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

MAY 24 2018

CERTIFIED MAIL 7017 1450 0000 7973 3257
RETURN RECEIPT REQUESTED

Mr. Ricky Cook
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 MS0040924 – Tucker Wastewater Treatment Facility

Dear Mr. Cook:

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. Angela Athey of my staff at (404) 562-8609 or Athey.Angela@epa.gov.

Sincerely,

Jeaneanne M. Gettle, Director
Water Protection Division

Enclosures

cc: Mr. Jason Cumberland
Choctaw, Mississippi

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

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT NUMBER
MS0040924

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:	**Tucker Wastewater Treatment Facility** **West Tucker Circle, Tucker Community** **Philadelphia, Mississippi 39350**
from the outfall:	**001 (Latitude 32 41' 59.88" North; Longitude 89 3' 53.93" West)**
into the receiving water body:	**Unnamed Tributary to Cushtusia Canal**

This permit shall become effective on:	June 1, 2018
This permit shall expire on:	May 31, 2023
Issuance Date:	May 21, 2018

The permittee shall reapply for NPDES coverage to discharge before December 2, 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.

Jeanne M. Gettle

Jeanne M. Gettle, 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 (EPA Form No. 3320-1) are due quarterly and must be entered into NetDMR (see Part II.B.1)
2. Submittal of NPDES Application	A complete application (Forms 1, 2A, and 2S) 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
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 from a treatment facility with a **design capacity of 0.05 MGD** to the receiving water body. Such discharges shall be limited and monitored by the permittee as specified in Table 1.

Table 1: Limitations and Monitoring Requirements for Outfall 001

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING LOCATION	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow, MGD	Report	Report	---	Effluent	2/Month	Instantaneous
Dissolved Oxygen (DO), mg/l	DO shall not be less than 6.0 mg/l			Effluent	1/Month	Grab
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report	---	---	Influent	1/Month	Grab
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$) Percent Removal, %	85%[a]			Influent/Effluent	1/Month	Calculated
Total Suspended Solids (TSS), mg/l	Report 30.0	--- 45.0	--- ---	Influent Effluent	1/Month	Grab
Total Suspended Solids (TSS) Percent Removal, %	85%[a]			Influent/Effluent	1/Month	Calculated
pH, standard units (SU)	6.0 - 9.0			Effluent	1/Month	Instantaneous
E. coli, #/100 mL	126	---	410	Effluent	1/Month	Grab
Total Residual Chlorine (TRC), mg/l	---	---	0.011	Effluent	1/Month	Grab
Total Nitrogen (TN) as Nitrogen, mg/l	Report	Report	---	Effluent	Quarterly	Grab
Total Phosphorus, (TP) as Phosphorous, mg/l	Report	Report	---	Effluent	Quarterly	Grab
Additional Limits during the Summer (May 1st through October 31st)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	7.0	10.5	---	Effluent	1/Month	Grab
Total Ammonia as Nitrogen, mg/l	1.0	1.5	---	Effluent	1/Month	Grab

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING LOCATION	MEASUREMENT FREQUENCY	SAMPLE TYPE
Additional Limits during the Winter (November1st through April 30th)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	10.0	15.0	---	Effluent	1/Month	Grab
Total Ammonia as Nitrogen, mg/l	1.5	2.25	---	Effluent	1/Month	Grab

[a] Each month, the monthly average effluent $CBOD_5$ and TSS concentrations shall not exceed 15% of the average of their respective influent concentration values (85% removal). The percent removal shall be reported on the DMR and submitted electronically using NetDMR.

2. 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 to the outfall, after final treatment but prior to the actual discharge or mixing with the receiving waters (unless otherwise specified).

3. 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, if monitoring is not feasible, estimated to obtain reportable data. All monitoring results shall be reported on the DMR and submitted electronically using NetDMR.

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

5. 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. 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.

6. 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 DMR, 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 III.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 for arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc.

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 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 Clean Water Act (CWA) § 405(d)(2), 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 CWA § 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 CWA § 405(d)(2)(D).

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

6. Cause for modification. 40 CFR §122.62(a)(1) provides the alterations are a cause for modification but not revocation and reissuance of permits except when the permittee requests or agrees. Alterations are defined as follows: There are material and substantial changes or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) 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 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 Part 503.

C. Schedule of Compliance

The permittee shall achieve operational levels and compliance with the effluent limitations specified for discharges on the effective date of the permit.

PART II – OTHER PERMIT REQUIREMENTS

A. Reporting, Monitoring, and Recording Requirements

1. Electronic Reporting Requirements

a. 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.

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.

   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.

d. DMRs must be reported using EPA's electronic NetDMR tool unless a waiver from electronic reporting has been granted from EPA Region 4.

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 – 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 (Part I.A.2). 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 ensure 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.

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 Director), 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 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 this 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), 122.41(l)(6), and 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 DMRs 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:

a. 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

b. 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.

c. 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 Director may grant permission to submit an application later than the 180 days in advance, but no later than the permit expiration date.

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 mean the EPA Region 4 Water Division Director, as the Regional Administrator's designee.

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.: MS0040924 Last Updated: March 27, 2018

1. Facility Information

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

B. Facility Address: Tucker Wastewater Treatment Facility
West Tucker Circle, Tucker Community
Philadelphia, Mississippi 39350

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	Watershed
001	32°41'59.88" N	89°3'53.93" W	Unnamed Tributary to Cushtusia Canal to Kentawka Canal	Upper Pearl Basin HUC 03180001

E. Permitted Capacity: 0.05 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 dechlorination and post-treatment aeration chamber. Population served is approximately 191.

G. Type of Wastewater Discharge:

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

H. Characterization of Effluent

Outfall No. 001 (As reported on application)

Effluent Characteristic	**Minimum Daily Value**	**Average Daily Value**	**Maximum Daily Value**
Flow, MGD	---	0.07	0.26
Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$), mg/L	---	2.77	5.00
Total Suspended Solids, mg/L	---	12.44	25.00
Fecal Coliform Bacteria, #/100mL	---	45.2	124
pH, S.U.	6.00	---	7.50

Outfall No. 001 (Summary of DMR data from reports 12/31/2012-11/30/2017; See Appendix 2)

Effluent Characteristic	**Minimum Daily Minimum**	**Average Monthly Average**	**Maximum Daily Maximum/Weekly Average**
Flow (MGD)	---	0.10	0.67
Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$), Summer, mg/L	---	3.08	21.00
Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$), Winter, mg/L	---	3.79	11.00
$CBOD_5$ Percent Removal, %	*	*	---
Total Suspended Solids (TSS), mg/L	---	17.29	35.00
TSS Percent Removal, %	52.00	83.73	---
Fecal Coliform Bacteria, Summer, #/100mL	---	60.83	192.00
Fecal Coliform Bacteria, Winter, #/100mL	---	32.68	124.00
pH	6.00	---	8.13
Total Ammonia as Nitrogen, Summer, mg/L	---	1.03	9.56
Total Ammonia as Nitrogen, Winter, mg/L	---	0.78	10.30
Total Residual Chlorine (TRC), mg/L	---	0.05[a]	0.88
Dissolved Oxygen (DO), mg/L	0.79	7.68	---
Total Nitrogen as Nitrogen, mg/L	---	4.00[a]	12.68
Total Phosphorous as Phosphorous, mg/L	---	1.68[a]	1.68

[a] Average of the reported Daily Maximum Values
*$CBOD_5$ percent removal reporting was not required during the previous permit cycle.

2. Water Quality Standards & Receiving Waterbody Information

A. Receiving Waterbody Classification and Information – The Mississippi Band of Choctaw has not promulgated their own Water Quality Standards, therefore there are no Water Quality Standards applicable to the Tribal waters at this time. The State/Tribal Boundary is located within the Unnamed Tributary prior to its confluence with Cushtusia Canal. The EPA used Mississippi Water Quality Standards (part 6, chapter 2, Rule 2.4) to determine reasonable potential at the State/Tribal Boundary and for state waters. The Unnamed Tributary, Cushtusia Canal, and Kentawka Canal have a designated use of Fish and Wildlife in the State of Mississippi. This permit is protective of designated uses of state waters in the State of Mississippi.

B. Critical flows were estimated using data from the Pearl River near Lena, MS gage #02483500.

Unnamed Tributary: 7Q10 = 0 cfs

Cushtusia Canal: 7Q10 = 0.24 cfs

C. 303(d) Status – The Unnamed Tributary has not been assessed for water quality by the Mississippi Band of Choctaw, nor does it appear on the State of Mississippi 2016 303(d) List. Cushtusia Canal and Kentawka Canal are not listed on the State of Mississippi 2016 303(d) List.

