR 122.4(d) and 122.44(d)(4), Louisiana WQS will be used to develop permit conditions.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based permit limits do not protect water quality or the

designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. Final Effluent Limits – 0.05 MGD

Table 2

EFFLUENT CHARACTERISTICS	**DISCHARGE LIMITATIONS**						**MONITORING REQUIREMENTS**	
	lbs/day, unless noted			**mg/L, unless noted (*6)**				
POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	Report MGD	***	***	***	Daily	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand, 5-day	2.09	N/A	3.13	5	N/A	7.5	Twice/Month (*1)	3-Hour Composite
$CBOD_5$ % removal (minimum)	≥ 85 %	N/A	N/A	N/A	N/A	N/A	Twice/Month	Calculation (*7)
Total Suspended Solids (TSS)	2.09	N/A	3.13	5	N/A	7.5	Twice/Month (*1)	3-Hour Composite
TSS % removal (minimum)	≥ 85 %	N/A	N/A	N/A	N/A	N/A	Twice/Month	Calculation (*7)
Dissolved Oxygen (minimum) (*5)	N/A	N/A	N/A	5	N/A	7.5	Twice/Month (*1)	Grab
Ammonia-Total, as N (NH_3)	0.83	N/A	1.25	2	N/A	3	Twice/Month	3-Hour Composite
E. Coli Bacteria	N/A	N/A	N/A	126 (*2)	126 (*2)	N/A	Twice/Month	Grab
Total Residual Chlorine	N/A	N/A	N/A	N/A	19 µg/l	N/A	Daily	Instantaneous Grab (*4)
Total Dissolved Solids	N/A	N/A	N/A	N/A	Report	N/A	Once/Year	Grab
Mercury	N/A	Report (*3)	N/A	N/A	Report (*3)	N/A	Once/Permit Term	12-Hour Composite

Table 3

EFFLUENT CHARACTERISTICS		**DISCHARGE LIMITATIONS**		**MONITORING REQUIREMENTS**	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH (*5)	00400	6.0	8.5	Daily	Instantaneous Grab (*4)

Table 4

EFFLUENT CHARACTERISTICS	**DISCHARGE MONITORING**	**MONITORING REQUIREMENTS**	
WHOLE EFFLUENT TOXICITY (48 Hr. Static Renewal) (*6)	NOEC	MEASUREMENT FREQUENCY	SAMPLE TYPE
Pimephales promelas	Report	Once/Term	24-Hr Composite
Daphnia pulex	Report	Once/Term	24-Hr Composite

Footnotes:

*1 See Appendix A or Part II of the permit for minimum quantification limits.

*2 Colony forming units (cfu) per 100 ml.

*3 Mercury testing shall be one time during the permit term after the permit effective date. Test shall use EPA Method 1631E.

*4 Regulations at 40 CFR Part 136 define “instantaneous grab” as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.

*5 Daily minimum. Instantaneous grab samples are to be taken between the times of 10:00 am-2:00 pm.

*6 See PART II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.

*7 Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) / average monthly influent concentration.

4. Water Quality Numerical Standards

a. GENERAL COMMENTS

"Numerical criteria identified in LAC 33:IX.1123, Table 3, apply to specified water bodies, and their tributaries, distributaries, and interconnected streams and water bodies contained in the water management segment if they are not specifically named therein, unless unique chemical, physical, and/or biological conditions preclude attainment of the criteria (LAC 33:IX.1113.C.)". The appropriate criteria will be applied to specified water bodies and their tributaries, distributaries, and interconnected streams and water bodies contained in the water management segment if they are not specifically named.

b. RECEIVING WATER STANDARDS and DESIGNATED USES

The facility is located on Tribal land and the discharge from Outfall 001 is on Tribal land into Tribal waters, thence to an unnamed waterbody, thence to Hudson Creek, thence to Bayou Rigolette. For the State of Louisiana, the unnamed waterbody has designated uses of primary contact recreation, secondary contact recreation, fish and wildlife propagation and agriculture.

c. WATER QUALITY STANDARDS

i. Water Quality Standards

The Louisiana State Standards are found at Title 33 Environmental Quality Part IX Water Quality Subpart 1 Water Pollution Control. The general and specific stream standards are provided in LAWQS (LAC33.IX.1113, amended through June 2016).

