UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL 7016 1970 0000 8992 3730
RETURN RECEIPT REQUESTED

Mr. Reggie Shumaker
Director, Engineering Services & Utilities Management
Choctaw Public Works Department
Mississippi Band of Choctaw Indians
Post Office Box 6366 – Choctaw Branch
Choctaw, Mississippi 39350

Subject: Final Issuance of National Pollutant Discharge Elimination System Permit Number MS0057649 – Conehatta School Wastewater Treatment Facility

Dear Mr. Shumaker:

Enclosed is the National Pollutant Discharge Elimination System (NPDES) permit for the above referenced facility. This action constitutes the U.S. Environmental Protection Agency's final permit decision in accordance with 40 Code of Federal Regulations (CFR) § 124.15(a). The permit will become effective as specified, provided that a request for review of the permit decision is not received by the EPA's Environmental Appeal Board within 30 days according to 40 CFR § 124.19 (see enclosed document titled "Appeal of NPDES Permits").

Please note, the EPA has modernized Clean Water Act reporting by converting to an electronic data reporting system for NPDES permits instead of submitting written paper reports such as Discharge Monitoring Reports (DMRs). The permit requires electronic submittals of DMRs using the EPA's netDMR tool. More information regarding electronical submittals can be found in Part II of the permit.

Further information on procedures pertaining to the filing of a request for review of the permit decision or other legal matters relative to this permit issuance may be obtained by contacting Mr. Paul Schwartz, Assistant Regional Counsel, at (404) 562-9576. For information regarding technical aspects of the permit, please contact Ms. Carla Seiwert of my staff at (404) 562-9299 or Seiwert.Carla@epa.gov.

Sincerely,

Mary S. Walker
Director
Water Protection Division

cc: Mr. Jason Cumberland
Choctaw, Mississippi

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4
Water Protection Division
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER MS0057649

Under the authority of the Clean Water Act (CWA) of 1977 (33 USC § 1251 et seq.) and in accordance with the effluent limitations, monitoring requirements, and other conditions set forth herein

Permittee:	**Mississippi Band of Choctaw Indians** **Post Office Box 6366** **Choctaw, Mississippi 39350**
is authorized to discharge:	**Municipal Wastewater**
from the facility located:	**Conehatta School Wastewater Treatment Facility** **Campus Drive** **Conehatta, Mississippi 39057**
from the outfall:	**001 (Latitude 32 27' 47.5" North; Longitude 89 16' 17.37" West)**
into the receiving water body:	**Box Creek**

This permit shall become effective on:	January 1, 2018
This permit shall expire on:	December 31, 2022
Issuance Date:	October 11, 2017

The permittee shall reapply for NPDES coverage to discharge before July 3, 2022, 180 days before the expiration of this permit, if the permittee intends to continue to discharge at the facility beyond the term of this permit.

Mary S. Walker, Director
Water Protection Division

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SCHEDULE OF SUBMISSIONS

The following is a summary of some of the items which the permittee must complete and/or submit to the U.S. Environmental Protection Agency (EPA) during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMRs)	Unless an exception is granted, the DMRs are due quarterly and must be entered into NetDMR (see Part II.B.1)
2. Submittal of NPDES Application	A complete application for the next permit cycle must be submitted to the EPA no later than 180 days before the permit expires (see 40 CFR § 122.21).

Submittal Addresses:

NPDES Permitting and Enforcement Branch Chief
U.S. Environmental Protection Agency, Region 4
Water Protection Division | NPDES Permitting and Enforcement Branch
61 Forsyth Street SW | Atlanta GA 30303-8960
404.562.9610 | R4NPDESPermits@epa.gov

PART I – LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations and Other Monitoring Requirements

1. During the period beginning on the effective date and lasting through the term of this permit, the permittee is authorized to discharge from Outfall 001 to the receiving water body. Such discharges shall be limited and monitored by the permittee as specified below in Table 1.

Table 1: Limitations and Monitoring Requirements for Outfall 001

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING POINT(S)	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow, MGD	Report	Report	Report	Effluent	1/month	Instantaneous
Dissolved Oxygen (DO), mg/l	DO shall not be less than 6.0 mg/l			Effluent	1/month	Grab
Total Suspended Solids (TSS), mg/l	Report 30.0	--- 45.0	--- ---	Influent Effluent	1/month	Grab
pH, standard units (SU)	6.0-9.0			Effluent	1/month	Instantaneous
Total Residual Chlorine, (TRC) mg/l	---	---	0.011	Effluent	1/month	Grab
Total Nitrogen, (TN), mg/l	Report	Report	---	Effluent	Quarterly	Grab
Total Phosphorus, (TP), mg/l	Report	Report	---	Effluent	Quarterly	Grab
E. coli, #/100ml	126	---	410 See Item 3 below	Effluent	1/month	Grab
Chronic Whole Effluent Toxicity Testing	Report			Effluent	See Part III, A-C of Permit	
Additional Limits during the Summer (Summer is May 1st through October 31st)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report 10.0	--- 15.0	--- ---	Influent Effluent	1/month	Grab
Ammonia as Nitrogen, mg/l	2.0	3.0	---	Effluent	1/month	Grab
Additional Limits during the Winter (Winter is November1st through April 30th)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report 15.0	--- 22.5	--- ---	Influent Effluent	1/month	Grab
Ammonia as Nitrogen, mg/l	4.0	6.0	---	Effluent	1/month	Grab

2. In addition to the specified limits, the monthly average effluent $CBOD_5$ and TSS concentrations shall not exceed 15% of their respective influent values (85% removal). The percent removal shall also be reported on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1).

3. Samples taken in compliance with the influent monitoring requirements specified in this permit shall be taken at the nearest accessible point prior to treatment. Samples taken in compliance with the effluent monitoring requirements specified in this permit shall be taken at the nearest accessible point after final treatment but prior to the actual discharge or mixing with the receiving waters (unless otherwise specified).

4. Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1).

5. There shall be no discharge of floating debris, oil, scum, and other floating materials in amounts sufficient to be unsightly or deleterious.

6. The permittee shall conduct chronic whole effluent toxicity monitoring as specified in Part III. The effluent shall be monitored for chronic whole effluent toxicity once every three months until four valid quarterly tests have been completed and once every six months thereafter for the duration of the permit. EPA will review these test results and the permit may be modified to establish a chronic whole effluent toxicity limit, if needed, to ensure that the requirements of the Clean Water Act (CWA) § 101(a)(3) is met.

7. If the results for a given sample analysis are such that any parameter (other than E. coli) is not detected at or above the minimum level for the test method used, a value of zero will be used for that sample in calculating an arithmetic mean value for the parameter. If the resulting calculated arithmetic mean value for that reporting period is zero, the permittee shall report "NODI=B" on the DMR Form. For E. coli, a value of 1.0 shall be used in calculating the geometric mean. If the resulting E. coli mean value is 1.0, the permittee shall report "NODI=B" on the DMR. For each quantitative sample value that is not detectable, the test method used and the minimum level for that method for that parameter shall be attached to and submitted with the DMR. The permittee shall then be considered in compliance with the appropriate effluent limitation and/or reporting requirement.

8. Overflow identification: The permittee shall identify all wastewater discharges at locations not authorized as permitted outfalls that occur prior to the headworks of the wastewater treatment plant covered by this permit. The permittee shall submit, with the scheduled Discharge Monitoring Report (DMR) Form, the following information for each discharge event at each source that occurs during the reporting period covered by the DMR:

   (1) the cause of the discharge;
   (2) duration and volume (estimate if unknown);
   (3) description of the source, e.g., manhole cover, pump station;
   (4) type of collection system that overflowed, i.e., combined or separate;
   (5) location by street address, or any other appropriate method;
   (6) date of event;
   (7) the ultimate destination of the flow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
   (8) corrective actions or plans to eliminate future discharges.

   The permittee shall refer to Part II.D.8 of this permit which contains information about reporting unpermitted discharge events. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

B. Sludge Management Practices

1. Annually, the permittee shall sample and analyze the sludge and report to EPA the quantitative data for arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc.

    a. The permittee shall submit the above data within 1 year of the effective date of this permit, and report annually thereafter.

2. The permittee shall submit within 30 days of the effective date of this permit the sludge production volume (specify if daily or annual; if actual volume is not known, estimate the quantity of sludge being handled and so indicate) and the sludge disposal practice.

3. The permittee shall provide sludge inventory data to the State and EPA, as part of EPA's inventory updates as requested. The data should include, but not be limited to, sludge quantity and characteristics.

4. Reopener. If an applicable "acceptable management practice" or numerical limitation for pollutants in sewage sludge promulgated under Section 405(d)(2) of the Clean Water Act, as amended by the Water Quality Act of 1987, is more stringent than the sludge pollutant limit or acceptable management practice in this permit or controls a pollutant not limited in this permit, this permit shall be promptly modified or revoked and reissued to conform to the requirements promulgated under Section 405(d)(2). The permittee shall comply with the limitations by no later than the compliance deadline specified in the applicable regulations as required by Section 405(d)(2)(D) of the Clean Water Act.

5. Notice of change in sludge disposal practice. The permittee shall give prior notice to the Regional Administrator of any change planned in the permittee's sludge disposal practice.

6. Cause for modification. 40 CFR §122.62(a)(1) provides that the following is a cause for modification but not revocation and reissuance of permits except when the permittee requests or agrees. (a) Alterations. There are material and substantial changes or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

7. Upon review of information provided by the permittee as required by the above items, or results from an on-site inspection, the permit shall be subject to modification to incorporate appropriate requirements.

8. The permittee shall perform a Toxicity Characteristic Leaching Procedure test (TCLP) in accordance with 40 CFR Part 261, as published on March 29, 1990, Volume 55, Number 61 Federal Register 11798. The permittee shall report the results of the above test within 1 year of the effective date of the permit. Test results from any additional tests that are performed shall also be reported. In addition, the test shall be performed if the permittee knows or has reason to believe that its sewage sludge may fail the TCLP test as a result of changes in its sewage sludge characteristics from prior tests. The permittee shall submit a separate report attached to the Discharge Monitoring Report (DMR) which shows the date of the test and the test results. Should a sewage sludge fail the TCLP test, the permittee shall immediately halt all sludge use or disposal activities. In addition, the permittee shall submit written notification to EPA within ten (10) calendar days of test failure.

9. Should the permittee's sewage sludge be disposed of in a solid-waste landfill, the permittee shall demonstrate the absence of free liquids in its sewage sludge through the utilization of Test Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846). These tests shall be conducted on representative samples of all sewage sludge prior to each disposal at solid-waste landfills. A successful demonstration shall be performed before the permittee's sewage sludge is allowed to be disposed of at a solid-waste landfill. The permittee shall: 1) report on the DMR only the number of tests that failed during the quarter and 2) in any quarter where one or more tests failed, submit a separate report attached to the DMR which shows the date of each failed and subsequent passing test along with their respective results. Prior notice shall be given to the EPA of any changes in disposal practice resulting from test failures.

10. The permittee shall ensure that the sludge generated by its facility will be disposed of in accordance with the requirements of 40 CFR § 503.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

   Operational Level Attained.....Effective Date of Permit

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART II – OTHER PERMIT REQUIREMENTS

A. Reporting, Monitoring, and Recording Requirements

1. Electronic Reporting Requirements

a. As soon as possible but no later than the reports due in January 2018, monitoring data required by this permit shall be submitted on EPA Form 3320-1 Discharge Monitoring Report (DMR) forms using the electronic DMR (NetDMR) internet application. NetDMR is a web-based application that allows National Pollutant Discharge Elimination System (NPDES) Permittee Users to enter and electronically submit DMR data through the Central Data Exchange (CDX) to the Integrated Compliance Information System (ICIS). EPA's NetDMR webpage can be found at: https://netdmr.epa.gov/netdmr/public/home.htm.

