

EXHIBIT A3

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq., the "Act"),

The Chukchansi Gold Resort and Casino Waste Water Treatment Plant
711 Lucky Lane
Coarsegold, California 93614

is authorized to discharge treated domestic wastewater from the wastewater treatment plant serving the Chukchansi Gold Resort and Casino in Madera County, California (Discharge Serial No. 001: effluent from wastewater treatment plant), to receiving waters named Coarsegold Creek at:

Latitude: 37° 12' 49" N
Longitude: 119° 41' 42" W

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on January 5th, 2008.

This permit and the authorization to discharge shall expire at midnight, January 4th, 2013, which is 5 years after the effective date.

Signed this 4th day of December 2007.

For the Regional Administrator

/s/ Alexis Strauss

Alexis Strauss, Director
Water Division

Part I.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS based on a maximum design flow of 350,000 gallons per day or (0.35 mgd).

I. a. The permittee is authorized to discharge from outfall serial number 001:

Such discharge shall be limited and monitored by the permittee as specified below:

Table 1. Effluent Limitations

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Mass limits			Concentration limits			Measurement Frequency	Sample Type
	Average Monthly	Average Weekly	Daily Maximum	Average Monthly	Average Weekly	Daily Maximum		
Flow (MGD) ⁽⁵⁾	--- ⁽¹⁾	---	---	---	---	---	continuous	meter
Ammonia (as N)	---	---	---	(2)	---	(2)	Once/week	24 hr. Composite
Biochemical Oxygen Demand (5-day) ⁽³⁾	13.25 kg/day	19.87 kg/day	26.50 kg/day	10mg/L	15mg/L	20mg/L	Once/week	24 hr. Composite
Total Coliform Bacteria	---	---	---	2.2 MPN/100 ml	N/A	2.2 MPN/100 ml	Once/week	Discrete
Nitrate (as N)	---	---	---	10 mg/L	---	---	Once/week	24 hr. Composite
Total Residual Chlorine (TRC)	---	---	---	0.01mg/L	---	0.02mg/L	Once/week(4)	Discrete
Settleable Solids	---	---	---	1 ml/L	---	2 ml/L	Once/week	Discrete
Suspended Solids ⁽¹⁾	13.25 kg/day	19.87 kg/day	26.50 kg/day	10 mg/L	15mg/L	20mg/L	Once/week	24 hr. Composite
Copper ⁽⁷⁾	0.019 kg/day	---	0.037 kg/day	14.6 ug/L	---	29.4 ug/L	Once/week	24 hr. Composite
Zinc ⁽⁷⁾	0.15 Kg/day	---	0.31 kg/day	116 ug/L	---	233 ug/L	Once/week	24 hr. Composite
Turbidity	---	---	---	2NTU	---	5NTU	Once/day	Discrete
Temperature	No change of more than five (5) degrees Fahrenheit in the naturally receiving water ambient temperature. See narrative water quality criteria for temperature at A.2.1.						Once/day	Discrete
Total Phosphorous (as P)	(6)	---	(6)	(6)	---	(6)	Once/week	24 hr. Composite
Electrical Conductivity	(6)	---	(6)	(6)	---	(6)	Once/week	Discrete
Oil and Grease	(6)	---	(6)	(6)	---	(6)	Once/week	Discrete

Whole Effluent Toxicity, (WET) Chronic	---	---	---	(6)	---	(6)	Once /year	24 hr. Composite
Priority Pollutants	---	---	---	(6)	---	(6)	Once/year	24 hr. Composite
pH	Not less than 6.5 standard units and not greater than 8.5 standard units. The discharge shall not cause the pH of the receiving water to change more than 0.5 standard units.						Once/day	Discrete

- (1) The permittee shall minimize the discharge of advanced treated wastewater to surface waters at all times by maximizing recycling and re-use of treated wastewater
- (2) Ammonia effluent limitations are pH and temperature dependent and are contained in Appendix B and C.
- (3) Both the influent and the effluent shall be monitored. The arithmetic mean of the Biochemical Oxygen Demand (5-day) by concentration, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 percent of the arithmetic mean of the values, by concentration, for influent samples collected at approximately the same times during the same period.
- (4) TRC shall be monitored at daily intervals to verify adequate removal of chlorine prior to discharge to the receiving water or reuse, when chlorine is used to disinfect the effluent.
- (5) Flow is defined as "Maximum annual dry weather design capacity" as defined in the Permit.
- (6) Monitoring and reporting required. No limit set at this time.
- (7) The criteria limits are expressed as ug/L total recoverable. The limits are hardness dependent and based on a hardness of 220 mg/L CaCO3. The limits will vary as the hardness of the effluent varies.