4. Permit Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). For the purposes of this permit, EPA believes the specific characteristics of this effluent and this permit's effluent limitations will prohibit measureable instream degradation and will have the effect of maintaining water quality at current levels in both direct receiving water and downstream waterbodies. WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

The criteria are more restrictive than the technology-based limits. The draft permit shall maintain the 6.0 to 8.5 s.u. for pH based on water quality standards State of Louisiana WQS.LAC33.IX.1123.

b. Fecal Coliform Bacteria

Based on data during previous permit term the facility met *E. coli* limits proving that the State's Fecal Coliform Standards would also be met, therefore EPA proposes to remove Fecal Coliform in this permit to reduce the cost of redundant bacteria testing.

c. *E. coli* Bacteria

The State of Louisiana has not adopted *E. coli* as the State bacteria standard yet. The federal recommendation is 126 cfu/ 100 mL of *E. coli* as the bacteria standard for primary contact recreation. Since this permit is a federal permit, *E. coli* will continue at the recommended limitation reducing the frequency from once/week to twice/month based compliance.

d. Total Dissolved Solids

State of Louisiana stream segment 030103 WQS has a TDS numerical criteria of 225 mg/L. In the last permit term, TDS was reported only once/permit term (after first discharge) with a value of 396 mg/L, exceeding the numerical criteria. Using a simple mass-balance equation to determine the impact of the effluent discharge on the receiving water under critical conditions (after complete mixing occurs), when TDS mixes with the receiving water the resultant in-stream pollutant concentration is well below the numeric criteria for TDS. No limit concentration will be required at this time but a once a year monitoring will be required.

e. CBOD, TSS, ammonia (NH_3), and DO

LDEQ and EPA agree that 30-day average limits of 5 mg/L CBOD, 5 mg/L TSS, 2 mg/L ammonia (NH_3), and 5 mg/L minimum DO are sufficiently stringent to meet the antidegradation requirements. Furthermore, EPA will require 7-day average limits of 7.5 mg/L CBOD, 7.5 mg/L TSS, 3 mg/L ammonia (NH_3), and 7.5 mg/L minimum DO to ensure water quality is preserved. Therefore, the effluent will not contribute to the impairment of the Bayou Rigolette nor degrade Tribal or state waters.

The loading limits for TSS, $CBOD_5$, and ammonia (NH_3) are determined as follows:

30-Day Avg.: TSS/CBOD5 loading (lbs/day) = 5 mg/L * 8.345 lbs/gal * 0.05 MGD = 2.09 lbs/day
30-Day Avg.: ammonia (NH3) loading (lbs/day) = 2 mg/L * 8.345 lbs/gal * 0.05 MGD = 0.83 lbs/day
7-Day Avg.: TSS/CBOD5 loading (lbs/day) = 7.5 mg/L * 8.345 lbs/gal * 0.05 MGD = 3.13 lbs/day
7-Day Avg.: ammonia (NH3) loading (lbs/day) = 3 mg/L * 8.345 lbs/gal * 0.05 MGD = 1.25 lbs/day

f. TOXICS

i. General Comments

The CWA in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A to apply for an NPDES permit or reissuance of an NPDES permit. The form is applicable not only to POTWs, but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of "publicly owned treatment works" (like private domestics, or similar facilities on Federal property). The forms were designed and promulgated to "make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities," per the summary statement in the preamble to the Rule. These forms became effective December 1, 1999, after publication of the final rule on August 4, 1999, Volume 64, Number 149, pages 42433 through 42527 of the FRL.