D. Total Maximum Daily Loads – TMDLs exist in the Pearl River for mercury, nutrients, sediment, DDT, and toxaphene, but none list Tucker WWTF as a point source. Tucker WWTF effluent is not an expected source of DDT, toxaphene, or mercury, nor is it expected to cause or contribute to a sediment impairment. MDEQ approved the *TMDL for Total Nitrogen and Total Phosphorus For the Pearl River* in 2009. Discharges from Tribal lands, including from the Tucker WWTF, were not included in the TMDL as a source of total nitrogen or total phosphorus, and due to the size of the facility, we presume that they are a de minimus source at the state line.

3. Effluent Limits and Permit Conditions

A. Proposed Effluent Limitations

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING LOCATION	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow, MGD	Report	Report	---	Effluent	2/Month	Instantaneous
Dissolved Oxygen (DO), mg/l	DO shall not be less than 6.0 mg/l			Effluent	1/Month	Grab
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	Report	---	---	Influent	1/Month	Grab
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$) Percent Removal, %	85%[a]			Influent/Effluent	1/Month	Calculated
Total Suspended Solids (TSS), mg/l	Report 30.0	--- 45.0	--- ---	Influent Effluent	1/Month	Grab
Total Suspended Solids (TSS) Percent Removal, %	85%[a]			Influent/Effluent	1/Month	Calculated
pH, standard units (SU)	6.0 - 9.0			Effluent	1/Month	Instantaneous
E. coli, #/100 mL	126	---	410	Effluent	1/Month	Grab
Total Residual Chlorine (TRC), mg/l	---	---	0.011	Effluent	1/Month	Grab
Total Nitrogen (TN) as Nitrogen, mg/l	Report	Report	---	Effluent	Quarterly	Grab
Total Phosphorus, (TP) as Phosphorous, mg/l	Report	Report	---	Effluent	Quarterly	Grab

PARAMETERS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	DAILY MAXIMUM	SAMPLING LOCATION	MEASUREMENT FREQUENCY	SAMPLE TYPE
Additional Limits during the Summer (May 1st through October 31st)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	7.0	10.5	---	Effluent	1/Month	Grab
Total Ammonia as Nitrogen, mg/l	1.0	1.5	---	Effluent	1/Month	Grab
Additional Limits during the Winter (November1st through April 30th)						
Carbonaceous Biochemical Oxygen Demand 5-Day ($CBOD_5$), mg/l	10.0	15.0	---	Effluent	1/Month	Grab
Total Ammonia as Nitrogen, mg/l	1.5	2.25	---	Effluent	1/Month	Grab

[a] Each month, the average of the monthly average effluent $CBOD_5$ and TSS concentrations shall not exceed 15% of the average of their respective influent concentration values (85% removal). The percent removal shall be reported on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1).

B. Reasonable Potential (RP)

Reasonable Potential was performed using facility DMR data from December 31, 2012 thru November 30, 2017.

C. Total Nitrogen and Total Phosphorus

This permit requires 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 required so that sufficient information will be available regarding the nutrient contribution from this point source, should it be necessary at some later time to develop nutrient limits for this discharge.

D. 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 monthly average and weekly average effluent limitations for $CBOD_5$ are protective of instream DO based on QUAL-2E model results. (See Appendix 1) The percent removal limitation for $CBOD_5$ is based on minimum level of effluent quality requirements of 40 CFR § 133.102 for discharges of wastewater from POTWs.
Total Suspended Solids (TSS), mg/l	The effluent limitations for TSS are 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 (DO), mg/l	The effluent limitation for dissolved oxygen is protective of instream DO based on QUAL-2E model results. (See Appendix 1)

E. Basis for Nonconventional Pollutants Limits

Pollutant of Concern	**Basis**
Ammonia, mg/l	The effluent limitations for ammonia are protective of instream DO based on QUAL-2E model results. (See Appendix 1) The limits are protective of MDEQ NH_3 toxicity-based Water Quality Standard (EPA 1999 Update of Ambient Water Quality Criteria for Ammonia)
Total Nitrogen, mg/l	Monitoring for Total Nitrogen is required 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 is required 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.

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

i. Instream Waste Concentration (IWC)

$$IWC\ (\%) = \frac{\text{Design Flow (gpd)}}{\text{Design Flow (gpd)+7Q10(gpd)}} x\ 100\%$$

$$IWC\ (\%) = \frac{50{,}000\ \text{gpd}}{50{,}000\ \text{gpd} + 0\ \text{gpd}}\ x\ 100\%$$

$IWC\ (\%) = 100\%$ in the Unnamed Tributary

ii. Dissolved Oxygen (DO)

The Tribal Band of Choctaw has not promulgated water quality standards. The State of Mississippi has promulgated a DO standard that states that DO concentrations shall be maintained at a minimum daily average of at least 5.0 mg/L and an instantaneous minimum of at least 4.0 mg/L. A QUAL-2E model was developed to analyze the effect of the facility's effluent on the receiving waterbody and determine $CBOD_5$, ammonia, and DO limits that are protective of these criteria. A minimum DO limit of 6.0 mg/L in the effluent was determined to be protective. See Appendix 1 for more information about the QUAL-2E model.

Permit Limit: DO shall not be less than 6.0 mg/L

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

Monthly average $CBOD_5$ WQBELs of 7.0 mg/L (Summer) and 10.0 mg/L (Winter) were developed using the QUAL-2E model to be protective of instream DO. See Appendix 1 for more information about the QUAL-2E model.

Monthly average $CBOD_5$ limit (Summer) = 7.0 mg/L

Monthly average $CBOD_5$ limit (Winter) = 10.5 mg/L

A weekly average $CBOD_5$ limit was developed using the following equation:

Weekly average $CBOD_5$ limit = Monthly average $CBOD_5$ limit x 1.5

Weekly average $CBOD_5$ limit (Summer) = 7.0 mg/L x 1.5

Weekly average $CBOD_5$ limit (Summer) = 10.5 mg/L

Weekly average $CBOD_5$ limit (Winter) = 10.0 mg/L x 1.5

Weekly average $CBOD_5$ limit (Winter) = 15.0 mg/L

iv. Ammonia

a. Ammonia Toxicity Analysis

The Tribal Band of Choctaw has not promulgated WQS. The State of Mississippi has adopted the *1999 Update of Ambient Water Quality Criteria for Ammonia; EPA document number EPA-822-R-99-014* for ammonia toxicity. Toxicity-based ammonia limits have been developed for this permit so that these criteria will be met at the State/Tribal boundary and in state waters.

Criterion Maximum Concentration (CMC) - Salmonid Fish Present

$$CMC = \frac{0.0577}{1+10^{(7.204 - pH)}} + \frac{39.0}{1+10^{(pH - 7.204)}}$$

CMC = Instream criterion maximum concentration for total ammonia

pH = 7 SU

Instream CMC = 24.10 mg/L

$$C_E = \frac{[CMC \times (Design\ Flow + 7Q10)] - (7Q10 \times C_B)}{Design\ Flow}$$

Where:

C_B = Upstream ammonia concentration = 0 mg/L

C_E = Allowable ammonia effluent concentration, mg/L

C_E = 24.10 mg/L

Criterion Continuous Concentration (CCC) – Early Life Stages Present

$$CCC = \left(\frac{0.0577}{1+10^{(7.688 - \mathrm{pH})}} + \frac{2.487}{1+10^{(\mathrm{pH} - 7.688)}}\right) \times MIN(2.85, 1.45 \times 10^{[0.028 \times (25 - T)]})$$

CCC = Instream criterion continuous concentration for total ammonia

$$C_E = \frac{[CCC \times (Design\ Flow + 7Q10)] - (7Q10 \times C_B)}{Design\ Flow}$$

Where:

C_B = Upstream ammonia concentration = 0 mg/L

C_E = Allowable ammonia effluent concentration, mg/L

Summer (May 1st – Oct 31st)

pH = 7 SU, T = 30 ºC

CCC (Summer) = 2.18 mg/L

C_E (Summer) = 2.18 mg/L

Winter (Nov 1st – Apr 30th)

pH = 7 SU, T = 20 ºC

CCC (Winter) = 4.15 mg/L

C_E (Winter) = 4.15 mg/L

The seasonal limits based on the Instream CCC criteria are more stringent than the limit based on the Instream CMC criteria. Therefore, the limits of 2.18 mg/L (Summer) and 4.15 mg/L (Winter) will be used to compare against the DO-based ammonia WQBELs developed in the QUAL-2E model as discussed in Section iv.b.

b. DO-Based Ammonia Limits

Monthly average ammonia WQBELs of 1.0 mg/L (Summer) and 1.5 (Winter) were developed using the QUAL-2E model to be protective of instream DO. (See Appendix 1 for more information about the QUAL-2E model.) These WQBELs are more stringent than those developed to be protective of toxicity (2.18 mg/L Summer, 4.15 mg/L Winter). Therefore, the DO-based ammonia WQBELs will be used to protect against toxicity while protecting instream DO.

