NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FACT SHEET

Permitee Name:	Canyon Day Sand and Gravel Wash Process Plant, Public Works Department, White Mountain Apache Tribe
Mailing Address:	P.O. Box 1038 Greer, AZ 85941
Facility Location:	Farm Road Whiteriver, Gila County, AZ 85941
Contact Person(s):	Alfred Brooks, Facility Manager
NPDES Permit No.:	AZ0024511

I. STATUS OF PERMIT

The White Mountain Apache Tribe (the "permitee") has applied for the renewal of its National Pollutant Discharge Elimination System ("NPDES") permit to allow the discharge of treated effluent from its Public Works Department sand and gravel wash process plant to the White River, located in Gila County, Arizona. A complete application was submitted on March 9, 2006. 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 permitee is currently discharging under NPDES permit AZ002511 issued on June 14, 2001. Pursuant to 40 CFR 122.21, the terms of the existing permit are administratively extended until the issuance of a new permit.

This permit has been classified as a Minor discharger.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

- Requirements for several Best Management Practices (BMPs) have been included in the permit, such as training of staff involved in preparing Discharge Monitoring Reports (DMRs) and preparation of a facility operator's manual.
- Monitoring frequencies for most parameters have been increased from quarterly to monthly, in order to address the lack of information collection under the previous permit; due to consistent exceedences of the claimed facility average flow and maximum design flow, the frequency of flow monitoring has been increased to weekly.
- The Daily Maximum limit for suspended solids has been adjusted to reflect the facility's true maximum design flow
- The turbidity standard applicable to the White River based on the Tribal Water Quality Protection Ordinance has been added to the permit requirements.

- A one-time priority pollutant scan must be conducted during the spring monitoring quarter of the first year under the new permit. If no exceedences of priority pollutant standards are found, no further action will be required.
- Additional receiving water monitoring (sampling upstream and downstream of the outfall) is required for the first, third, and fifth years of the permit term
- The permitee now has the option of submitting DMRs electronically through EPA's NetDMR system

III. GENERAL DESCRIPTION OF FACILITY

The White Mountain Apache Tribe's Department of Public Works operates a sand and gravel wash process plant to provide materials for use in construction and fill. Materials crushed and washed at the plant are mined on the tribe's land then transported to the plant for processing. The facility is located on Farm Road approximately one mile southwest of the community of Canyon Day in Gila County, Arizona. Approximately 500 tons of sand and gravel are crushed and washed annually at the plant. Wash water is pumped from the White River then mixed with the crushed material to help separate grades of sand and gravel. Process generated waste water flows to a sediment trap then to a settling pond where remaining solids collect before the water is discharged through a simple corrugated pipe to a spillway which serves as the outfall to the White River. The listed design flow of the facility is 0.05 million gallons per day (50,000 gallons per day) and the average flow given as 13,000 gallons per day, though almost all flows recorded since 2005 have been greater than 50,000 gallons per day.

IV. DESCRIPTION OF RECEIVING WATER

In order to protect the designated uses of surface waters, the White Mountain Apache Tribe (WMAT) of the Fort Apache Indian Reservation has adopted water quality standards for different stream segments depending on the level of protection required. The WMAT Water Quality Protection Ordinance lists the White River as a warmwater habitat. Designated uses in the White River include irrigation, domestic/industrial water supply, groundwater recharge, livestock & wildlife, primary contact, ceremonial primary contact, gathering of plants, and cultural significance.

V. DESCRIPTION OF DISCHARGE

A. Process Description

After leaving the sand washer's discharge-flow equalization pond, process water is treated to remove the silt and suspended solids released by the washer. Treatment is achieved first through a sediment trap and second by a pond which serves as a longer-detention gravitational settling basin. The size of the settling pond is approximately 650 by 235 feet, with a depth that varies significantly as sediments accumulate and are subsequently removed during regular maintenance periods. After settling, water overflows through a corrugated pipe to a rock-bottomed spillway that discharges to the adjacent White River.

B. Discharge Monitoring Report (DMR) Data and Permit Compliance History

The existing permit requires the permitee to sample and report quarterly on flow volume, suspended solids (both mass and concentration), and pH at the outfall. DMR data for the period between January 2003 and June 2009 (the most recent DMR received) was reviewed for the purpose of developing this permit. The following summarizes the limited DMR data received from the facility.