The permittee shall determine its ability to meet the above date and if unable, shall submit a written request to EPA at the address below requesting a waiver from electronic reporting. Temporary and permanent waivers from electronic reporting may be granted based on appropriate factors (e.g., lack of computer or internet service, etc.). If you qualify for a waiver from electronic reporting, monitoring data must be submitted on paper DMR forms provided by EPA. If you wish to receive NetDMR training or paper DMR forms, please contact:

NPDES Permitting and Enforcement Branch Chief
U.S. Environmental Protection Agency, Region 4
Water Protection Division | NPDES Permitting and Enforcement Branch
61 Forsyth Street SW | Atlanta GA 30303-8960
404.562.9610 | R4NPDESPermits@epa.gov

b. The DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined in Part V. For NetDMR, the person(s) viewing, editing, signing and submitting the DMRs will need to register for a new account managed by EPA Region 4. A request for signatory privilege requires submission of a Subscriber Agreement to EPA Region 4. Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using NetDMR, or on a paper delegation form provided by EPA. For more information and guidance on NetDMR, please view the following web page: https://netdmr.zendesk.com/home

c. DMRs submitted using NetDMR shall be submitted to EPA Region 4 by the 21st day of the month (April, July, October, January) following the quarter for which the monitoring was completed. DMRs submitted on paper must include the original signed DMR form and be submitted as specified in Part II.A.1.a above.

Regardless of the submission method, a paper copy of the submitted EPA 3320-1 DMR shall be maintained onsite for records retention purposes. For NetDMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

d. DMRs must be reported using EPA's electronic NetDMR tool unless a waiver from electronic reporting has been granted from EPA Region 4 based on one of the following conditions:

- If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- If you have limitations regarding available computer access or computer capability.

If the permittee wishes to obtain a waiver from submitting DMRs electronically, a written request must be submitted to EPA Region 4 at the below address. The request must document which exemption is met and provide evidence supporting any claims. A waiver may only be considered granted once the permittee receives written confirmation from EPA Region 4.

NPDES Permitting and Enforcement Branch Chief
U.S. Environmental Protection Agency, Region 4
Water Protection Division | NPDES Permitting and Enforcement Branch
61 Forsyth Street SW | Atlanta GA 30303-8960
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2. Monitoring procedures

Monitoring and sampling must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR § 136.5.

3. Additional monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR. Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Table 1: Effluent Limitations and Monitoring Requirements.

B. Reopener Clause

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under CWA §301(b)(2)(C), CWA §301(b)(2)(D), and CWA §307(a)(2), as amended, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any condition in the permit; or
2. Controls any pollutant not addressed in the permit.

The permit as modified or reissued under this paragraph shall contain any other requirements of the CWA then applicable.

PART III – Whole Effluent Toxicity Testing Program

As required by Part I of this permit, the permittee shall initiate the series of tests described below beginning 90 days after effective date to evaluate the chronic whole effluent toxicity of the discharge from outfall 001. All test species, procedures, and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, EPA-821-R-02-013 (October 2002) or the most current edition, as appropriate. The control and dilution water will be moderately hard water as described in EPA-821-R-02-013, Section 7, or the most current edition. A standard reference toxicant quality assurance chronic toxicity test shall be conducted concurrently with each species used in the toxicity test and the results submitted with the discharge monitoring report (DMR) with the results from the lab.

A. Procedure

1. The permittee shall conduct a daphnid, Ceriodaphnia dubia, Survival and Reproduction test and a fathead minnow, Pimephales promelas, Larval Survival and Growth test. All tests shall be conducted using a control (0% effluent) and the following dilution concentrations: 100%, 50%, 25%, 12.5%, and 6.25%. The measured and reported endpoints will be: 1) the inhibition concentration causing 25% reduction in survival, reproduction, and/or growth (IC_{25}) of the test organisms; and 2) the percent mortality in the 25% dilution concentration at the end of 48 hours. The IC_{25} shall be determined based on a 25% reduction as compared to the controls, and as derived from linear interpolation. The average reproduction and growth responses will be determined based on the number of Ceriodaphnia dubia and Pimephales promelas larvae, as appropriate, used to initiate the test.

2. For each set of tests conducted, a 24 hr. composite sample of final effluent shall be collected and used per the sampling schedule discussed in EPA-821-R-02-013, Section 8.3, or the most current edition.

3. For either species, if control mortality exceeds 10% by 48 hours or 20% mortality thereafter, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% by 48 hours or 20% thereafter for either species. If, in any separate test, 100% mortality occurs prior to the end of the test, and control mortality is 10% or less if that time is prior to 48 hours or 20% or less thereafter, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable chronic toxicity. Each chronic test must meet the test acceptability criteria for each species as defined in EPA-821-R-02-013, Section 13.12 and Section 11.12, respectively, or the most current edition. Additionally, all test results must be evaluated and reported for concentration-response relationship based on "Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 C.F.R. Part 136)", EPA/821/B-00/004 (2000), or the most current edition. If the required concentration-response review fails to yield a valid relationship per EPA/821/B-00/004 (or the most current edition), that test shall be repeated. Any test initiated but terminated prior to completion must be reported with a complete explanation for the termination.

B. Monitoring

1. The toxicity tests specified above shall be conducted once every 3 months until there are 4 valid tests and then once every 6 months for the duration of the permit, unless notified otherwise by the permitting authority. These tests are referred to as "routine" tests.

2. Results from routine tests shall be reported according to EPA-821-R-02-013, Section 10, or the most current edition. Each IC_{25} test result shall also be separately recorded and submitted on the Discharge Monitoring Report (DMR) in the following manner: If the monthly average IC_{25} of a test species is less than or equal to 100% effluent, "$\leq$ 100%" shall be entered on the DMR for that species. If the monthly average IC_{25} of a test species is greater than 100% effluent, "> 100%" shall be entered. All individual test results for a given month shall be submitted as an attachment to the DMR.