Monthly average total ammonia limit (Summer) = 1.0 mg/L

Monthly average total ammonia limit (Winter) = 1.5 mg/L

Weekly average total ammonia limits were developed using the following equation:

Weekly average total ammonia limit = Monthly average total ammonia limit x 1.5

Weekly average total ammonia limit (Summer) = 1.0 mg/L x 1.5

Weekly average total ammonia limit (Summer) = 1.5 mg/L

Weekly average total ammonia limit (Winter) = 1.5 mg/L x 1.5

Weekly average total ammonia limit (Winter) = 2.25 mg/L

v. Total Residual Chlorine (TRC)

The Tribal Band of Choctaw has not promulgated WQS. The State of Mississippi has promulgated Fresh Water chlorine chronic criteria of 0.011 mg/L and acute criteria of 0.019 mg/L. A total residual chlorine limit has been developed for this permit so that these criteria will be met at the State/Tribal boundary and in state waters.

$$C_D = \frac{(Q_R \times C_R) + (Q_E \times C_E)}{Q_D}$$

Q_R = Critical streamflow = 7Q10 = 0 cfs
C_R = Upstream concentration = 0 mg/L
Q_E = Effluent design flow = 0.05 MGD
C_E = Effluent concentration
Q_D = Combined downstream flow = $Q_D + Q_E$ = 0.05 MGD
C_D = Downstream concentration = 0.011 mg/L

$$0.011\ mg/L = \frac{(0\ cfs \times 0\ mg/L) + (0.05\ MGD \times C_E)}{0.05\ MGD}$$

$$C_E = 0.11\ mg/L$$

Daily Maximum Limit = 0.011 mg/L

G. 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**
BOD_5 ($CBOD_5$)	30 mg/L (25 mg/L) Monthly Average 45 mg/L (37.5 mg/L) Weekly Average
TSS	30 mg/L Monthly Average 45 mg/L Weekly Average
Removal	85% BOD_5 (or $CBOD_5$) and TSS
pH	Maintained within the limits of 6.0-9.0 standard units

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

Parameter	**Previous Permit Limit**			**Proposed Permit**					**Explanation**
				WQBELs			**TBELs**		
	Monthly Average	Weekly Average	Daily Max	Monthly Average	Weekly Average	Daily Max	Monthly Average	Weekly Average	
$CBOD_5$ (Summer)	7.0 mg/L	10.5 mg/L	---	7.0 mg/L	10.5 mg/L	---	25 mg/L	37.5 mg/L	WQBELs are more stringent than the TBELs
$CBOD_5$ (Winter)	10.0 mg/L	15.0 mg/L	---	10.0 mg/L	15.0 mg/L	---	25 mg/L	37.5 mg/L	WQBELs are more stringent than the TBELs
$CBOD_5$ % Removal	---		---	---	---	---	85%		TBEL is protective of WQS
TSS	30 mg/L	45 mg/L	---	---	---	---	30 mg/L	45 mg/L	TBELs are protective of WQS
TSS % Removal	85%		---	---	---	---	85%		TBEL is protective of WQS
Total Ammonia as Nitrogen (Summer)	1.0 mg/L	1.5 mg/L	---	1.0 mg/L	1.5 mg/L	---	---	---	WQBELs are protective of WQS. There are no TBELs.
Total Ammonia as Nitrogen (Winter)	1.5 mg/L	2.25 mg/L	---	1.5 mg/L	2.25 mg/L	---	---	---	WQBELs are protective of WQS. There are no TBELs.
Fecal Coliform (Summer)	200 #/100 mL	---	400 #/100 mL	---	---	---	---	---	Previous Permit Limits were end of pipe criteria. Pathogen limits changed from fecal coliform to e. coli.
Fecal Coliform (Winter)	2000 #/100 mL	---	4000 #/100 mL	---	---	---	---	---	
E. coli	---	---	---	126 #/100 mL	---	410 #/100 mL	---	---	WQBELs are end of pipe criteria.
Dissolved Oxygen	>6.0 mg/L			> 6.0 mg/L			---		WQBEL is protective of WQS. There are no TBELs.
pH	6.0 – 9.0			---			6.0 – 9.0		TBELs are protective of WQS.
TRC	---	---	0.011 mg/L	---	---	0.011 mg/L	---		WQBEL is protective of WQS. There are no TBELs.
TN	Report		---	Report		---	---		Provides data for use at a later date
TP	Report		---	Report		---	---		Provides data for use at a later date

4. 401 Certification

The Clean Water Act (CWA) §401 statute and regulations stipulate that no federal permit or license can be issued that may result in a discharge to waters of the United States unless the state or authorized tribe certifies that the discharge is consistent with water quality standards and other water quality goals, or waives its certification authority. EPA Regional offices are directed to certify on behalf of tribes without CWA §401 program authority.

The CWA §401 regulations direct certifying agencies to conclude that the permitted activity will be consistent with effluent limitations for conventional and non-conventional pollutants, water quality standards, new source performance standards, and toxic pollutant limitations, and any other appropriate state and/or tribal requirements. A second component of the scope of the CWA §401 review is determining whether an activity requiring certification in one state or tribe (i.e., in the location where the discharge originates) may potentially impact the water quality of a neighboring state or tribe. In those instances, the EPA is directed to notify the state or tribe whose water quality may be affected and other review processes may be triggered.

The Tribal Band of Choctaw has not promulgated water quality standards, and discharges from the Tucker WWTF will occur just upstream of the Mississippi state boundary. The subject permit was developed to be consistent with the State of Mississippi's Water Quality Standards (part 6, chapter 2, Rule 2.4). It is protective of designated uses of state waters and with the other applicable provisions of the CWA (i.e., §§ 301, 302, 303, 306, and 307).

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 (Service), 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 a letter dated March 16, 2018, the Service concurred with the EPA determination that the proposed project "May affect, but [is] not likely to adversely affect" federally listed species or critical habitat.

6. Public Participation

The public notice for this draft permit will be published in the Neshoba Democrat with the permit documents available on the EPA Region 4 website. The public comment period will be open for 30 days after publication of the public notice. A response to comment document will be drafted and included with the final permit should any significant comments be received.

DATE: May 15, 2018

AMENDMENT TO THE FACT SHEET AT THE TIME OF ISSUANCE

PERMIT NO: MS0040924

NAME OF APPLICANT: Tucker Wastewater Treatment Facility

A. Public Comments

In accordance with 40 CFR § 124.10(d)(1) the Public Notice announcing the proposed reissuance of EPA Region 4's Individual NPDES Permit for Tucker Wastewater Treatment Facility, No. MS0040924, was published in the Neshoba Democrat on April 11, 2018. The comment period was open for 30 days until May 11, 2018. EPA Region 4 received no comments during this time.

B. Changes to Fact Sheet

In Part H of the draft Fact Sheet, the proposed summer and winter ammonia WQBELs were typos. These have been corrected in the final Fact Sheet to match the actual proposed summer and winter ammonia WQBELs.

Appendix 1

Model Selection:

A QUAL-2E Stream Quality Routing Model (Version 3.14) was parameterized to evaluate fate and transport of oxygen-demanding substances from the discharger into downstream receiving waters. The model was developed in order to determine WQBELs that would meet Mississippi Water Quality Standards protective of dissolved oxygen to maintain aquatic life as the effluent enters Mississippi waters. It was first developed and run in 1997, and an update of the run was performed in 2002. The permit issued in 2003 contained $CBOD_5$, ammonia as nitrogen, and dissolved oxygen WQBELs that were based on the modeling results and BPJ. The model and limits were reevaluated in 2007 when the facility changed from lagoon treatment to a secondary treatment system with the same design flow, outfall location, and receiving waterbody. The limits were determined to still be protective of Mississippi Water Quality Standards at that time and were included in the permit issued in 2008. The limits were further evaluated and included in the permit issued in 2013.