Flow: Flow values were reported for nine quarterly monitoring periods out of the entire permit term; fourth quarter 2005 through third quarter 2006, first quarter 2007, third quarter 2007, third quarter 2008, and first and second quarter 2009. Explicit 'no discharge' was reported on DMR's for 10 quarters, and for the balance of the monitoring periods (9 quarters), no information was submitted. The flow values reported, in gallons per day, were 49,000, 59,000, 64,000, 65,000, 75,000 (twice), 82,000, 90,000, and 600,000, all but one of which exceeds the facility's stated design capacity of 50,000 gallons per day.

Total Suspended Solids: Quarterly average concentration values ranged between 5 and 790 mg/L in the 13 reported concentration values, exceeding the average monthly permit limitation of 25 mg/L in 9 quarters and the average weekly concentration of 45 mg/L in 5 of those quarters. Average mass flows were only reported for 7 monitoring periods and were 2.9, 3.6, 4.6, 8.9, 37.2, 61, and 155 kg/day, respectively; these values exceed the average monthly limitation of 1.2 kg/day and the daily maximum limitation of 2.2 kg/day on all occasions. Only two of these mass flow reports were from quarters where the concentration-based limit on suspended solids was not exceeded, suggesting that the large reported flow values were not the only cause of exceeding the mass discharge limit. Discharge of a total mass of TSS beyond that allowable under the existing permit was generally associated with an exceedence of the monthly concentration limit as well as the high flow rates described previously, suggesting the plant's ability to remove solids may be hampered by operating well beyond the claimed design flow.

pH: The eight values reported ranged between 7.1 and 8.3 standard pH units, remaining within the range of 6.5 to 9.0 set by the existing permit in accordance with Tribal water quality standards.

Compliance with Monitoring required under Special Conditions: The existing permit stipulated receiving water monitoring for its first and fourth years for the parameters of turbidity, pH, dissolved oxygen, temperature, total dissolved solids, chloride, and sulfate. Monitoring for these parameters was only conducted in the fifth year during the three quarters which the plant was discharging. For the first quarter (Jan-Mar 2006) test, parameters which showed a difference between upstream and downstream of the plant included turbidity (increased from 3.6 to 6.6 NTU), chloride concentration (increased from 'less than 5.0' to 13.0 mg/L), and sulfate concentration (decreased from 61 to 51 mg/L). For the second quarter monitoring, (Apr-Jun 2006), downstream of the plant turbidity fell from 14 to 13 mg/L; while pH, DO, and temperature were not recorded upstream and changes are therefore impossible to determine. The third and final quarter of receiving water monitoring (Jul-Sept 2006) recorded exceptional upstream turbidity (210 NTU) almost tripling (to 610 NTU) downstream of the plant while at the same time total dissolved solids fell from 120 mg/L upstream to 110 mg/L downstream; also, the receiving water monitoring for pH and

temperature was not performed in this quarter. Parameters not mentioned for a given quarter in the preceding paragraph were unchanged from upstream to downstream of the plant outfall.

It is worth noting that the large spike in turbidity during the third quarter is associated with the greatest effluent TSS concentration the plant reported during the permit term, indicating that the plant contributes to turbidity when it is discharging solids. The event also violates narrative standards taken from the White Mountain Apache Tribe Water Quality Protection Ordinance, which require that when background turbidity is over 50 NTU manmade discharges not increase turbidity by more than a further 10%. In this case the apparently man-made turbidity increase was 190 percent. The high turbidity also violated the standard for the Designated Use of Primary Contact Recreation (and Ceremonial Primary Contact) in the White River, which sets a maximum turbidity of 25 NTU.

VI. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

EPA has developed effluent limitations and monitoring requirements in the permit based on an evaluation of the technology used to treat the pollutant(s) (technology-based effluent limits) and the water quality standards applicable to the receiving water (water quality-based effluent limits). For discharges from the Canyon Day Sand and Gravel Wash Process Plant into the White River, it is additionally required that these discharges comply with the water quality standards limitations set forth in the White Mountain Apache Tribe's Water Quality Protection Ordinance. EPA has established the most stringent of applicable technology based or water quality based standards in the proposed permit, as described below.

A. Technology-based Effluent Limitations

Effluent Limitations Guidelines

EPA has established national standards based on the performance of treatment and control technologies for wastewater discharges to surface waters for certain industrial categories. Effluent limitations guidelines represent the greatest pollutant reductions that are economically achievable for an industry, and are based on Best Practicable Control Technology (BPT), Best Conventional Pollutant Control Technology (BCT), and Best Available Technology Economically Achievable (BAT). (Sections 304(b)(1), 304(b)(4), and 304(b)(2) of the CWA respectively).