2. Special Conditions

a. Priority Pollutant Screening

Based on BPJ, EPA has determined that the discharger must within 90 days of the issuance of the final permit conduct a comprehensive screening test for the Priority Toxic Pollutants listed for the California Toxics Rule in the Code of Federal Regulations (CFR) at 40 CFR Section 131.38.

If an exceedence of the limits, or a reasonable potential for exceedence of such limits is detected, further testing of that or those particular compound(s) must be undertaken within 30 days to determine the cause of exceedence or potential exceedence and this permit may be re-opened to require appropriate limits.

If no exceedence of the limits, or a reasonable potential for exceedence of such limits is detected, the Permittee shall conduct comprehensive screening for Priority Toxic Pollutants, once a year, for the life of the permit. Each annual screening shall be conducted in a month different from any previous annual screening during the life of the permit. If any subsequent annual screening indicates an exceedence of the limits, or a reasonable potential for exceedence of such limits is detected, further testing shall be undertaken as indicated in the paragraph above.

b. Ambient Monitoring

The discharger must conduct monitoring of surface water that leaves Tribal land. The testing location shall be at the furthest point of surface water present on Tribal land when there is effluent discharge. This point shall be at the Tribal boundary if surface water flows off Tribal land, or at the point on Tribal land where there is no longer flow downstream of the discharge point. The substances monitored and the monitoring frequency shall be the same as in Table 1. of the permit. If the ambient monitoring shows an increase in the levels of any substance compared to levels found at the discharge point, an investigation into the probable cause for this increase shall be conducted.

After six months of such monitoring, if there is no indication that the quality of water that leaves Tribal land is poorer than that at the discharge point, this monitoring may be discontinued upon written application to EPA and EPA approval.

If there is a sewage spill or other upset that is likely to result in release of effluent with concentrations higher than the permitted levels as required in the permit, the permittee shall conduct ambient water monitoring within 24 hours of such event and shall report the results immediately to EPA as outlined in the permit.

c. Erosion Control

The Permittee shall implement best management practices to safeguard against erosion from the discharge and prevent adverse impacts to receiving waters.

d. Operation Of Facility

The facilities or systems shall be operated by an operator that has training and/or certification equivalent to the requirements of the State of California for operating and maintaining such facilities or systems.

3. The following narrative water quality standards shall apply to the discharge:
 - a. Waters shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses;
 - b. Waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses;
 - c. Water shall be free of discoloration that causes nuisance or adversely affects beneficial uses;
 - d. Water shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses;
 - e. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses;
 - f. No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses;
 - g. Radionuclides shall not be present in concentrations that are harmful to human, plant, animal, or aquatic life nor result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life;
 - h. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses;
 - i. Waters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affect beneficial uses;
 - j. Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses;
 - k. Waters shall not contain taste-or odor producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses;

shall be submitted in such a format as to allow direct comparison with the limitations and requirements of the permit. Unless otherwise specified, discharge flows shall be reported in terms of the average flow over each monthly period and the maximum daily flow over that monthly period. If there is no discharge during the month, the reporting form shall be marked "No Discharge" and submitted in accordance with this section. Each monthly report is due by the 28th of the following month, i.e. January report is due by February 28. Duplicate signed copies of these, and all other reports required herein, shall be submitted to EPA at the following address:

U.S. EPA Region IX
NPDES/DMR, WTR-7
75 Hawthorne Street
San Francisco, California 94105-3901