The model and limits were reevaluated in January 2018 in light of information provided by the applicant on the application received December 2017 regarding the design flow, treatment process, and outfall location. There have been no major changes to the facility design since the model was previously evaluated. An inspection of the receiving waterbody and downstream waterbodies was performed using mapping tools, and it was determined that the model uses a conservative approach in its representation of the receiving waterbody and in the setting of parameters for the exertion of oxygen-demanding substances. The model and limits were determined to still be protective of Mississippi Water Quality Standards at the State/Tribal boundary. Therefore, the $CBOD_5$, ammonia as nitrogen, and dissolved oxygen limits that were in the previous permit are being carried over into this permit. The QUAL-2E modeling files from 2002 are available upon request.

Appendix 2 – Summary of DMR Data

Effluent Flow

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units
12/31/2012	*	*	MGD
01/31/2013	0.42	0.67	MGD
02/28/2013	0.14	0.21	MGD
03/31/2013	0.03	0.06	MGD
04/30/2013	0.08	0.09	MGD
05/31/2013	0.13	0.16	MGD
06/30/2013	0.08	0.10	MGD
07/31/2013	0.18	0.28	MGD
08/31/2013	0.11	0.17	MGD
09/30/2013	0.24	0.26	MGD
10/31/2013	0.05	0.06	MGD
11/30/2013	0.06	0.08	MGD
12/31/2013	0.11	0.14	MGD
01/31/2014	0.08	0.10	MGD
02/28/2014	0.11	0.13	MGD
03/31/2014	0.10	0.12	MGD
04/30/2014	0.12	0.16	MGD
05/31/2014	0.08	0.10	MGD
06/30/2014	0.07	0.10	MGD
07/31/2014	0.08	0.10	MGD
08/31/2014	0.08	0.10	MGD
09/30/2014	0.07	0.08	MGD
10/31/2014	0.07	0.07	MGD
11/30/2014	0.06	0.10	MGD
12/31/2014	0.10	0.13	MGD
01/31/2015	0.10	0.14	MGD
02/28/2015	0.10	0.15	MGD
03/31/2015	0.26	0.33	MGD
04/30/2015	0.14**	0.14	MGD
05/31/2015	0.08	0.08	MGD
06/30/2015	0.17	0.25	MGD
07/31/2015	0.07	0.09	MGD
08/31/2015	0.07	0.07	MGD
09/30/2015	0.06	0.09	MGD
10/31/2015	0.06	0.07	MGD
11/30/2015	0.10	0.12	MGD
12/31/2015	0.10	0.12	MGD
01/31/2016	0.09	0.10	MGD
02/29/2016	0.18	0.24	MGD
03/31/2016	0.20	0.36	MGD
04/30/2016	*	*	MGD
05/31/2016	*	*	MGD
06/30/2016	*	*	MGD
07/31/2016	*	*	MGD
08/31/2016	*	*	MGD
09/30/2016	*	*	MGD
10/31/2016	*	*	MGD
11/30/2016	*	*	MGD
12/31/2016	0.06	0.06	MGD
01/31/2017	0.07	0.08	MGD
02/28/2017	*	*	MGD
03/31/2017	0.09	0.11	MGD
04/30/2017	0.07	0.13	MGD
05/31/2017	0.07	0.14	MGD
06/30/2017	0.09	0.13	MGD
07/31/2017	0.04	0.09	MGD
08/31/2017	0.08	0.08	MGD
09/30/2017	0.12	0.12	MGD
10/31/2017	0.07	0.07	MGD
11/30/2017	0.06	0.07	MGD

Data Points, n	50	50	
Average	0.10	0.14	MGD
Maximum		0.67	MGD

* Data unavailable

** Monthly average value reported was 0.93 MGD, which is significantly higher than reported weekly average. Monthly average value estimated at weekly average value of 0.14 MGD.

$CBOD_5$ – Winter

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units
12/31/2012	6.00	6.00	mg/L
01/31/2013	1.00	1.00	mg/L
02/28/2013	1.00	1.00	mg/L
03/31/2013	1.00	1.00	mg/L
04/30/2013	2.00	2.00	mg/L
11/30/2013	2.00	2.00	mg/L
12/31/2013	4.00	4.00	mg/L
01/31/2014	5.00	5.00	mg/L
02/28/2014	2.00	2.00	mg/L
03/31/2014	1.00	1.00	mg/L
04/30/2014	7.00	7.00	mg/L
11/30/2014	1.00	1.00	mg/L
12/31/2014	3.00	3.00	mg/L
01/31/2015	11.00	11.00	mg/L
02/28/2015	2.00	2.00	mg/L
03/31/2015	5.00	5.00	mg/L
04/30/2015	4.00	4.00	mg/L
11/30/2015	1.00	1.00	mg/L
12/31/2015	8.00	8.00	mg/L
01/31/2016	2.00	2.00	mg/L
02/29/2016	4.00	4.00	mg/L
03/31/2016	4.00	4.00	mg/L
04/30/2016	*	*	mg/L
11/30/2016	*	*	mg/L
12/31/2016	9.00	9.00	mg/L
01/31/2017	3.00	3.00	mg/L
02/28/2017	3.00	3.00	mg/L
03/31/2017	3.00	3.00	mg/L
04/30/2017	5.00	5.00	mg/L
11/30/2017	6.00	6.00	mg/L

Data Points, n	28	28	
Average	3.79	3.79	mg/L
Maximum		11.00	mg/L

* Data unavailable

$CBOD_5$ – Summer

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units
05/31/2013	5.00	5.00	mg/L
06/30/2013	1.00	1.00	mg/L
07/31/2013	1.00	1.00	mg/L
08/31/2013	2.00	2.00	mg/L
09/30/2013	1.00	1.00	mg/L
10/31/2013	2.00	2.00	mg/L
05/31/2014	1.00	1.00	mg/L
06/30/2014	1.00	1.00	mg/L
07/31/2014	2.00	2.00	mg/L
08/31/2014	2.00	2.00	mg/L
09/30/2014	1.00	1.00	mg/L
10/31/2014	4.00	4.00	mg/L
05/31/2015	3.00	3.00	mg/L
06/30/2015	3.00	3.00	mg/L
07/31/2015	2.00	2.00	mg/L
08/31/2015	5.00	5.00	mg/L
09/30/2015	3.00	3.00	mg/L
10/31/2015	21.00	21.00	mg/L
05/31/2016	*	*	mg/L
06/30/2016	*	*	mg/L
07/31/2016	*	*	mg/L
08/31/2016	*	*	mg/L
09/30/2016	*	*	mg/L
10/31/2016	*	*	mg/L
05/31/2017	2.00	2.00	mg/L
06/30/2017	3.00	3.00	mg/L
07/31/2017	3.00	3.00	mg/L
08/31/2017	2.00	2.00	mg/L
09/30/2017	1.00	1.00	mg/L
10/31/2017	3.00	3.00	mg/L