C. Test Failure

1. If an IC_{25} of less than or equal to 100% effluent is found in a "routine" test, the permittee shall conduct two valid additional tests on each species indicating the violation and report each IC_{25} obtained.

2. The first valid additional test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5% and 6.25%. The dilution series may be modified in the second valid test to more accurately identify the toxicity, such that at least two dilutions above (not to exceed 100% effluent) and two dilutions below the receiving water concentration and a control (0% effluent) are run.

3. For each additional test, the sample collection requirement and the test acceptability criteria and concentration-response relationships specified in sections A.2 and A.3 above must be met for it to be considered valid. The first additional test shall begin within one week of the end of the "routine" test, and shall be conducted weekly thereafter until two additional valid tests are completed.

PART V – STANDARD CONDITIONS FOR NPDES PERMITS

A. General Conditions

1. Duty to Comply [40 CFR §§ 122.41(a) and 122.41(a)(1)]

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA or Act) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

2. Penalties for Violations of Permit Conditions [40 CFR § 122.41(a)(2) and 40 CFR § 122.41(a)(3)]

(Note: Civil and administrative penalty amounts described in this subsection are based on adjustments to the original statutory amounts based on inflation, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101- 410, enacted October 5, 1990; 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note; Public Law 104-134, enacted April 26, 1996; 110 Stat. 1321) and as set forth at 40 CFR § 19.4.)

The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $51,570 per day for each violation. The CWA provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both. Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Administrative penalties for Class I violations are not to exceed $20,628 per violation, with the maximum amount of any Class I penalty assessed not to exceed $51,570. Penalties for Class II violations are not to exceed $20,628 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $257,848. The specific penalty amounts described above for violations reflect those in effect at the time of permit issuance and are subject to change.

3. Civil and Criminal Liability [40 CFR § 122.41(m) and (n)]

Except as provided in permit conditions on "Bypassing" Section B, Paragraph 3, and "Upset" Section B, Paragraph 4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

4. Duty to Mitigate [40 CFR § 122.41(d)]

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Permit Actions [40 CFR § 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Toxic Pollutants [40 CFR § 122.44(b)(1)]

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the Director shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the CWA.

9. Effect of a Permit [40 CFR § 122.5(a)(l) and (2)]

Except for any toxic effluent standards and prohibitions imposed under Section 307 of the CWA and "standards for sewage sludge use or disposal" under Section 405(d) of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405 (a)-(b) of the CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in 40 CFR §§ 122.62 and 122.64.

Compliance with a permit condition which implements a particular "standard for sewage sludge use or disposal" shall be an affirmative defense in any enforcement action brought for a violation of that "standard for sewage sludge use or disposal" pursuant to Sections 405(e) and 309 of the CWA.

10. Property Rights [40 CFR § 122.5(b), 40 CFR § 122.41(g), and 40 CFR § 122.5(c)]

This permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

11. Onshore or Offshore Construction

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any waters of the United States.

12. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

13. Duty to Provide Information [40 CFR § 122.41(h)]

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

B. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance [40 CFR § 122.41(e)]

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense [40 CFR § 122.41(c)]

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities [40 CFR § 122.41(m)(1)-(4)]

a. Definitions

(1) "**Bypass**" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs c. and d. of this subsection.

c. Notice

(1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in Section D, Subsection 8 (24-hour notice).

d. Prohibition of bypass

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under Paragraph c. of this subsection.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph d.(1) of this subsection.

4. Upsets [40 CFR § 122.41(n)(1)-(4)]

a. Definition

"**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Paragraph c. of this subsection are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Section D, Subsection 8 (24-hour notice); and

(4) The permittee complied with any remedial measures required under Section A, Subsection 4.

d. Burden of proof

In any enforcement preceding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters of the United States unless specifically limited in Part I.

C. Monitoring and Records

1. Representative Sampling [40 CFR § 122.41(j)(1)]

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of all measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than $\pm$ 10% from the true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references. These references are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone number: (800) 553-6847 or (703) 487-4650.

"A Guide to Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 100 pp. (Order by NTIS No. COM-7510683.)

"Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Revised Edition, 1984, 343 pp. (Order by NTIS No. PB-85221109.)

"Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Order by NTIS No. PB-273535.)

"NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 149 pp. (Order by NTIS No. PB-82131178.)

3. Monitoring Procedures [40 CFR § 122.41(j)(4)]

Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of Sewage sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.

4. Penalties for Tampering [40 CFR § 122.41(j)(5)]

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

5. Retention of Records [40 CFR § 122.41(j)(2)]

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

6. Record Contents [40 CFR § 122.41(j)(3)(i)-(vi)]

Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

7. Inspection and Entry [40 CFR § 122.41(i)(1)-(4)]

The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

D. Reporting Requirements

1. Change in Discharge [40 CFR § 122.41(l)(1)(i)-(iii)]

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D, Subsection 11.

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated Noncompliance [40 CFR § 122.41(l)(2)]

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Director.

3. Transfer of Ownership of Control [40 CFR § 122.41(l)(3), § 122.61, and § 122.61(b)]

a. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA.

b. In some cases, modification or revocation and reissuance is mandatory.

c. Automatic transfers. As an alternative to transfers of permits by modification, any NPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in Subparagraph b(2) of this subsection;

(2) The notice includes a written agreement between the existing and new permittee(s) containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Subparagraph b(2) of this subsection.

4. Monitoring Reports [40 CFR § 122.41(l)(4) and 40 CFR § 122.41(l)(4)(i)]

Monitoring results shall be reported at the intervals specified in Part III of the permit. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sewage sludge use or disposal practices.