- b. Where quarterly monitoring is required for a continuous discharge, samples shall be taken during the months of January, April, July and October.
- c. Effluent analyses shall be performed by a laboratory that is certified by the State of California.
- d. For effluent analyses, the laboratory shall utilize an analytical method with the published Method Detection Limit (MDL, as defined in Part C. of this permit) that is lower than the effluent limitations (or lower than the water quality criteria). If all published MDLs are higher than effluent limitations or water quality criteria concentrations, the laboratory shall utilize the EPA approved analytical method with the lowest published MDL. In accordance with 40 CFR 122.45(c), effluent analyses for metals shall measure "total recoverable metals".
- d. For the purposes of reporting, the permittee shall use the reporting threshold equivalent to the laboratory's MDL¹. As such the permittee or its laboratory must utilize a standard calibration where the lowest standard point is equal to or less than, the minimum level (ML), as defined in Part C.6 of this permit.

¹ Because MLs and MDLs specified in or approved under 40 CFR 136 are generally determined by the EPA using reagent water, matrix interferences in some wastewaters may result in a permittee being unable to achieve a required ML. In other cases, inappropriate laboratory techniques and poor quality assurance/quality control (QA/QC) procedures will result in a permittee failing to achieve a required ML. To distinguish between cases where a ML (or MDL) is not achieved due to poor laboratory technique and when matrix interferences do, in fact, occur, and to document that a discharge-specific MDL and ML are warranted, a permittee attempting to overcome matrix interference problems shall follow guidelines provided in *Guidance on Evaluation, Resolution, and Documentation of Analytical Problems Associated with Compliance Monitoring* (EPA 821-B-93-001, June 1993). In such a case, the permittee shall submit a report to EPA documenting that a discharge-specific MDL is warranted. Upon approval of this report by EPA, the permittee shall follow procedures set forth in 40 CFR 136, Appendix B, to determine the discharge-specific MDL and ML, which are also subject to EPA evaluation and approval. Additional guidance on development and review of discharge-specific MDLs is available in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994, Appendix B.

For analytical results between the laboratory's MDL and the PQL/ML, the permittee shall report No Discharge/No Data (Not Quantifiable) ["NODI(Q)"] on the DMR form. Analytical results below the laboratory's MDL shall be reported as No Discharge/No Data (Below Detection Level) ["NODI(B)"]. As an attachment to the first DMR form submitted following the effective date of this permit, and at any time thereafter that the following information should change, the permittee shall report for trace substances: the analytical result; the analytical method number or title, preparation and analytical procedure, and published MDL; the laboratory MDL, standard deviation (S) from the laboratory's MDL study (see 40 CFR Part 136, Appendix B), and the number of replicate analyses used to compute the laboratory's MDL (n); and PQL/ML.

When requested by EPA, the permittee or its laboratory shall participate in the NPDES DMR-QA performance study and shall submit their study results to EPA. The permittee must have a success rate of at least 80 percent. (%)

e. Quality Assurance (QA) Manual

Sample collection will be performed as stated in the Quality Assurance (QA) Manual/QA Plan.

The permittee shall develop a QA Manual/QA Plan for collection and handling of samples, within ninety (90) days after the issuance of this permit or prior to the first time the permittee collects a sample, whichever occurs first. If the water samples are collected and analyzed by an independent laboratory, the permittee shall ensure that the laboratory has a Quality Assurance (QA) Manual.

The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. As appropriate and applicable, the QA Manual shall include the details enumerated below. The QA Manual shall be retained on the permittee's premises and be available for review by EPA upon request. The permittee or the independent laboratory as the case may be shall review its QA Manual annually and revise it when appropriate. Throughout all field sampling and laboratory analyses, the permittee or the laboratory shall use quality assurance/quality control (QA/QC) procedures as documented in their QA Manual.

- (1) Project Management including roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples.

- (2) Sample collection procedures; equipment used; the type and number of samples to be collected including QA/QC samples (i.e., background samples, duplicates, and equipment or field blanks); preservatives and holding times for the samples (see 40 CFR Part 136.3); and chain of custody procedures.
- (3) Identification of the laboratory to be used to analyse the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; method detection limit (MDL) and minimum level (ML) to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken by the permittee or the laboratory as a result of problems identified during QC checks.
- (4) Discussion of how the permittee will perform data review and requirements for reporting of results to EPA to include resolving of data quality issues and identifying limitations on the use of the data.