Data Points, n	24	24	
Average	3.08	3.08	mg/L
Maximum		21.00	mg/L

* Data unavailable

TSS

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units	DMR Value Mo Avg Min	Units
12/31/2012	17.00	17.00	mg/L	87.85	%
01/31/2013	22.00	22.00	mg/L	81.67	%
02/28/2013	23.00	23.00	mg/L	84.67	%
03/31/2013	15.00	15.00	mg/L	89.29	%
04/30/2013	17.00	17.00	mg/L	87.86	%
05/31/2013	22.00	22.00	mg/L	84.29	%
06/30/2013	20.00	20.00	mg/L	85.71	%
07/31/2013	16.00	16.00	mg/L	89.00	%
08/31/2013	17.00	17.00	mg/L	88.00	%
09/30/2013	17.00	17.00	mg/L	89.00	%
10/31/2013	15.00	15.00	mg/L	89.00	%
11/30/2013	21.00	21.00	mg/L	83.00	%
12/31/2013	20.00	20.00	mg/L	87.00	%
01/31/2014	16.00	16.00	mg/L	88.00	%
02/28/2014	15.00	15.00	mg/L	89.00	%
03/31/2014	23.00	23.00	mg/L	84.00	%
04/30/2014	28.00	28.00	mg/L	80.00	%
05/31/2014	17.00	17.00	mg/L	88.00	%
06/30/2014	18.00	18.00	mg/L	86.00	%
07/31/2014	17.00	17.00	mg/L	89.00	%
08/31/2014	18.00	18.00	mg/L	88.00	%
09/30/2014	18.00	18.00	mg/L	87.00	%
10/31/2014	19.00	19.00	mg/L	86.00	%
11/30/2014	26.00	26.00	mg/L	83.00	%
12/31/2014	21.00	21.00	mg/L	84.00	%
01/31/2015	20.00	20.00	mg/L	71.00	%
02/28/2015	13.00	13.00	mg/L	87.00	%
03/31/2015	24.00	24.00	mg/L	85.00	%
04/30/2015	24.00	24.00	mg/L	83.00	%
05/31/2015	27.00	27.00	mg/L	82.00	%
06/30/2015	26.00	26.00	mg/L	81.00	%
07/31/2015	15.00	15.00	mg/L	89.00	%
08/31/2015	18.00	18.00	mg/L	88.00	%
09/30/2015	15.00	15.00	mg/L	89.00	%
10/31/2015	15.00	15.00	mg/L	52.00	%
11/30/2015	19.00	19.00	mg/L	76.00	%
12/31/2015	4.00	4.00	mg/L	99.00	%
01/31/2016	6.00	6.00	mg/L	94.00	%
02/29/2016	12.00	12.00	mg/L	87.00	%
03/31/2016	15.00	15.00	mg/L	81.00	%
04/30/2016	*	*	mg/L	*	%
05/31/2016	*	*	mg/L	*	%
06/30/2016	*	*	mg/L	*	%
07/31/2016	*	*	mg/L	*	%
08/31/2016	*	*	mg/L	*	%
09/30/2016	*	*	mg/L	*	%
10/31/2016	*	*	mg/L	*	%
11/30/2016	*	*	mg/L	*	%
12/31/2016	16.00	16.00	mg/L	91.20	%
01/31/2017	9.00	9.00	mg/L	91.20	%
02/28/2017	24.00	24.00	mg/L	64.20	%
03/31/2017	8.00	8.00	mg/L	62.00	%
04/30/2017	14.00	14.00	mg/L	66.60	%
05/31/2017	7.00	7.00	mg/L	88.50	%
06/30/2017	8.00	8.00	mg/L	98.10	%
07/31/2017	8.00	8.00	mg/L	88.10	%
08/31/2017	25.00	25.00	mg/L	60.30	%
09/30/2017	9.00	9.00	mg/L	82.40	%
10/31/2017	5.00	5.00	mg/L	97.70	%
11/30/2017	35.00	35.00	mg/L	61.10	%

Data Points, n	52	52		52	
Minimum				52.00	%
Average	17.29	17.29	mg/L	83.73	%
Maximum		35.00	mg/L		

* Data unavailable

Total Ammonia as N – Winter

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units
12/31/2012	0.19	0.19	mg/L
01/31/2013	0.10	0.10	mg/L
02/28/2013	0.11	0.11	mg/L
03/31/2013	0.19	0.19	mg/L
04/30/2013	0.18	0.18	mg/L
11/30/2013	1.30	1.30	mg/L
12/31/2013	2.30	2.30	mg/L
01/31/2014	0.03	0.03	mg/L
02/28/2014	0.02	0.02	mg/L
03/31/2014	0.02	0.02	mg/L
04/30/2014	0.02	0.02	mg/L
11/30/2014	0.02	0.02	mg/L
12/31/2014	0.02	0.02	mg/L
01/31/2015	0.02	0.02	mg/L
02/28/2015	0.02	0.02	mg/L
03/31/2015	0.02	0.02	mg/L
04/30/2015	0.02	0.02	mg/L
11/30/2015	0.11	0.11	mg/L
12/31/2015	3.27	3.27	mg/L
01/31/2016	0.11	0.11	mg/L
02/29/2016	0.08	0.08	mg/L
03/31/2016	0.11	0.11	mg/L
04/30/2016	*	*	mg/L
11/30/2016	*	*	mg/L
12/31/2016	10.30	10.30	mg/L
01/31/2017	0.05	0.05	mg/L
02/28/2017	0.63	0.63	mg/L
03/31/2017	0.58	0.58	mg/L
04/30/2017	1.68	1.68	mg/L
11/30/2017	0.30	0.30	mg/L

Data Points, n	28	28	
Average	0.78	0.78	mg/L
Maximum		10.30	mg/L

* Data unavailable

Total Ammonia as N – Summer

Monitoring Period End Date	DMR Value Mo Avg	DMR Value Wk Avg	Units
05/31/2013	0.35	0.35	mg/L
06/30/2013	0.15	0.15	mg/L
07/31/2013	0.23	0.23	mg/L
08/31/2013	1.40	1.40	mg/L
09/30/2013	0.10	0.10	mg/L
10/31/2013	0.10	0.10	mg/L
05/31/2014	0.02	0.02	mg/L
06/30/2014	0.02	0.02	mg/L
07/31/2014	0.02	0.02	mg/L
08/31/2014	0.07	0.07	mg/L
09/30/2014	0.02	0.02	mg/L
10/31/2014	0.02	0.02	mg/L
05/31/2015	0.02	0.02	mg/L
06/30/2015	0.02	0.02	mg/L
07/31/2015	0.02	0.02	mg/L
08/31/2015	1.61	1.61	mg/L
09/30/2015	0.14	0.14	mg/L
10/31/2015	9.56	9.56	mg/L
05/31/2016	*	*	mg/L
06/30/2016	*	*	mg/L
07/31/2016	*	*	mg/L
08/31/2016	*	*	mg/L
09/30/2016	*	*	mg/L
10/31/2016	*	*	mg/L
05/31/2017	0.21	0.21	mg/L
06/30/2017	8.64	8.64	mg/L
07/31/2017	1.08	1.08	mg/L
08/31/2017	0.29	0.29	mg/L
09/30/2017	0.12	0.12	mg/L
10/31/2017	0.50	0.50	mg/L

Data Points, n	24	24	
Average	1.03	1.03	mg/L
Maximum		9.56	mg/L

* Data unavailable

Total Residual Chlorine (TRC)

Monitoring Period End Date	DMR Value Daily Max	Units
12/31/2012	0.01	mg/L
01/31/2013	0.01	mg/L
02/28/2013	0.01	mg/L
03/31/2013	0.01	mg/L
04/30/2013	0.01	mg/L
05/31/2013	0.02	mg/L
06/30/2013	0.02	mg/L
07/31/2013	0.01	mg/L
08/31/2013	0.88	mg/L
09/30/2013	0.00	mg/L
10/31/2013	0.02	mg/L
11/30/2013	0.02	mg/L
12/31/2013	0.01	mg/L
01/31/2014	0.21	mg/L
02/28/2014	0.33	mg/L
03/31/2014	0.01	mg/L
04/30/2014	0.02	mg/L
05/31/2014	0.01	mg/L
06/30/2014	0.01	mg/L
07/31/2014	0.03	mg/L
08/31/2014	0.00	mg/L
09/30/2014	0.02	mg/L
10/31/2014	0.07	mg/L
11/30/2014	0.00	mg/L
12/31/2014	0.01	mg/L
01/31/2015	0.02	mg/L
02/28/2015	0.01	mg/L
03/31/2015	0.01	mg/L
04/30/2015	0.00	mg/L
05/31/2015	0.02	mg/L
06/30/2015	0.20	mg/L
07/31/2015	0.01	mg/L
08/31/2015	0.00	mg/L
09/30/2015	0.00	mg/L
10/31/2015	0.00	mg/L
11/30/2015	0.01	mg/L
12/31/2015	0.02	mg/L
01/31/2016	0.01	mg/L
02/29/2016	0.01	mg/L
03/31/2016	0.02	mg/L
04/30/2016	*	mg/L
05/31/2016	*	mg/L
06/30/2016	*	mg/L
07/31/2016	*	mg/L
08/31/2016	*	mg/L
09/30/2016	*	mg/L
10/31/2016	*	mg/L
11/30/2016	*	mg/L
12/31/2016	*	mg/L
01/31/2017	*	mg/L
02/28/2017	*	mg/L
03/31/2017	*	mg/L
04/30/2017	*	mg/L
05/31/2017	*	mg/L
06/30/2017	*	mg/L
07/31/2017	*	mg/L
08/31/2017	*	mg/L
09/30/2017	*	mg/L
10/31/2017	*	mg/L
11/30/2017	*	mg/L