5. Additional Monitoring by the Permittee [40 CFR § 122.41(l)(4)(ii)]

If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sewage sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sewage sludge reporting form specified by this Permit.

6. Averaging of Measurements [40 CFR § 122.41(l)(4)(iii)]

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. Compliance Schedules [40 CFR § 122.41(l)(5)]

The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges by the effective date of this permit. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

8. Twenty-Four Hour Reporting [40 CFR § 122.44(g), 40 CFR § 122.41(l)(6), and 40 CFR § 122.44(g)]

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5-calendar days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours under this paragraph. The Director may waive the written report on a case-by-case basis for reports under this subsection if the oral report has been received within 24 hours.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit.

b. Any upset which exceeds any effluent limitation in the permit.

c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.

9. Other Noncompliance [40 CFR § 122.41(l)(7)]

The permittee shall report all instances of noncompliance not reported under Section D at the time monitoring reports are submitted. The reports shall contain the information listed in Section D, Subsection 8.

10. Other Information [40 CFR § 122.41(l)(8)]

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information to the Director.

11. Changes in Discharge of Toxic Substances [40 CFR § 122.42(a)(1)(i-iii) and 40 CFR § 122.42(a)(2)(i-iii)]

The following conditions apply to all NPDES permits within the categories specified below:

a. Existing manufacturing, commercial, mining, and silvicultural dischargers. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(a) One hundred micrograms per liter (100 µg/l);

(b) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony; or

(c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7).

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(a) Five hundred micrograms per liter (500 µg/l);

(b) One milligram per liter (1 mg/l) for antimony; or

(c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7).

b. Publicly owned treatment works. All POTWs must provide adequate notice to the Director of the following:

(1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of CWA if it were directly discharging those pollutants; and

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(3) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
[40 CFR § 122.42(b)]

12. Duty to Reapply [40 CFR § 122.41(b), § 122.21(d), § 122.6(a), and § 122.6(b)]

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

The application should be submitted at least 180 days before the expiration date of this permit. The Regional Administrator may grant permission to submit an application later than the 180 days in advance, but no later than the permit expiration date.

When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit if the permittee has submitted a timely application under this subsection which is a complete application for a new permit; and the Regional Administrator, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

Permits continued under this section remain fully effective and enforceable.

13. Signatory Requirements [40 CFR § 122.41(k)(1) and 40 CFR § 122.22]

All applications, reports, or information submitted to the Director shall be signed and certified.

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities,
provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in this subparagraph. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under this subparagraph rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) the chief executive officer of the agency, or

(b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits, and other information requested by the Director shall be signed by a person described in Paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in Paragraph a. of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.

(3) The written authorization is submitted to the Director.

c. Changes to authorization. If an authorization under Paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Paragraph b. of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Paragraph a. or b. of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

14. Availability of Reports and the Administrative Record [40 CFR §§ 124.18 & 122]

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the EPA. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

15. Penalties for Falsification of Reports [40 CFR § 122.41(k)(2)]

The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.

E. Definitions

1. The EPA [40 CFR § 122.2]

The Regional Administrator of EPA Region 4 or his/her designee is the **"The EPA**," unless at some time in the future the State or Indian Tribe receives authority to administer the NPDES program and assumes jurisdiction over the permit at which time, the Director of the State program receiving the authorization becomes the issuing authority.

The use of the term "**Director**" in this permit shall apply to the EPA Regional Administrator, Region 4.

2. Act [40 CFR § 124.2]

"**Act**" means the CWA (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. 1251 et seq.

3. Discharge Monitoring Report (DMR) [40 CFR § 122.2]

"**Discharge Monitoring Report**" means the EPA national form (Form 3320-1) or electronic reporting form required by the federal regulations including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees.

4. Measurements [40 CFR § 122.2]

The "**Daily discharge**" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day.
For pollutants with limitations expressed in other units of measurement (i.e., concentration), the "daily discharge" is calculated as the average measurement of the pollutant over the day.

The "**average annual discharge limitation**" means the highest allowable average of "daily discharges" over a period of twelve consecutive calendar months, calculated as the "arithmetic mean" of the monthly averages for the current calendar month and the eleven prior calendar months. The annual average is calculated each month. This limitation is identified as "Annual Average" in Part I of the permit.

The "**average monthly discharge limitation**" other than for bacterial indicators, means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For bacterial indicators, the "average monthly discharge limitation" is calculated using a "geometric mean." This limitation is identified as "Monthly Average" or "Daily Average" in Part I of the permit.

The "**average weekly discharge limitation**" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. This limitation is identified as "Weekly Average" in Part I of the permit.

The "**maximum daily discharge limitation**" means the highest allowable "daily discharge." This limitation is identified as "Daily Maximum" in Part I of the permit.

The **"Method Detection Limit (MDL)"** means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

The **"Minimum Level (ML)"** means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

5. Types of Samples

   a. Composite Sample: A "**composite sample**" is a combination of not less than eight influent or effluent portions (aliquots), of at least 100 ml, collected over the full time period specified in Part I of the permit. The composite sample must be flow proportioned by either a time interval between each aliquot, or by volume as it relates to effluent flow at the time of sampling, or by total flow since collection of the previous aliquot. Aliquots may be collected manually or automatically.

   b. Grab Sample: A "**grab sample**" is a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.

6. Calculation of Means

   a. Arithmetic Mean: The "**arithmetic mean**" of any set of values is the sum of the individual values divided by the number of individual values.

   b. Geometric Mean: The "**geometric mean**" of any set of values is the N^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

7. Permittee [40 CFR 122.21(b)]

The "**Permittee**" means the operator who has substantial control over the day-to-day operations of the facility; when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

8. Hazardous Substance [40 CFR § 122.2]

A "**hazardous substance**" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

9. Toxic Pollutants [40 CFR § 122.2]

A "**toxic pollutant**" is any pollutant listed as toxic under Section 307(a)(1) of the CWA or, in the case of "Sewage sludge use or disposal practices," any pollutant identified in regulations implementing Section 405(d) of the CWA.