The Canyon Day Sand and Gravel Wash Process Plant, as its name suggests, processes sand and gravel for the Tribe's use in construction, fill, cement making, and other uses. In accordance with the applicable ELGs, technology-based effluent limitations are proposed for the following pollutants based on nationally promulgated effluent limitation guidelines for "Construction Sand and Gravel" (40 CFR 436.30). Additionally, to support the limits on turbidity set by the Tribe for the designated uses of the receiving water, based on best professional judgment EPA will apply the suspended solids effluent limit from the similar "Industrial Sand" ELG (40 CFR 436.42(a)(1)). These effluent ELGs represent the degree of effluent reduction attainable by the application of the best practicable control technology currently available ("BPT") and best conventional pollutant control technology ("BCT"). These requirements are described below.

Concentration Based Effluent Limits		
	30-day Average	Daily maximum
TSS	25 mg/l	45 mg/l
pH	Within the range 6.0 to 9.0	Within the range 6.0 to 9.0
flow	13,000 gallons per day, facility average flow (used to calculate mass loading)	50,000 gallons per day, facility maximum design flow (used to calculate mass loading)
Mass Based Effluent Limits (based on 13,000 GPD average flow and 50,000 GPD peak flow)		
TSS	1.2 kg/day	8.5 kg/day

See section C, "Rationale for Effluent Limits", for the calculations leading to the mass-based limits.

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 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)).

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 Water Quality Protection Ordinance of the White Mountain Apache Tribe of the Fort Apache Indian Reservation establishes water quality criteria for the following beneficial uses in the White River: Warmwater Habitat, Irrigation, Domestic/Industrial Water Supply, Groundwater Recharge, Livestock & Wildlife, Primary Contact, Ceremonial Primary Contact, Gathering of Plants, and Cultural Significance.

Effluent Limits and monitoring based on the WMAT Water Quality Protection Ordinance section 3.6

Parameter	Limit	Applicable Designated Use
pH	Must be in the range of 6.5 to 9.0 standard units	Warmwater Habitat
Temperature	Maximum of 32.2º Celsius	Warmwater Habitat standards
Turbidity	25 NTU(1)	Primary Contact and Ceremonial Primary Contact standards

(1) Nephelometric Turbidity Units

2. Dilution in the receiving water

Discharge from Outfall 001 is to the White River, and the Tribe has not authorized a mixing zone for this discharge. Furthermore, the tribe's Water Quality Protection Ordinance prohibits mixing zones in areas with a designated use of Primary Contact, like the White River. 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 for discharges from a sand and gravel wash processing facility include Total Suspended Solids (TSS) and altered pH, and are addressed through the Effluent Limitation Guidelines described under Technology-based effluent limitations above (40CFR, part 436, subparts C and D).

4. History of compliance problems and toxic impacts

See section IV for a summary of compliance problems noted under the previous 5-year permit term.

5. Existing data on toxic pollutants

Due to the expected absence from the discharge of toxic constituents, under the previous permit no monitoring was required for toxic pollutants. For pollutants with effluent data available, EPA would conduct a reasonable potential analysis based on statistical procedures outlined in EPA's *Technical Support Document for Water Quality-based Toxics Control,* hereafter referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set.

C. Rationale for Effluent Limits

EPA evaluated the pollutants expected to be present in the discharge effluent as described in the previous sections. In addition to the analysis performed above, guidance for the determination of reasonable potential to discharge toxic pollutants is included in both 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).

EPA has selected the most stringent of applicable technology based standards or water quality based effluent limitations to be placed in the permit, based on the rationale as described below:

Flow. Under the proposed permit, the reported average flow and nominal design flow of the facility are established as permit limits for monthly average flow and daily maximum flow, respectively. The mass of pollutants discharged is dependent on the flow rate of discharge from the plant as well as the concentration of substances in the discharge, and therefore remaining within the range of flow volumes the facility is designed to treat is a requirement for complying with the mass-based limits in this permit. As indicated in Table 1 of the permit, the discharger is required to monitor effluent flow rate on a weekly basis, and use these data to report representative monthly average flows on the DMR forms.