Data Points, n	40	
Average	0.05	mg/L
Maximum	0.88	mg/L

* Data unavailable

pH

Monitoring Period End Date	DMR Value Daily Min	DMR Value Daily Max	Units
12/31/2012	7.50	7.50	SU
01/31/2013	7.00	7.00	SU
02/28/2013	7.00	7.00	SU
03/31/2013	7.00	7.00	SU
04/30/2013	7.00	7.00	SU
05/31/2013	7.00	7.00	SU
06/30/2013	7.00	7.00	SU
07/31/2013	7.00	7.00	SU
08/31/2013	7.50	7.50	SU
09/30/2013	7.00	7.00	SU
10/31/2013	7.00	7.00	SU
11/30/2013	7.00	7.00	SU
12/31/2013	7.00	7.00	SU
01/31/2014	7.00	7.00	SU
02/28/2014	7.00	7.00	SU
03/31/2014	7.00	7.00	SU
04/30/2014	7.00	7.00	SU
05/31/2014	6.50	6.50	SU
06/30/2014	7.00	7.00	SU
07/31/2014	7.00	7.00	SU
08/31/2014	7.00	7.00	SU
09/30/2014	7.00	7.00	SU
10/31/2014	7.00	7.00	SU
11/30/2014	7.40	7.14	SU
12/31/2014	6.00	6.00	SU
01/31/2015	6.50	6.50	SU
02/28/2015	6.50	6.50	SU
03/31/2015	6.50	6.50	SU
04/30/2015	7.00	7.00	SU
05/31/2015	8.13	8.13	SU
06/30/2015	7.00	7.00	SU
07/31/2015	6.00	6.00	SU
08/31/2015	6.50	6.50	SU
09/30/2015	6.00	6.00	SU
10/31/2015	8.00	8.00	SU
11/30/2015	7.00	7.00	SU
12/31/2015	6.50	6.50	SU
01/31/2016	7.00	7.00	SU
02/29/2016	7.00	7.00	SU
03/31/2016	6.50	6.50	SU
04/30/2016	*	*	SU
05/31/2016	*	*	SU
06/30/2016	*	*	SU
07/31/2016	*	*	SU
08/31/2016	*	*	SU
09/30/2016	*	*	SU
10/31/2016	*	*	SU
11/30/2016	*	*	SU
12/31/2016	*	*	SU
01/31/2017	*	*	SU
02/28/2017	6.50	6.50	SU
03/31/2017	7.00	7.00	SU
04/30/2017	6.00	6.00	SU
05/31/2017	*	*	SU
06/30/2017	*	*	SU
07/31/2017	7.10	7.10	SU
08/31/2017	7.20	7.20	SU
09/30/2017	6.50	6.50	SU
10/31/2017	*	*	SU
11/30/2017	7.40	7.40	SU

Data Points, n	47	47	
Minimum	6.00		SU
Maximum		8.13	SU

* Data unavailable

Dissolved Oxygen (DO)

Monitoring Period End Date	DMR Value Daily Min	Units
12/31/2012	7.84	mg/L
01/31/2013	7.41	mg/L
02/28/2013	7.85	mg/L
03/31/2013	7.67	mg/L
04/30/2013	7.85	mg/L
05/31/2013	7.23	mg/L
06/30/2013	7.34	mg/L
07/31/2013	7.34	mg/L
08/31/2013	7.18	mg/L
09/30/2013	7.54	mg/L
10/31/2013	7.14	mg/L
11/30/2013	7.14	mg/L
12/31/2013	4.33	mg/L
01/31/2014	9.77	mg/L
02/28/2014	8.87	mg/L
03/31/2014	8.78	mg/L
04/30/2014	8.70	mg/L
05/31/2014	8.20	mg/L
06/30/2014	7.64	mg/L
07/31/2014	7.86	mg/L
08/31/2014	7.85	mg/L
09/30/2014	8.25	mg/L
10/31/2014	8.18	mg/L
11/30/2014	8.96	mg/L
12/31/2014	10.11	mg/L
01/31/2015	10.31	mg/L
02/28/2015	9.84	mg/L
03/31/2015	10.12	mg/L
04/30/2015	10.36	mg/L
05/31/2015	9.43	mg/L
06/30/2015	9.83	mg/L
07/31/2015	9.81	mg/L
08/31/2015	8.30	mg/L
09/30/2015	9.87	mg/L
10/31/2015	9.41	mg/L
11/30/2015	10.23	mg/L
12/31/2015	9.88	mg/L
01/31/2016	9.71	mg/L
02/29/2016	10.23	mg/L
03/31/2016	9.75	mg/L
04/30/2016	*	mg/L
05/31/2016	*	mg/L
06/30/2016	*	mg/L
07/31/2016	*	mg/L
08/31/2016	*	mg/L
09/30/2016	*	mg/L
10/31/2016	*	mg/L
11/30/2016	*	mg/L
12/31/2016	*	mg/L
01/31/2017	*	mg/L
02/28/2017	8.17	mg/L
03/31/2017	7.85	mg/L
04/30/2017	1.49	mg/L
05/31/2017	1.66	mg/L
06/30/2017	2.56	mg/L
07/31/2017	1.77	mg/L
08/31/2017	2.78	mg/L
09/30/2017	0.79	mg/L
10/31/2017	1.44	mg/L
11/30/2017	8.90	mg/L

Data Points, n	50	
Minimum	0.79	mg/L
Average	7.63	mg/L

* Data unavailable

Fecal Coliform – Winter

Monitoring Period End Date	DMR Value Mo Geomean	DMR Value Wkly Geomean	Units
12/31/2012	1.08	1.08	#/100mL
01/31/2013	1.08	1.08	#/100mL
02/28/2013	1.08	1.08	#/100mL
03/31/2013	0.90	0.90	#/100mL
04/30/2013	0.60	0.60	#/100mL
11/30/2013	38.00	38.00	#/100mL
12/31/2013	4.00	4.00	#/100mL
01/31/2014	4.00	4.00	#/100mL
02/28/2014	0.60	0.60	#/100mL
03/31/2014	28.00	28.00	#/100mL
04/30/2014	8.00	8.00	#/100mL
11/30/2014	84.00	84.00	#/100mL
12/31/2014	112.00	112.00	#/100mL
01/31/2015	104.00	104.00	#/100mL
02/28/2015	4.00	4.00	#/100mL
03/31/2015	16.00	16.00	#/100mL
04/30/2015	4.00	4.00	#/100mL
11/30/2015	92.00	92.00	#/100mL
12/31/2015	124.00	124.00	#/100mL
01/31/2016	104.00	104.00	#/100mL
02/29/2016	4.00	4.00	#/100mL
03/31/2016	4.00	4.00	#/100mL
04/30/2016	*	*	#/100mL
11/30/2016	*	*	#/100mL
12/31/2016	*	*	#/100mL
01/31/2017	19.00	19.00	#/100mL
02/28/2017	4.00	4.00	#/100mL
03/31/2017	4.00	4.00	#/100mL
04/30/2017	60.00	60.00	#/100mL
11/30/2017	56.00	56.00	#/100mL

Data Points, n	27	27	
Average	32.68	32.68	#/100mL
Maximum		124.00	#/100mL

* Data unavailable

Fecal Coliform – Summer

Monitoring Period End Date	DMR Value Mo Geomean	DMR Value Wkly Geomean	Units
05/31/2013	12.00	12.00	#/100mL
06/30/2013	4.00	4.00	#/100mL
07/31/2013	4.00	4.00	#/100mL
08/31/2013	4.00	4.00	#/100mL
09/30/2013	4.00	4.00	#/100mL
10/31/2013	24.00	24.00	#/100mL
05/31/2014	4.00	4.00	#/100mL
06/30/2014	20.00	20.00	#/100mL
07/31/2014	4.00	4.00	#/100mL
08/31/2014	56.00	56.00	#/100mL
09/30/2014	20.00	20.00	#/100mL
10/31/2014	152.00	152.00	#/100mL
05/31/2015	60.00	60.00	#/100mL
06/30/2015	92.00	92.00	#/100mL
07/31/2015	192.00	192.00	#/100mL
08/31/2015	72.00	72.00	#/100mL
09/30/2015	120.00	120.00	#/100mL
10/31/2015	172.00	172.00	#/100mL
05/31/2016	*	*	#/100mL
06/30/2016	*	*	#/100mL
07/31/2016	*	*	#/100mL
08/31/2016	*	*	#/100mL
09/30/2016	*	*	#/100mL
10/31/2016	*	*	#/100mL
05/31/2017	80.00	80.00	#/100mL
06/30/2017	48.00	48.00	#/100mL
07/31/2017	124.00	124.00	#/100mL
08/31/2017	64.00	64.00	#/100mL
09/30/2017	4.00	4.00	#/100mL
10/31/2017	124.00	124.00	#/100mL

Data Points, n	24	24	
Average	60.83	60.83	#/100mL
Maximum		192.00	#/100mL

* Data unavailable

Total Nitrogen as N

Monitoring Period End Date	DMR Value Daily Max	Units
06/30/2013	*	mg/L
09/30/2013	*	mg/L
12/31/2013	*	mg/L
03/31/2014	*	mg/L
06/30/2014	*	mg/L
09/30/2014	*	mg/L
12/31/2014	*	mg/L
03/31/2015	0.02	mg/L
06/30/2015	*	mg/L
09/30/2015	0.02	mg/L
12/31/2015	3.27	mg/L
03/31/2016	*	mg/L
06/30/2016	*	mg/L
09/30/2016	*	mg/L
12/31/2016	*	mg/L
03/31/2017	*	mg/L
06/30/2017	*	mg/L
09/30/2017	12.68	mg/L