MUNICIPAL FACILITY FACT SHEET

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
TO WATERS OF THE UNITED STATES**

Permit No.: MS0057649 Modification Date: August 11, 2017

1. Facility Information

A. Name and Address of Permittee: Mississippi Band of Choctaw Indians
Post Office Box 6366
Choctaw, Mississippi 39350

B. Facility Address: Conehatta School Wastewater Treatment Facility
Campus Drive
Conehatta, Mississippi 39057

C. Type of Facility: Municipal Wastewater Treatment Plant
Publicly-Owned Treatment Works (POTW)
Standard Industrial Classification Code: 4952

D. Location and Description of the discharge (as reported by applicant):

Outfall	Latitude	Longitude	Receiving Waterbody
001	32°27'47.5" N	89°16'17.37" W	Box Creek

E. Permitted Capacity: 0.13 MGD

F. Description of Wastewater Treatment Facility:

Outfall	Operation Description	Treatment Description
001	Sanitary Wastewater	Treatment consists of physical treatment with influent screening, followed by biological treatment with aeration and clarification. Sludge is to pass through an aerobic digester and a belt press before disposal. Before discharge, the effluent passes through a chlorine contact chamber and post-treatment aeration chamber. Population served is approximately 9,000.

G. Type of Wastewater Discharge:

☐ Process Wastewater ☐ Stormwater
☒ Domestic Wastewater ☐ Combined (describe)
☐ Other (describe)

H. Characterization of Effluent (as reported on application)

Outfall No. 001

Effluent Characteristic	**Maximum Daily Value**		**Average Daily Value**	
Flow (MGD)	0.35		0.13	
Carbonaceous Biochemical Oxygen Demand, 5-day (mg/L)	1.77		1.77	
Total Suspended Solids (mg/L)	15.44		15.44	
Fecal Coliform Bacteria (#/100mL)	27.24		27.24	
pH	Min	6.00	Max	7.50

2. Water Quality Standards & Receiving Waterbody Information

A. Receiving Waterbody Classification and Information – There are no Water Quality Standards applicable to the Tribal waters at this time. The Mississippi Band of Choctaw have not promulgated their own Water Quality Standards, therefore the EPA is using Mississippi Water Quality Standards (part 6, chapter 2, Rule 2.4) to determine reasonable potential at the State/Tribal Boundary and state waters.

B. 7Q10 = 0 cfs

C. Impairment: No immediate downstream impairments.

3. Effluent Limits and Permit Conditions

A. Proposed Effluent Limitations

PARAMETERS	**DISCHARGE LIMITATIONS**			**MONITORING REQUIREMENTS**		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING POINT(S)	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow, MGD	Report	Report	Report	Effluent	1/month	Instantaneous
Dissolved Oxygen (DO), mg/l	DO shall not be less than 6.0 mg/l			Effluent	1/month	Grab
Total Suspended Solids (TSS), mg/l	Report 30.0	--- 45.0	--- ---	Influent Effluent	1/month	Grab
pH, standard units (SU)	6.0-9.0			Effluent	1/month	Instantaneous
Total Residual Chlorine, (TRC) mg/l	---	---	0.011	Effluent	1/month	Grab
Total Nitrogen, (TN), mg/l	Report	Report	---	Effluent	Quarterly	Grab

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING POINT(S)	MEASUREMENT FREQUENCY	SAMPLE TYPE
Total Phosphorus, (TP), mg/l	Report	Report	---	Effluent	Quarterly	Grab
E.coli, #/100ml	126	---	410	Effluent	1/month	Grab
Chronic Whole Effluent Toxicity Testing	Report			Effluent	See Part III, A-C of Permit	
Additional Limits during the Summer (Summer is May 1st through October 31st)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report 10.0	--- 15.0	--- ---	Influent Effluent	1/month	Grab
Ammonia as Nitrogen, mg/l	2.0	3.0	---	Effluent	1/month	Grab
Additional Limits during the Winter (Winter is November1st through April 30th)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report 15.0	--- 22.5	--- ---	Influent Effluent	1/month	Grab
Ammonia as Nitrogen, mg/l	4.0	6.0	---	Effluent	1/month	Grab

B. Reasonable Potential (RP)

Reasonable Potential was performed using DMR data from September 2011 – April 2016. No data was available from May 2016-March 2017.

C. Whole Effluent Toxicity

The dilution series changed from 50%, 25%, 16.5% 15% and 7.5%, to 100%, 50%, 25%, 12.5% and 6.25% to more accurately identify the toxicity of the effluent at the 7Q10 flow. Monitoring has changed from 6 valid bimonthly chronic tests and then biannual, to quarterly monitoring for 4 valid tests and then biannual for the continuation of the permit. Test procedures and reporting of failed tests has stayed the same from the previous permit.

D. Total Nitrogen and Total Phosphorus

This permit imposes monitoring year round for the nutrient- related parameters of Total Phosphorus (TP) and Total Nitrogen (NO_2 + NO_3-N + TKN). Monitoring for these nutrient-related parameters is imposed so that sufficient information will be available regarding the nutrient contribution from this point source, should it be necessary at some later time to impose nutrient limits on this discharge.

E. Basis for Conventional Pollutants Limits

Pollutant of Concern	**Basis**
pH, SU	The effluent limitation range for pH was based on minimum level of effluent quality requirements of 40 CFR § 133.102 for discharges of wastewater from POTWs.
5-Day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), mg/l	The effluent limitations for $CBOD_5$ are based on modeling results calculating the maximum concentration allowable while protecting water quality. (See Appendix 1)
Total Suspended Solids (TSS), mg/l	The effluent limitations for TSS were based on minimum level of effluent quality requirements of 40 CFR § 133.102 for discharges of wastewater from POTWs.
E. coli, #/100 ml	The effluent limitations have been changed to E. coli from Fecal Coliform to maintain consistency with Mississippi's Water Quality Standards at the State/Tribal Boundary and state waters. Monitoring requirements are consistent with the previous NPDES permit and the anti-backsliding provisions of 40 CFR § 122.44(l).
Dissolved Oxygen, mg/l	The effluent limitation for dissolved oxygen is based on modeling results calculating the minimum level allowable while protecting water quality.