The facility is designated as a minor, and does not need to fill out the expanded pollutant testing section Part D of Form 2A.

ii. Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. The State of Louisiana WQS allows a mixing zone for establishing pollutant limits in discharges. The LAWQS establish a critical low flow designated as 7Q10, as the minimum average seven consecutive day flow which occurs with a frequency of once in ten years. The LDEQ provided EPA with the 7Q10 for the unnamed waterbody located at Latitude 31° 26' 12.79" North and Longitude 92° 29' 38.2" West.

For permitting purposes of certain parameters such as WET, the critical dilution of the effluent to the receiving stream will be 100%.

iii. TRC

In instances where a facility uses chlorine for disinfection as the application indicates, TRC must be limited in the permit. TRC limitations will be added to this permit consistent with the State WQS for the protection of freshwater aquatic organisms. The critical dilution determined in the above section labeled ii. Critical Conditions used in conjunction with the acute criteria at the end-of-pipe is 19 µg/L. This TRC limitation will continue in the draft permit.

5. 303(d) List Impacts

The Stream Segment for Rigolette Bayou – Headwaters to Red River, waterbody ID of LA101301_00, is listed as impaired on the "2016 Waterbody Report for Rigolette Bayou-From Headwaters to Red River". The waterbody is assessed as with primary contact recreation (swimming), secondary recreation (boating), agricultural use and fish and wildlife propagation. The waterbody is impaired for fish and wildlife propagation. Probable cause for impairment are Total Dissolved Solids (TDS) from Natural Sources. EPA will require monitoring and reporting for TDS once per permit term as last permit.

The standard reopener language in the permit allows additional permit conditions if warranted by the additional data based on these requirements and/or new or revised TMDLs.

D. MONITORING FREQUENCY FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). Flow is proposed to be monitored continuously.

CBOD, DO and TSS are proposed to be monitored twice (2) per month. The pollutant pH is proposed to be monitored daily when discharging and is consistent with similar facilities based on treatment technology and design flow. Sample type for CBOD and TSS are 3-Hr composite, and a grab as a sample type for DO.

Monitoring frequency for *E. coli* shall be twice (2) per month by grab sample and is consistent with similar facilities. TRC shall also be monitored daily using grab samples. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY (WET)

As per the LDEQ Implementation Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, WET requirements are required for all major and significant minor facilities, or on a case-by-case basis. This facility is a significant minor facility because it discharges 0.05 MGD.

In Section V.C.4.h.ii. above; "Critical Conditions", it was indicated that an end of pipe critical dilution (CD) for the facility, of 100%, would be used for WET testing. The draft permit will propose 48-hour acute WET testing using *Daphnia pulex* and *Pimephales promelas* at a once per permit term. The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%.

Effluent Characteristics	**Discharge Monitoring**	**Monitoring Requirements**	
WET Testing (48-Hr. Static Renewal)	NOEC	Measurement Frequency	Sample Type
Daphnia pulex	Report	Once/Term	24-Hr. Composite
Pimephales promelas	Report	Once/Term	24-Hr Composite

FOOTNOTES:
1/ Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

VI. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". The specific requirements in the permit apply as a result of the design flow of

the facility, the type of waste discharged to the collection system, and the sewage sludge disposal or reuse practice utilized by the treatment works. EPA may at a later date issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them whether or not a sludge-only permit has been issued. Part IV of the draft permit contains sewage sludge permit requirements. The permittee shall submit an Annual Sludge Status report in accordance with NPDES permit LA0124664, Parts I and IV.

B. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has tentatively determined that the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been required. The facility is required to report to EPA, in terms of character and volume of pollutants any significant indirect dischargers into the POTW/WWTP subject to pretreatment standards under Section307(b) of the CWA and 40 CFR Part 403.

D. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results quarterly. The monitoring results will be available to the public.

VII. ANTIDEGRADATION

The State of Louisiana has antidegradation requirements to protect existing uses through implementation of its WQS. The limitations and monitoring requirements set forth in the proposed draft are developed from the appropriate State WQS and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of both the Tribal and downstream State receiving waters, which is protective of the designated uses of those waters.

VIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit

issuance which justify the application of a less stringent effluent limitation. The proposed permit maintains the mass loading requirements of the previous permit for CBOD and TSS and the concentration limits for *E. coli* bacteria, DO, NH3, pH and TRC.

IX. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at FWS website, http://www.fws.gov/endangered/, five species in Grant Parish are listed as endangered. The Red-cockaded woodpecker (*Picoides borealis*) (E), Least tern (*Sterna antillarum*)(E), Louisina pearlshell (*Margaritifera hembeli*) (T), Pallid sturgeon (*Scaphirhynchus albus*) (E), Nothern Long-Eared Bat (*Myotis septentrionalis*)(T).

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat.

The red-cockaded woodpecker (*Picoides borealis*) is listed as endanger, and is a rather small black-and-white woodpecker that is 22cm long and has a longish bill. The red-cockaded woodpecker was listed as an endangered species in 1970. This taxon is endemic is endemic to open, park-like stands of mature and old-growth pine trees containing little hardwood understory or midstory. The red-cockaded woodpecker can tolerate small numbers of overstory hardwoods, large midstory hardwoods at low densities found naturally in many southern pine forests. Further coordination with the FWS will be necessary if the proposed project area contains suitable foraging or nesting habitat, defined as large living pines (i.e., 10 inches or greater in diameter at breast height) with a foraging area within 200 feet of those trees (known as a cluster). Foraging habitat is defined as pine and pine-hardwood stands over 30 years of age that are located contiguous to and within one-half mile of the cluster. If red-cockaded woodpecker foraging and/or nesting habitat does exist within the proposed project boundary, a qualified biologist should carefully survey for the presence of red-cockaded woodpecker clusters in accordance with the red-cockaded woodpecker Recovery Plan (2003).
The Least tern (*Sterna antillarum*) is listed as endangered and is the smallest member of the gull and tern family. They are approximately 9” in length. Unlike gulls, terns will dive into the water for small fish. The body of least terns is predominately gran and white, with black streaking on the head, and have a forked tail and narrow pointed wings. Least terns less than a year old have less distinctive black streaking on the head and less of a forked tail. Formerly well distributed in the Mississippi basin, the tern has been eliminated from most stretches of the Mississippi River and its tributaries. Many nesting islands in rivers have been permanently inundated or destroyed by reservoirs and channelization projects. Alteration of natural river dynamics has caused unfavorable vegetational succession on many remaining islands, curtailing their use as nesting sites. Recreational use of sandbars is a major threat to the reproductive-success of the tern. The annual spring floods of the watershed are often delayed past the onset of normal breeding, and many islands are not exposed as suitable sites in time for nesting. The nest is a simple unlined scrape usually containing three brown spotted, buffy eggs. Breeding colonies or terneries are usually small with nests spaced far apart. However, colonies of 75 nests have been reported on the Mississippi River. Egglaying and incubation occur from late May to early August, depending

on the geographical location and availability of habitat. Little is known about the tern's specific food preferences, but small fish such as minnows constitute its prey.

The Louisiana pearlshell (*Margaritifera hembeli*) is listed as threatened and is the most naturally occurring southerly member of the family *Margaritiferidae*, and is about 100 mm long, 50 mm high, and 30mm wide. The shell is generally elliptical with an angular posterior margin, obtuse undulations on the posterior slope, a dark brown to black periostracum, and white nacre. The Louisiana pearlshell habitat consists of flowing water at depths ranging from 31 to 81 centimeters on sand and gravel substrates. The surrounding forest community is mixed hardwood loblolly pine with a typical canopy closure of 75-100 percent. The Louisiana pearlshell are adversely impacted by unstable substrate, erosion and runoff, and scouring of the substrate that may cause the substrate to shift and displaces the mussels, which may result from increased water velocity.