Data Points, n	4	
Average	4.00	mg/L
Maximum	12.68	mg/L

* Data unavailable

Total Phosphorous as P

Monitoring Period End Date	DMR Value Daily Max	Units
06/30/2013	*	mg/L
09/30/2013	*	mg/L
12/31/2013	*	mg/L
03/31/2014	*	mg/L
06/30/2014	*	mg/L
09/30/2014	*	mg/L
12/31/2014	*	mg/L
03/31/2015	*	mg/L
06/30/2015	*	mg/L
09/30/2015	*	mg/L
12/31/2015	*	mg/L
03/31/2016	*	mg/L
06/30/2016	*	mg/L
09/30/2016	*	mg/L
12/31/2016	*	mg/L
03/31/2017	*	mg/L
06/30/2017	*	mg/L
09/30/2017	1.68	mg/L

Data Points, n	1	
Average	1.68	mg/L
Maximum	1.68	mg/L

* Data unavailable

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

APPEALING NPDES PERMITS

If you wish to contest any of the provisions of your final National Pollutant Discharge Elimination System (NPDES) permit, you must file a petition for review with the U.S. Environmental Protection Agency's (EPA) Environmental Appeals Board (EAB) within thirty (30) days after the Regional Administrator served you with notice of the issuance of the final NPDES permit decision under 40 Code of Federal Regulations (CFR) § 124.15. The EAB is the final EPA decision-maker on administrative appeals of NPDES permits. If you received notice of this final permit decision by mail, the 30-day period within which you must file any appeal begins on the day the notice was sent by EPA (i.e., the day after the postmark date according to 40 CFR § 124.20(a)), and an additional three days are added to the period within which to appeal in order to compensate for mail delay (see 40 CFR § 124.20(d)).

Any person who filed comments on the draft permit or participated in any public hearing that may have been held pertaining to the draft permit may appeal a final permit by filing a Petition for Review with the Clerk of the EAB. The issues raised in the appeal must have been raised during the public comment period so long as they were reasonably ascertainable. Additionally, any person who failed to file comments or failed to participate in any public hearing on the draft permit may file a petition for review of permit conditions, but only to the extent that such permit conditions reflect changes from the draft permit.

Procedures for appealing permits are specified in 40 CFR § 124.19, as revised in 2013. 40 CFR § 124.19 is set forth on the following pages. Provisions related to appealing permits can be found at 40 CFR § 124.16 (stays of permit conditions), 40 CFR § 124.20 (computation of time), and 40 CFR § 124.60 (issuance and effective date and stays of NPDES permits). All permit appeals must conform to the regulations.

ENVIRONMENTAL APPEALS BOARD CONTACT INFORMATION

EAB's mailing address:	Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board 1200 Pennsylvania Avenue NW (Mail Code 1103M) Washington, DC 20460-0001
EAB's telephone number:	(202) 233-0122
EAB's fax number:	(202) 233-0121
EAB's website:	www.epa.gov/aboutepa/about-environmental-appeals-board-eab

40 CFR § 124.19 Appeal of RCRA, UIC, NPDES, and PSD Permits.

(a) Petitioning for review of a permit decision.

(1) Initiating an appeal. Appeal from a RCRA, UIC, NPDES, or PSD final permit decision issued under § 124.15 of this part, or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 of this chapter, is commenced by filing a petition for review with the Clerk of the Environmental Appeals Board within the time prescribed in paragraph (a)(3) of this section.

(2) Who may file? Any person who filed comments on the draft permit or participated in a public hearing on the draft permit may file a petition for review as provided in this section. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit.

(3) Filing deadline. A petition for review must be filed with the Clerk of the Environmental Appeals Board within 30 days after the Regional Administrator serves notice of the issuance of a RCRA, UIC, NPDES, or PSD final permit decision under § 124.15 or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 of this chapter. A petition is filed when it is received by the Clerk of the Environmental Appeals Board at the address specified for the appropriate method of delivery as provided in paragraph (i)(2) of this section.

(4) Petition contents.

(i) In addition to meeting the requirements in paragraph (d), a petition for review must identify the contested permit condition or other specific challenge to the permit decision and clearly set forth, with legal and factual support, petitioner's contentions for why the permit decision should be reviewed. The petition must demonstrate that each challenge to the permit decision is based on:

(A) A finding of fact or conclusion of law that is clearly erroneous, or

(B) An exercise of discretion or an important policy consideration that the Environmental Appeals Board should, in its discretion, review.

(ii) Petitioners must demonstrate, by providing specific citation to the administrative record, including the document name and page number, that each issue being raised in the petition was raised during the public comment period (including any public hearing) to the extent required by § 124.13. For each issue raised that was not raised previously, the petition must explain why such issues were not required to be raised during the public comment period as provided in § 124.13. Additionally, if the petition raises an issue that the Regional Administrator addressed in the response to comments document issued pursuant to § 124.17, then petitioner must provide a citation to the relevant comment and response and explain why the Regional Administrator's response to the comment was clearly erroneous or otherwise warrants review.

(b) Response(s) to a petition for review.

(1) In a PSD or other new source permit appeal, the Regional Administrator must file a response to the petition for review, a certified index of the administrative record, and the relevant portions of the administrative record within 21 days after the filing of the petition.

(2) In all other permit appeals under this section, the Regional Administrator must file a response to the petition, a certified index of the administrative record, and the relevant portions of the administrative record within 30 days after the filing of a petition.

(3) A permit applicant who did not file a petition but who wishes to participate in the appeal process must file a notice of appearance and a response to the petition. Such documents must be filed by the deadlines provided in paragraph (b)(1) or (2) of this section, as appropriate.

(4) The State or Tribal authority where the permitted facility or site is or is proposed to be located (if that authority is not the permit issuer) must also file a notice of appearance and a response if it wishes to participate in the appeal. Such response must be filed by the deadlines provided in paragraph (b)(1) or (2) of this section, as appropriate.

(c) Replies.

(1) In PSD and other new source permit appeals, the Environmental Appeals Board will apply a presumption against the filing of a reply brief. By motion, petitioner may seek leave of the Environmental Appeals Board to file a reply to the response, which the Environmental Appeals Board, in its discretion, may grant. The motion must be filed simultaneously with the proposed reply within 10 days after service of the response. In its motion, petitioner must specify those arguments in the response to which petitioner seeks to reply and the reasons petitioner believes it is necessary to file a reply to those arguments. Petitioner may not raise new issues or arguments in the motion or in the reply.

(2) In all other permit appeals under this section, petitioner may file a reply within 15 days after service of the response. Petitioner may not raise new issues or arguments in the reply.

(d) Content and form of briefs.

(1) Content requirements. All briefs filed under this section must contain, under appropriate headings:

(i) A table of contents, with page references;

(ii) A table of authorities with references to the pages of the brief where they are cited;

(iii) A table of attachments, if required under paragraph (d)(2) of this section; and

(iv) A statement of compliance with the word limitation.

(2) Attachments. Parts of the record to which the parties wish to direct the Environmental Appeals Board's attention may be appended to the brief submitted. If the brief includes attachments, a table must be included that provides the title of each appended document and assigns a label identifying where it may be found (e.g., Excerpts from the Response to Comments Document * * Attachment 1).

(3) Length. Unless otherwise ordered by the Environmental Appeals Board, petitions and response briefs may not exceed 14,000 words, and all other briefs may not exceed 7,000 words. Filers may rely on the word-processing system used to determine the word count. In lieu of a word limitation, filers may comply with a 30-page limit for petitions and response briefs, or a 15-page limit for replies. Headings, footnotes, and quotations count toward the word limitation. The table of contents, table of authorities, table of attachments (if any), statement requesting oral argument (if any), statement of compliance with the word limitation, and any attachments do not count toward the word limitation. The Environmental Appeals Board may exclude any petition, response, or other brief that does not meet word limitations. Where a party can demonstrate a compelling and documented need to exceed such limitations, such party must seek advance leave of the Environmental Appeals Board to file a longer brief. Such requests are discouraged and will be granted only in unusual circumstances.

(e) Participation by amicus curiae. Any interested person may file an amicus brief in any appeal pending before the Environmental Appeals Board under this section. The deadline for filing such brief is 15 days after the filing of the response brief, except that amicus briefs in PSD or other new source permit appeals must be filed within 21 days after the filing of the petition. Amicus briefs must comply with all procedural requirements of this section.