F. Basis for Nonconventional Pollutants Limits

Pollutant of Concern	**Basis**
Ammonia, mg/l	EPA 1999 Update of Ambient Water Quality Criteria for Ammonia
Total Nitrogen, mg/l	Monitoring for Total Nitrogen so that sufficient information will be available from this point source should it be necessary at some later time to impose limits on this discharge.
Total Phosphorus, mg/l	Monitoring for Total Phosphorus so that sufficient information will be available from this point source should it be necessary at some later time to impose limits on this discharge.

G. Calculations for Water Quality-Based Effluent Limits (WQBELs)

i. Instream Waste Concentration (IWC)

$$\text{IWC} = \frac{\text{Flow } (^{\text{gal}}/_{\text{day}})}{\text{Flow } (^{\text{gal}}/_{\text{day}}) + 7Q10(^{\text{gal}}/_{\text{day}})}$$

$$\text{IWC} = \frac{130{,}000\ (^{\text{gal}}/_{\text{day}})}{130{,}000\ (^{\text{gal}}/_{\text{day}}) + 0(^{\text{gal}}/_{\text{day}})}\ (100)$$

IWC = 100%

ii. Carbonaceous Biochemical Oxygen Demand (5-day) ($CBOD_5$)

See Appendix 1 for description of model

iii. Total Residual Chlorine (TRC)

$C_d = \frac{(Q_r\ C_r)+(Q_e C_e)}{Q_d}$
0.011 mg/L = $\frac{(0*0)+(0.13C_e)}{0.13}$
C_e = 0.011 mg/L

iv. Ammonia Toxicity Analysis

Instream CMC = $\frac{0.0577}{1+10^{(7.204-pH)}} + \frac{39.0}{1+10^{(pH-7.204)}}$
pH = 7 SU
Instream CMC = 24.10 mg/L

Instream CCC=($\frac{0.0577}{1+10^{(7.688 - \mathrm{pH})}} + \frac{2.487}{1+10^{(\mathrm{pH} - 7.688)}}$)(MIN(2.85, 1.45x100.028x(25-T)

pH = 7 SU, T = 30 (Summer); pH = 7 SU, T = 20 (Winter)
Instream CCC = 2.18 mg/L (Summer); 4.15 (Winter)

2.18 mg/L = $\frac{(0*0)+(0.13C_e)}{0.13}$
C_e = 2.0 mg/L (Summer)

4.15 mg/L = $\frac{(0*0)+(0.13C_e)}{0.13}$
C_e = 4.0 mg/L (Winter)

v. Dissolved Oxygen (DO)

See Appendix 1 for description of model

H. Applicable Technology-Based Effluent Limits (TBELs)

Technology-based effluent limitations aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States.

i. Secondary Treatment Standards

Parameter	**Secondary Treatment Standard**
BOD5	30 mg/L Monthly Average 45 mg/L Weekly Average
TSS	30 mg/L Monthly Average 45 mg/L Weekly Average
Removal	85% BOD5 (or CBOD5) and TSS
pH	Maintained within the limits of 6.0-9.0 standard units

I. Comparison & Summary of Water Quality-Based vs. Technology-Based Effluent Limits

Parameter	**Previous Permit Limit**			**WQBELs**			**TBELs**		**Explanation**
	Monthly Average	Weekly Average	Daily Max	Monthly Average	Weekly Average	Daily Max	Monthly Average	Weekly Average	
$CBOD_5$ (Summer)	10 mg/L	15 mg/L	---	10 mg/L	15 mg/L	---	30 mg/L	45 mg/L	WQBEL is more protective
$CBOD_5$ (Winter)	15 mg/L	22.5 mg/L	---	15 mg/L	22.5 mg/L	---	30 mg/L	45 mg/L	WQBEL is more protective
$CBOD_5$ % Removal	85%		---	---	---	---	85%		TBEL is sufficient to meet WQS
TSS	30 mg/L	45mg/L	---	---	---	---	30 mg/L	45 mg/L	TBEL is sufficient to meet WQS
TSS % Removal	85%		---	---	---	---	85%		TBEL is sufficient to meet WQS
Ammonia (Summer)	2.0 mg/L	3.0 mg/L	---	2.0 mg/L	3.0 mg/L	---	---	---	WQBEL is more protective
Ammonia (Winter)	4.0 mg/L	6.0 mg/L	---	4.0 mg/L	6.0 mg/L	---	---	---	WQBEL is more protective
Fecal Coliform (Summer)	200/100mL	---	400 / 100 mL	---	---	---	---	---	Previous Permit Limit was end of pipe criteria
Fecal Coliform (Winter)	2000 /100mL	---	4000 / 100 mL	---	---	---	---	---	Previous Permit Limit was end of pipe criteria
E. coli	126 / 100mL	---	410 / 100 mL	126 / 100mL	---	410 / 100 mL	---	---	WQBEL is end of pipe criteria
Dissolved Oxygen	>6.0 mg/L			> 6.0 mg/L			---		WQBEL is more protective
pH	6.0 – 9.0			---			6.0 – 9.0		TBEL is sufficient
TRC	0.011 mg/L		---	0.011 mg/L		---	---		WQBEL is more protective
TN	---		---	Report		---	---		Provides for sufficient data for use at a later date
TP	---		---	Report		---	---		Provides for sufficient data for use at a later date

4. 401 Certification

Since the Mississippi Band of Choctaw Indians have not adopted water quality standards nor have they been delegated 401 certification authority, the EPA believes the permit limits are protective of these waters, and therefore the EPA waives 401 certification for this permit.