The pallid sturgeon, locally known as the white sturgeon, is listed as endangered, and has a flattened, shovel-shaped snout; long, slender, and completely armored caudal peduncle; and lacks a spiracle. The principal features distinguishing the pallid sturgeon from the darker shovelnose sturgeon are the absence of bony plates on the belly, 24 or more anal fin rays, 37 or more dorsal fin rays, and inner barbels under the snout that are much shorter than outer barbels with the inner barbels less than 6 times the length of the head. As with other sturgeon, the mouth is toothless, protrusible, and far under the snout while the skeletal structure is primarily cartilaginous. It is one of the largest fish found int eh Missouri-Mississippi River drainage with specimens approaching 39 kg reported. Pallid sturgeons require large, turbid, free-flowing riverine habitat with rocky or sandy substrate. They are well adapted to life on the bottom and inhabit areas of swifter water than does the related but small shovelnose sturgeon.

The Northern long-eared Bat (*Myotis septentrionalis*) is listed as threatened. It is a medium-sized bat about 3 ti 3.7 inches in length but with a wingspan of 9 to 10 inches. As its name suggests, this bat is distinguished by its long ears, particularly as compared to other bats in its genus. Myotis, which are actually bats noted for their small ears. The norther long-eared bat is found across much of the eastern and north central United States and all Canadian provinces from the Atlantic coast west to the southern Northwest Territories and eastern British Columbia. The species' range includes 37 states. White-nose syndrome, a fungal disease known to affect bats, ir currently the predominant threat to this bat, especially throughout the Northeast where the species has declined by up to 99 percent from pre-white-nose syndrome levels at many hibernation sites. Although the disease has not yet spread throughout the northern long-eared bat's entire range (white-nose syndrome is currently found in at least 25 of 37 states where the northern long-eared bat occurs), it continues to spread. Experts expect that where it spreads, it will have the same impact as seen in the Northeast.

Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 401. Section 7(a)(4) requires Federal agencies to ensure that activities they authorize, fund, or carry out action(s) that are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

After review, EPA has determined that the issuance of this permit will have *"no effect"* on listed species and designated critical habitat.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XI. EVIRONMENTAL JUSTICE

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities." The EPA strives to enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process for EPA-issued permits, including NPDES permits. "Overburdened" communities can include minority, low-income, tribal, and indigenous populations or communities that potentially experience disproportionate environmental harms and risks. As part of an agency-wide effort, the EPA Region 6 will consider prioritizing enhanced public involvement opportunities for EPA-issued permits that may involve activities with significant public health or environmental impacts on already overburdened communities. For more information, please visit http://www.epa.gov/compliance/ej/plan-ej/ .

As part of the Permit development process, the EPA conducted a screening analysis to determine whether this Permit action could affect overburdened communities. The EPA used a nationally consistent geospatial tool that contains demographic and environmental data for the United States at the Census block group level. This tool is used to identify Permits for which enhanced outreach may be warranted.

The EJ Screen score for the facility was at the 40th percentile (40%ile), and this is below the 80%ile cut-off for engaging in enhanced outreach around the availability of the Draft Permit for review and comment. Therefore, the Choctaw Casino WWTP is not considered to be discharging in an EJ community and no enhanced outreach is necessary.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of LDEQ's WQS are revised. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the States Water Quality Standards are either revised or promulgated. Should either State adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CWA & 401 CERTIFICATION

The Environmental Protection Agency has made a tentative determination to issue the permit for the discharge described in the application. Permit requirements are based on NPDES regulations (40 CFR §§122 and 124). Since the discharge is from a facility located within the boundaries of the Choctaw Pines Casino, EPA Region 6 is the CWA §401 certifying agency for this permit.

XV. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2A received January 2017.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of April 2017.
Sections 122, 124, 125, 133, 136

C. TRIBAL (Permittee)/STATE WATER QUALITY REFERENCES

Louisiana Environmental Regulatory Code, March 2017.

Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards Water Quality Management Plan.

FINAL Louisiana Water Quality Integrated Report. March 2017.