(f) Motions.

(1) In general. A request for an order or other relief must be made by written motion unless these rules prescribe another form.

(2) Contents of a motion. A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support the motion. In advance of filing a motion, parties must attempt to ascertain whether the other party(ies) concur(s) or object(s) to the motion and must indicate in the motion the attempt made and the response obtained.

(3) Response to motion. Any party may file a response to a motion. Responses must state with particularity the grounds for opposition and the legal argument necessary to support the motion. The response must be filed within 15 days after service of the motion unless the Environmental Appeals Board shortens or extends the time for response.

(4) Reply. Any reply to a response filed under paragraph (f)(3) of this section must be filed within 10 days after service of the response. A reply must not introduce any new issues or arguments and may respond only to matters presented in the response.

(5) Disposition of a motion for a procedural order. The Environmental Appeals Board may act on a motion for a procedural order at any time without awaiting a response.

(g) Timing of motions for extension of time. Parties must file motions for extensions of time sufficiently in advance of the due date to allow other parties to have a reasonable opportunity to respond to the request for more time and to provide the Environmental Appeals Board with a reasonable opportunity to issue an order.

(h) Oral argument. The Environmental Appeals Board may hold oral argument on its own initiative or at its discretion in response to a request by one or more of the parties. To request oral argument, a party must include in its substantive brief a statement explaining why oral argument should be permitted. The Environmental Appeals Board will apply a presumption against oral argument in PSD or other new source permit appeals. The Environmental Appeals Board may, by order, establish additional procedures governing any oral argument before the Environmental Appeals Board.

(i) Filing and service requirements. Documents filed under this section, including the petition for review, must be filed with the Clerk of the Environmental Appeals Board. A document is filed when it is received by the Clerk of the Environmental Appeals Board at the address specified for the appropriate method of delivery as provided in paragraph (i)(2) of this section.

(1) Caption and other filing requirements. Every document filed with the Environmental Appeals Board must specifically identify in the caption the permit applicant, the permitted facility, and the permit number. All documents that are filed must be signed by the person filing the documents or the representative of the person filing the documents. Each filing must also indicate the signer's name, address, and telephone number, as well as an email address, and facsimile number, if any.

(2) Method of filing. Unless otherwise permitted under these rules, documents must be filed either electronically, by mail, or by hand delivery. In addition, a motion or a response to a motion may be submitted by facsimile if the submission contains no attachments. Upon filing a motion or response to a motion by facsimile, the sender must, within one business day, submit the original copy to the Clerk of the Environmental Appeals Board either electronically, by mail, or by hand-delivery.

(i) Electronic filing. Documents that are filed electronically must be submitted using the Environmental Appeals Board's electronic filing system, subject to any appropriate conditions and limitations imposed by order of the Environmental Appeals Board. All documents filed electronically must include the full name of the person filing below the signature line. Compliance with Environmental Appeals Board electronic filing requirements constitutes compliance with applicable signature requirements.

(ii) Filing by U.S. Mail. Documents that are sent by U.S. Postal Service (except by U.S. Express Mail) must be sent to the official mailing address of the Clerk of the Environmental Appeals Board at: U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue

NW, Mail Code 1103M, Washington, DC 20460-0001. The original and two copies of each document must be filed. The person filing the documents must include a cover letter to the Clerk of the Environmental Appeals Board clearly identifying the documents that are being submitted, the name of the party on whose behalf the documents are being submitted, as well as the name of the person filing the documents, his or her address, telephone number and, if available, fax number and email address.

(iii) Filing by hand delivery. Documents delivered by hand or courier (including deliveries by U.S. Express Mail) must be delivered to the Clerk of the Environmental Appeals Board at: U.S. Environmental Protection Agency, Environmental Appeals Board, EPA East Building, 1201 Constitution Avenue NW, Room 3334, Washington, DC 20004. The original and two copies of each document must be filed. The person filing the documents must include a cover letter to the Clerk of the Environmental Appeals Board clearly identifying the documents being submitted, the name of the party on whose behalf the documents are being submitted, as well as the name of the person filing the documents, his or her address, telephone number and, if available, fax number and email address.

(3) Service requirements. Petitioner must serve the petition for review on the Regional Administrator and the permit applicant (if the applicant is not the petitioner). Once an appeal is docketed, every document filed with the Environmental Appeals Board must be served on all other parties. Service must be by first class mail, or by any reliable commercial delivery service. Upon agreement by the parties, service may be made by facsimile or electronic means.

(4) Proof of service. A certificate of service must be appended to each document filed stating the names of persons served, the date and manner of service, as well as the electronic, mailing, or hand delivery address, or facsimile number, as appropriate.

(j) Withdrawal of permit or portions of permit by Regional Administrator. The Regional Administrator, at any time prior to 30 days after the Regional Administrator files its response to the petition for review under paragraph (b) of this section, may, upon notification to the Environmental Appeals Board and any interested parties, withdraw the permit and prepare a new draft permit under § 124.6 addressing the portions so withdrawn. The new draft permit must proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to this part. Any portions of the permit that are not withdrawn and that are not stayed under § 124.16(a) continue to apply. If the Environmental Appeals Board has held oral argument, the Regional Administrator may not unilaterally withdraw the permit, but instead must request that the Environmental Appeals Board grant a voluntary remand of the permit or any portion thereof.

(k) Petitioner request for dismissal of petition. Petitioner, by motion, may request to have the Environmental Appeals Board dismiss its appeal. The motion must briefly state the reason for its request.

(l) Final disposition and judicial review.

(1) A petition to the Environmental Appeals Board under paragraph (a) of this section is, under 5 U.S.C. 704, a prerequisite to seeking judicial review of the final agency action.

(2) For purposes of judicial review under the appropriate Act, final agency action on a RCRA, UIC, NPDES, or PSD permit occurs when agency review procedures under this section are exhausted and the subsequently issues a final permit decision under this paragraph. A final permit decision must be issued by the Regional Administrator:

(i) When the Environmental Appeals Board issues notice to the parties that the petition for review has been denied;

(ii) When the Environmental Appeals Board issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or

(iii) Upon the completion of remand proceedings if the proceedings are remanded, unless the Environmental Appeals Board's remand order specifically provides that appeal of the remand decision will be required to exhaust administrative remedies.

(3) The Regional Administrator must promptly publish notice of any final agency action regarding a PSD permit in the Federal Register.

(m) Motions for reconsideration or clarification. Motions to reconsider or clarify any final disposition of the Environmental Appeals Board must be filed within 10 days after service of that order. Motions for reconsideration must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for clarification must set forth with specificity the portion of the decision for which clarification is being sought and the reason clarification is necessary. Motions for reconsideration or clarification under this provision must be directed to, and decided by, the Environmental Appeals Board. Motions for reconsideration or clarification directed to the Administrator, rather than the Environmental Appeals Board, will not be considered, unless such motion relates to a matter that the Environmental Appeals Board has referred to the Administrator pursuant to § 124.2 and for which the Administrator has issued the final order. A motion for reconsideration or clarification does not stay the effective date of the final order unless the Environmental Appeals Board specifically so orders.

(n) Board authority. In exercising its duties and responsibilities under this part, the Environmental Appeals Board may do all acts and take all measures necessary for the efficient, fair, and impartial adjudication of issues arising in an appeal under this part including, but not limited to, imposing procedural sanctions against a party who, without adequate justification, fails or refuses to comply with this part or an order of the Environmental Appeals Board. Such sanctions may include drawing adverse inferences against a party, striking a party's pleadings or other submissions from the record, and denying any or all relief sought by the party in the proceeding. Additionally, for good cause, the Board may relax or suspend the filing requirements prescribed by these rules or Board order.

(o) General NPDES permits.

(1) Persons affected by an NPDES general permit may not file a petition under this section or otherwise challenge the conditions of a general permit in further Agency proceedings. Instead, they may do either of the following:

(i) Challenge the general permit by filing an action in court; or

(ii) Apply for an individual NPDES permit under § 122.21 as authorized in § 122.28 of this chapter and may then petition the Environmental Appeals Board to review the individual permit as provided by this section.

(2) As provided in § 122.28(b)(3) of this chapter, any interested person may also petition the Director to require an individual NPDES permit for any discharger eligible for authorization to discharge under an NPDES general permit.

(p) The Environmental Appeals Board also may decide on its own initiative to review any condition of any RCRA, UIC, NPDES, or PSD permit decision issued under this part for which review is available under paragraph (a) of this section. The Environmental Appeals Board must act under this paragraph within 30 days of the service date of notice of the Regional Administrator's action.