5. Services Consultation

In accordance with 40 CFR § 122.49(c) the EPA is required to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that "any action authorized EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat." In the letter date July 31, 2017, the FWS concurred with the EPA determination that the proposed project "May affect, but is not likely to adversely affect" federally listed species.

6. Public Comment

In accordance with 40 CFR § 124.10(d)(1) the Public Notice was published in the Choctaw Community News August 12, 2017 and open until September 10, 2017. Within this time no comments were received.

Appendix 1

Model Selection:
EPA's Advanced Eutro WASP Model (version 8.0) was parameterized to evaluate fate and transport of oxygen demanding substances from the discharger into downstream receiving waters.

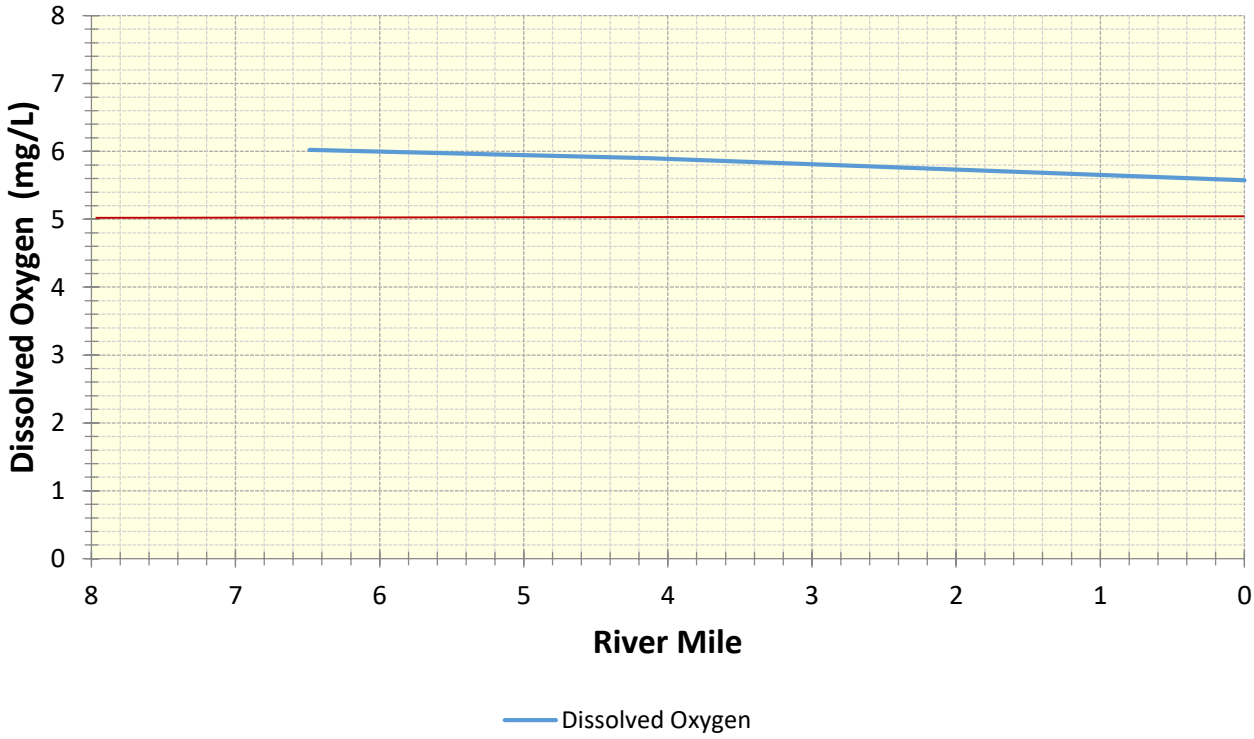
Key Model Assumptions:
The one-dimensional longitudinally-segmented model was run in a steady-state mode with the following assumptions:

- Primary drivers for dissolved oxygen concentration in receiving stream are reaeration, CBOD and NBOD demand, SOD demand, and boundary conditions.
- Receiving stream Box Creek flow boundary at critical 7Q10 drought flow (0.00 MGD)
- Simulated effluent at full design flow 0.13 MGD and effluent monthly average limits for CBOD (30 mg/l CBODu assuming a CBOD5/CBODu ratio of 0.31 and CBOD5 of 10 mg/l) and NH3 (2.0 mg/l – weekly average permit limit to compare against 96 hr chronic toxic exposure).
- Assumed Box Creek boundary for NH3 as 2 mg/l, boundary for CBODu as 30 mg/l
- Assumed constant receiving stream background water temperature of 30 deg C.
- The DO discharge was put in at the minimum limit of 6.0 mg/L
- BOD decay rate set to 0.1/day and corrected for temperature. Rate is consistent with typical secondary treated effluent.
- Nitrification rate set to 0.25/day and corrected for temperature. Rate is consistent with typical secondary treated effluent.
- Reaeration rate based on Covar equation for open channel streams.

Model segmentation was developed using the WASP preprocessor in EPA BASINS software based on USGS NHD dataset. Modeling files are available upon request.

Longitudinal Plot of Box Creek:

The following is a longitudinal plot of Box Creek at 7Q10 0 cms critical summertime conditions (receiving stream at 30ºC) showing dissolved oxygen concentrations upstream to downstream with discharge to Box Creek at design flow (0.0057 cms). Note that the travel time is insufficient for the oxygen demand to fully express before confluence with larger canal downstream model boundary. DO achieves MDEQ WQC of DO>5 mg/l on a daily average basis and DO>4mg/l on an instantaneous minimum basis at the State/Tribal Boundary and in state waters.


Dissolved Oxygen (mg/L)
8
7
6
5
4
3
2
1
0
8
7
6
5
4
3
2
1
0
River Mile
Dissolved Oxygen