TSS. Concentration limits for TSS are established for the industrial categories of Construction Sand and Gravel and Industrial Sand as described above and are incorporated into the permit. Under 40 CFR Section 122.45(f), mass limits are also required for TSS. The mass based limits are based on the following calculations:

Calculation of conversion factor:

$$\frac{1{,}000{,}000\ \text{Gallons}}{\text{Day}} \times \frac{3.785\ \text{Liters}}{\text{Gallon}} \times \frac{\text{Milligrams}}{\text{Liter}} \times \frac{\text{Kilogram}}{1{,}000{,}000\ \text{Milligrams}} \xrightarrow{\text{Leads to}} \text{conversion factor of } \frac{3.785\ \text{Kilograms}}{\text{Day}}$$

Average Monthly Mass Limits:

Design Flow (daily average)	X Average Monthly Concentration Limit	X Conversion factor	= Average Mass Limit over 1 Month
0.013 MGD	25 mg/l	3.785 kg/day	1.2 kg/day

Daily Maximum Mass Limits:

Design Flow (daily maximum)	X Daily Maximum Concentration Limit	X Conversion factor	= Daily Maximum Mass Limit
0.05 mgd	45 mg/l	3.785	8.5 kg/day

pH. In order to ensure adherence to the minimum and maximum pH levels designated by the tribe for the receiving water, monthly pH monitoring is required in the permit.

Temperature. To ensure adherence to the maximum temperature established for the Designated Use of Warmwater Habitat, monthly temperature monitoring is required in the permit.

Turbidity. In order to implement the Tribal standard for Primary Contact use in the receiving water, a turbidity standard with monthly monitoring requirement has been included in the permit.

D. Anti-Backsliding.

Section 1342(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 proposed permit establishes effluent limits and monitoring requirements that are equal to, or more stringent than, those in the previous permit. No proposed limits are less stringent than in the previous permit, and the proposed permit does not allow backsliding.

E. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 and the White Mountain Apache Tribe Water Quality Protection Ordinance require 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.

Therefore, due to the low levels of toxic pollutants present in the effluent and implementation of industry-practice technology- and water quality- based effluent limitations, it is not expected that the discharge will adversely affect receiving water bodies.

VII. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

Section 3.5 of the White Mountain Apache Tribe Water Quality Protection Ordinance contains narrative water quality standards applicable to the receiving water. Therefore, the proposed permit incorporates applicable narrative water quality standards.

VIII. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permitee to monitor for pollutants and other parameters in the effluent, and ensure they comply with technology- and water quality-based effluent limits for the duration of the permit. Additionally, where effluent concentrations of toxic parameters are unknown or where data is insufficient to determine reasonable potential, EPA may establish monitoring requirements in the permit. These data will be re-evaluated and the permit re-opened to incorporate additional effluent limitations if necessary.

A. Effluent Monitoring and Reporting

The permitee shall conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permitee 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 proposed permit. All monitoring data shall be reported on monthly DMR forms and submitted as specified in the proposed permit.

Grab samples will be required for flow rate, pH, temperature, total suspended solids, and turbidity. Consistent reports of flows above the rated design flow of the facility, interspersed with “no discharge” periods, suggest that the facility’s flow is more variable and uncontrolled than previously understood. In response, under the proposed permit the discharger is required to monitor flow on a weekly basis in order to establish a representative average flow.

Additionally, ambient monitoring is required annually to determine the effect of the facility discharge on temperature, pH, turbidity, dissolved oxygen, total dissolved solids (TDS), Chloride, and Sulfate in the receiving water.

IX. SPECIAL CONDITIONS

A. Best Management Practices

The proposed permit requires the establishment and implementation of the following best management practices, as specified in the permit:

1. In response to persistent incorrect filling out and non-submission of required discharge monitoring report (DMR) forms, the operator is required to seek out training for the person(s) responsible for filling out DMRs. EPA's NetDMR system for online DMR submission, which automatically notifies the filer of most common DMR errors, may also be used, and should be incorporated into the training as appropriate.
2. To ensure consistent implementation and maintenance of the pollution control measures, the permit requires the operator to prepare an operator's manual for the use of staff at the facility.

B. Priority Pollutant Scan

The proposed permit establishes a monitoring requirement for the full list of priority pollutants as listed in the Code of Federal Regulations (CFR) at 40 CFR Part 423, Appendix A. Should the results of the first test reveal levels below EPA's National Water Quality Criteria for all priority pollutants, monitoring will no longer be required of the permitee under this permit reissuance.

