



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

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March 28, 2018

Greg Bahe, Supervisor
HQ Water/Wastewater Operations and Maintenance
Navajo Tribal Utility Authority
P.O. Box 170
Ft. Defiance, AZ 86504

Subject: Issuance of Final NPDES Permit for NTUA Twin Arrows Casino and Resort Wastewater Treatment Facility (No. NN0030344)

Dear Mr. Bahe:

Enclosed please find the final National Pollutant Discharge Elimination System (“NPDES”) permit issued for the Twin Arrows Wastewater Treatment Facility. The Environmental Protection Agency (“EPA”) reviewed your permit application and relevant information and prepared a draft proposed permit which was public noticed on December 14, 2017, for a 30-day comment period on EPA website <https://www.epa.gov/npdes-permits/navajo-nation-npdes-permits>.

EPA received comments from Mr. Sherwin Curley of the NTUA Environmental Compliance and Laboratory and a field investigation report from Mr. Patrick Antonio of the Navajo Nation EPA. After considering comments from all interested persons and agencies, and pertinent federal statutes and regulations, EPA has issued a final NPDES permit which does not differ significantly from the draft permit.

Within 33 days of this notice, any person who filed comments on the proposed permit conditions may petition the Environmental Appeals Board (EAB) to review the conditions of the permit. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period and a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. See 40 C.F.R. §§124.19 (a) and 124.20 (d).

40 C.F.R. § 124.60 (b)(1) states that, as provided in 40 C.F.R. § 124.16 (a), if an appeal of an initial permit decision is filed under Section 124.19 of this Part, the force and effect of the contested conditions of the final permit shall be stayed until final agency action under 40 C.F.R. § 124.19 (f). In accordance with 40 C.F.R. § 124.16 (a)(1), “[i]f the permit involves a...new source, new discharger or a recommencing discharger, the applicant shall be without a permit for the proposed new...source or discharger pending final agency action.” Please review 40 C.F.R. § 124 and the revisions at 65 Fed. Reg. 30886 for a complete description of the requirements regarding appeal of NPDES permits.

If you have any questions regarding the final permit or permitting process, please contact Linh Tran at (415) 972-3511.

Sincerely,

/s/

Jamie Marincola, Acting Manager
NPDES Permits Office
Water Division
U.S. EPA Region 9

Enclosures

cc: Patrick Antonio, Navajo Nation EPA
Sherwin Curley, NTUA Environmental and Laboratory

EPA RESPONSE TO COMMENTS

From Mr. Sherwin Curley of NTUA emailed to EPA on January 16, 2018

1. Ammonia Impact Ratio (AIR) - NTUA commented that the AIR parameter is added to the effluent and monitoring requirement per the 2015 draft Navajo Nation Surface Water Quality Standards (NNWSQS). Has the draft NNSWQS been finalized to implement this criterion?

Response: The ammonia standard was included in the 1999 NNSWQS that were approved by EPA in 2006, and in the 2007 NNSWQS revisions subsequently approved by EPA in 2009. The 2015 NNWSQS revisions are under review but have not yet been formally approved by EPA. However, they are used on a best professional judgment basis for purposes of developing water quality-based effluent limits. EPA has implemented the use of the AIR calculation and methodology for determining compliance with the ammonia standard. Because the ammonia criterion is temperature and pH-dependent, the permittee is required to monitor the actual maximum daily and average monthly ammonia (as total ammonia) as well as calculate an AIR value, which is simply a ratio of the measured ammonia value in the effluent over the applicable ammonia standards, as determined by the concurrent measurements of pH and temperature. The AIR limitation has been established as a monthly average of 1.0, equivalent to the standard. The proposed permit remains unchanged in the final permit issuance.

2. E. coli limit - NTUA inquires why the daily maximum permit limit for E. Coli is changed from 575/100 ml in the previous permit to 235/100 ml.

Response: The 235/100 ml was a typographic error. EPA will modify the permit limit to 575/100 ml for daily maximum, consistent with the previous permit.

3. Flow monitoring frequency - NTUA inquires why the flow monitoring frequency is changed from monthly (in previous permit) to continuous.

Response: The continuous frequency was a typographic error. EPA will modify the permit to monthly frequency, consistent with the previous permit.

4. NTUA requests to have temperature units changed from °F to °C to help eliminate unit conversion errors with operators.

Response: The temperature units to be reported will be changed from °F to °C.

5. Non-potable reuse – NTUA states that the permittee is not required to take effluent samples when there is no discharge. There are times when the plant does not discharge to the unnamed wash but instead diverts flow to the casino's pond for non-potable reuse as irrigation water for the casino grounds. During this time, does NTUA still need to conduct sampling.

Response: NTUA should continue sampling its effluent being diverted to the casino's pond. Such monitoring and data analysis would provide assurance that the water reuse in the pond is of similar quality as that would otherwise be discharged to the permit outfall.

6. Sludge report - The draft permit states 90 days to provide report to USEPA an estimate of current sludge quantity and projection of disposal. The fact sheet (page 12 of 15) indicates 60 days. NTUA requests that it be changed to 120 days.

Response: Based on information from NTUA's permit applications and according to the current permit, it is EPA's understanding that sludge would undergo dewatering onsite prior to being sent to a certified landfill or disposal facility. However, during a December 2017 compliance evaluation inspection and January 2018 follow-up visits conducted by Navajo EPA, new information regarding the facility's sludge disposal management practices has come to light indicating that the sludge may not be disposed in such manner previously described. This warrants a more comprehensive review of the facility sludge handling and management practices and therefore, EPA will include enhanced biosolids requirements to address the actual sludge disposal practice at Twin Arrows. The permittee is required submit its initial report to USEPA within 120 days of the permit effective date.

7. Reuse option – NTUA commented that the fact sheet stated that the permittee would like to have an option to reuse treated effluent in the future. Should this reuse option be used, sodium hypochlorite is injected downstream of the UV system to prevent biological growth in the casino landscape irrigation system. Is the correct? Twin Arrows Casino is the one that is responsible for the pond.

Response: EPA included the above language regarding the reuse option and the hypochlorite injection based on information from NTUA's original permit application. NTUA's questioning this information in its comment letter would seem to indicate that this information may not be accurate. Therefore, EPA will revise the fact sheet to remove these statements.