

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway
New York, New York 10007

STATEMENT OF BASIS
DRAFT NPDES PERMIT TO DISCHARGE
INTO THE WATERS OF THE UNITED STATES

NPDES Application No. SR0240281

Prepared by Andrea B. Coats on January 10, 2011

Name and Address of Applicant:

St. Regis Mohawk Tribe Wastewater Treatment Plant
Department of Public Works
412 State Route 37
Akwesasne, New York 13655

Name and Address of Facility
where Discharge Occurs:

47 Sanitation Plant Road
Franklin County
Akwesasne, New York 13655

Receiving Water: St. Regis River

Classification: B

I. LOCATION OF DISCHARGE

The above named applicant has requested a modification of their National Pollutant Discharge Elimination System (NPDES) permit, from the U.S. Environmental Protection Agency (EPA). The location of the discharge, Outfall 001, is described by the following U.S.G.S. coordinates: 44°58' 26" latitude X 74°40' 0.05" longitude. A map showing the location of the facility is found in Attachment I.

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is a Municipal Wastewater Treatment Plant which treats sanitary wastewater. This activity has a Standard Industrial Classification (SIC) code of 4952. The applicant proposes to discharge 0.350 MGD as a daily maximum of wastewaters consisting of treated sanitary wastewater through discharge point 001 to the St. Regis River. The water treatment consists of coarse and fine bubble diffusion, clarification, and chlorination.

The receiving water has been classified as a Class B fresh surface water by the St Regis Mohawk Tribe Water Quality Standards. Class B waters must be suitable for primary and secondary contact recreation and ceremonial use as well as suitable for fish shellfish and wildlife propagation and survival, and fishing.

Upon completion of the consultation required pursuant to 40 CFR §122.49 (c) on 6/16/2010 for the permit renewal, there was a "No Effect" determination under the Endangered Species Act. Review of the available information indicated that there were no threatened or endangered species in the county where the facility is located. No new species have been listed, therefore, no further review is required at this time.

III. DESCRIPTION OF LIMITATIONS AND CONDITIONS

A brief summary of the basis of each effluent limitation and other conditions in the draft permit is provided in Attachment II.

IV. STATE CERTIFICATION REQUIREMENTS

Under Section 401 of the Clean Water Act, applicants for a federal permit are required to provide certification from the State in which the discharge will originate that the discharge will comply with the Clean Water Act Sections 301, 302, 303, 306, and 307. The St. Regis Mohawk Tribe maintains the plenary sovereign power to regulate the quality of Tribal Surface Waters in the interest of the health and well being of the Mohawk People. Pursuant to §§303 and 518 of the Clean Water Act the USEPA approved the Tribe's Application for a Determination of Eligibility to Administer Programs under the Clean Water Act on October 16, 2002. The St. Regis Mohawk Tribe's Tribal Water Quality Standards (WQS) were first approved by EPA on September 14, 2007 and subsequently revised and submitted to EPA for approval on August 27, 2010. The revised WQS were approved on October 4, 2010.

The Tribal Water Quality Standards apply to all Tribal Surface Waters, that is, all surface waters within the exterior boundaries of the Saint Regis Mohawk Territory, including water situated wholly or partly within, or bordering upon, the Territory, whether public or private, except for private waters that do not combine with other surface waters.

A draft permit for the most recent permit issuance for this facility was provided to the St. Regis Mohawk Tribe with a request for 401 certification on July 1, 2010. The certification letter was signed and sent to EPA by the St. Regis Mohawk Tribe on August 26, 2010.

V. PROCEDURES FOR REACHING A FINAL DECISION ON THE PERMIT

These procedures, which are set forth in 40 CFR 124, are described in the public notice of preparation of this permit modification. Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision.

VII. EPA CONTACT

Additional information concerning the permit modification may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from:

Andrea B. Coats
Clean Water Regulatory Branch
U.S. Environmental Protection Agency
290 Broadway, 24th Floor
New York, New York 10007 (212) 637-3850

ATTACHMENT II

DESCRIPTION OF LIMITATIONS AND CONDITIONS

The effluent limitations, monitoring requirements, and other conditions of this permit are described in the permit modification. In accordance with 40 CFR 122.44 (a), each NPDES permit must include technology-based effluent limits when necessary through effluent guidelines and standards. The St. Regis Mohawk Tribe maintains the plenary sovereign power to regulate the quality of Tribal Surface Waters in the interest of the health and well being of the Mohawk People. Pursuant to §§303 and 518 of the Clean Water Act the USEPA approved the Tribe's Application for a Determination of Eligibility to Administer Programs under the Clean Water Act on October 16, 2002. The St. Regis Mohawk Tribe's Tribal Water Quality Standards were first approved by EPA on September 14, 2007 and subsequently revised then approved on October 4, 2010.

As required by 40 CFR 122.44 (d), EPA must include water quality-based effluent limitations when necessary to achieve or maintain State-designated, or Tribe-designated, water quality standards of the receiving water. The Tribal Water Quality Standards apply to all Tribal Surface Waters, that is, all surface waters within the exterior boundaries of the Saint Regis Mohawk Territory, including water situated wholly or partly within, or bordering upon, the Territory, whether public or private, except for private waters that do not combine with other surface waters. The water quality-based limitations are included to ensure that the discharge within the St. Regis Mohawk Territory does not contribute or cause a violation of the St. Regis Mohawk Tribe's Tribal Water Quality Standards (WQS) or the adjoining state's surface water quality standards applicable to the St. Regis River.

Discharge Outfall 001: Sanitary Wastewaters

[Table A-1]

The effluent limitations from the prior permit for **Biochemical Oxygen Demand and Total Suspended Solids** (TSS) have been included in the permit. The applicable limits for these parameters are in accordance with 40 CFR 133.102 requirements for secondary treatment. The monitoring type for TSS has been corrected to indicate composite throughout the permit. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids.

EPA has included limits based on observed effluent discharge monitoring results at levels above the water quality standards for the following parameters: **Benzene, Chromium, Copper, Nickel, Lead, and Zinc**. The water quality based effluent limit calculations for these parameters are included in Attachment III.

EPA has included monitoring requirements for **Total Ammonia, Total Nitrogen and Total Phosphorus**. Total Ammonia has been added as requested by the St. Regis Mohawk Tribe since it is a parameter of interest. Following the monitoring period, EPA will determine the whether limits need to be established for these parameters.

The effluent limitation for **E. Coli** is included as required in the St. Regis WQS.

EPA has added a limit for **Residual Chlorine** due to chlorination at the facility.

The specific monitoring requirements for **Nitrogen and Phosphorus** and **Odor and Taste** have been removed since these parameters have narrative criteria with no measurable values, however, the effluent should still be monitored and evaluated for these parameters as part of a proper operation and maintenance program.

Special Condition 1 has been retained from the previous permit. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of the St. Regis water quality standards for toxicity. This Special Condition is pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state or tribal numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. This Special Condition is also consistent with the Region 2 Whole Effluent Toxicity Implementation Strategy. Federal regulations require both chemical specific limits, based on the state or tribal numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits if reasonable potential to exceed water quality standards is determined

All other effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the St. Regis WQS.

The permit issued on October 19, 2010 is being modified and will retain the expiration date of October 31, 2015.

General Conditions

These conditions apply to all permits as required by 40 CFR Part 122.41.