C. Receiving Water Monitoring

Only one of the two receiving water monitoring investigations required under the previous permit was carried out, and revealed inconsistent but significant changes in turbidity and dissolved oxygen from upstream to downstream of the gravel wash plant. In response, the proposed permit requires three years of receiving water monitoring during the permit term (first, third, and fifth years), in order to collect sufficient data for determining whether a further response is needed. To prepare for the receiving water monitoring, the permitee is required to develop a sampling plan identifying specific upstream and downstream sample points, and submit the plan to EPA within 30 days.

X. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. 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 the EPA is a federal action, consideration of the permitted discharge and its effect on any listed or candidate species or their critical habitat is appropriate.

To determine whether the discharge would affect any endangered species or habitat, EPA reviewed a list of threatened and endangered species associated with aquatic habitats in the White Mountain Apache Reservation. The U.S. Fish and Wildlife Service of Arizona Fishery Resource Office in Pinetop, Arizona concurs with the WMAT's list of threatened and endangered species. The review indicated that there are three bird, two fish, and one amphibian

species of concern for Apache County, including the Bald eagle (*Haliaeetus leucocephalus*), Mexican spotted owl (*Strix occidentalis lucida*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Apache trout (*Oncorhynchus apache*), Loach Minnow (*Tiaroga cobitis*), and Chiricahua leopard frog (*Rana chiricahuensis*). The major reason for decline of the Bald eagle is the effect of DDT on the reproductive cycle. The major reason for decline in the remaining species of concern is habitat destruction.

This NPDES Permit authorizes the discharge of effluent from the Canyon Day Sand & Gravel Wash Plant into receiving water that could be a habitat for the aforementioned threatened and endangered species. However, the discharge is not known to contain toxics or bioaccumulative substances. Additionally, this NPDES permit only authorizes discharge of treated gravel wash water into the White River and contains provisions for monitoring and limiting conventional pollutants to ensure an appropriate level of water quality discharged from the facility. Re-opener clauses have been included should new information become available to indicate that the requirements of the permit need to be changed.

In considering all information available during the drafting of this permit, EPA believes that a NO EFFECT determination is appropriate for this federal action. A copy of the draft permit and statement of basis were forwarded to the U.S. Fish and Wildlife Service for review and comment during the pre-public notice review period and 30-day public review period.

B. Impact to Coastal Zones

The Coastal Zone Management Act ("CZMA") requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

The proposed permit does not affect land or water use in the coastal zone.

C. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act ("MSA") set forth a number of new mandates for the National Marine Fisheries Service, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat ("EFH").

The facility covered under the proposed permit does not directly discharge to areas of essential fish habitat. The proposed permit also contains technology-based effluent limits and numerical and narrative water quality-based effluent limits as necessary for the protection of applicable aquatic life uses. Therefore, EPA has determined that the proposed permit will not adversely affect essential fish habitat.

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. Pursuant to the NHPA and 36 CFR § 800.3(a)(1), EPA is making a determination that issuing this proposed 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.

XI. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved 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 exceedences of water quality standards.

B. Standard Provisions

The permit requires the permitee to comply with EPA Region IX Standard Federal NPDES Permit Conditions, dated July 1, 2001, and included in the permit as Attachment A.

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. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit.

B. Public Comment Period (40 CFR 124.10)

Notice of the draft permit was placed in a daily or weekly newspaper within the area affected by the facility or activity (the White Mountain Independent), with a minimum of 30 days provided for interested parties to respond in writing to EPA. After the closing of the public comment period, EPA is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

C. Public Hearing (40 CFR 124.12(c))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision. EPA did not receive any request to hold a public hearing on this permit.

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

For States, Territories, or Tribes with EPA approved water quality standards, EPA must request certification from the affected State, Territory, or Tribe that the proposed permit will meet all applicable water quality standards. Certification under section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law.

After the permit was revised to include any relevant comments from the 30-day public comment period, it is forwarded to WMAT for CWA Section 401 certification. This certification ensures that the permit will comply with applicable Federal CWA standards as well as with the WMAT Water Quality Protection Ordinance.

XIII. CONTACT INFORMATION

Comments submittals and additional information relating to this proposal should be directed to:

Pascal Mues
EPA Region IX
75 Hawthorne Street (WTR-5)
San Francisco, California 94105
415-972-3768
mues.pascal@epa.gov

XIV. REFERENCES

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. Prepared by EPA, Office of Water Enforcement and Permits, in March 1991. 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. 1996. *U.S. EPA NPDES Basic Permit Writers Manual*. EPA. EPA-833-B-96-003.

White Mountain Apache Tribe, 2001. *Water Quality Protection Ordinance of the White Mountain Apache Tribe of the Fort Apache Indian Reservation.*