2. Monitoring and Records

Records of monitoring information shall include:

- a. Date, exact location, and time of sampling or measurements performed, and preservatives used;
- b. Individual(s) who performed the sampling or measurements;
- c. Date(s) analyses performed;
- d. Laboratory(s) which performed the analyses;
- e. Analytical techniques or methods used;
- f. Any comments, case narrative or summary of results produced by the laboratory. These should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether they met project and 40 CFR Part 136 requirements. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, holding times, and preservation;

- g. Summary of data interpretation and any corrective action taken by the permittee; and
- h. Effluent limitations for analytes/compound being analyzed.

3. Twenty-Four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger human health or the environment. This information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances to the following persons or their offices:

CWA Compliance Office Chief
USEPA
(415) 972-3505

Environmental Health Director
Madera County Resource Management Agency
(559) 675-7919

If the permittee is unsuccessful in contacting the persons above, the permittee shall report by 9 a.m. on the first business day following the noncompliance. A written submission shall also be provided within 5 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 dates and times, and, if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

4. Intermittent Discharge Monitoring

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge.

5. Monitoring Modification

Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

6. Reporting of Capacity Attainment and Planning

The permittee shall file a written report with EPA within ninety (90) days after the average dry-weather waste flow for any month either equals or exceeds 90 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities. The permittee's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

- a. Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for the day.
- b. The permittee's best estimate of when the average daily dry weather flow rate will equal or exceed the design capacity of the facilities.
- c. The permittee's intended schedule for the studies, design, and other steps needed to provide additional capacity for the waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present facilities.

C. WHOLE EFFLUENT TOXICITY (WET) TESTING REQUIREMENTS

1. General Conditions

- a. The permittee shall conduct both acute and chronic toxicity tests on 24-hour composite samples of the final effluent. Samples shall be taken at the Outfall location annually. Three composite samples are required to complete one chronic WET test.
- b. Definitions related to toxicity and toxicity testing are found in Appendix A.

2. Acute Toxicity

- a. The permittee shall conduct 96-hour acute toxicity tests on two species: *Daphnia magna* (acute toxicity only) and the fathead minnow, *Pimephales promelas* using 100% effluent and control
- b. The permittee shall follow the USEPA 5th edition or subsequent manual, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012) for all acute compliance toxicity testing.
- c. The acute toxicity trigger is any "failing" test result. The test result "fails" if survival in 100% effluent is less than 90% and is significantly different from control survival (which must be 90% or higher), as determined by hypothesis testing. Any result of "fail" requires follow-up testing as per Section 5. herein below.

3. Chronic Toxicity

- a. Chronic toxicity testing evaluates reduced growth/reproduction at 100% effluent. Chronic toxicity is to be reported based on the No Observed Effect Concentration (NOEC).
- b. The permittee shall report results in Chronic Toxicity Units (TU c). A TU c = 100/NOEC.
- c. The chronic toxicity trigger is any one test result greater than 1.6 TU c or any calculated monthly median value greater than 1.0 TU c. If chronic toxicity is detected above these values, follow-up testing is required per Section 5. herein below.
- d. To measure chronic toxicity the permittee shall conduct short-term tests with the following species: water flea, *Ceriodaphnia dubia* (survival and reproduction test), fathead minnow, *Pimephales promelas* (larval survival and growth test) and the green alga, *Raphidocelis subcapitata* (growth test).
- e. The presence of chronic toxicity shall be estimated as specified by the methods in the 40 CFR Part 136.3 as amended on November 19, 2002
- f. Effluent grab samples are to be put on ice immediately after being pulled and kept chilled (but not frozen) to 4 +/- 2 degrees Celsius throughout the collection, shipping, and storage until they are delivered to the testing laboratory.

4. Quality Assurance

- a. If organisms are not cultured in-house, the permittee shall conduct concurrent testing with reference toxicants. Where organisms are cultured in-house, monthly reference toxicity testing is sufficient. The permittee shall also conduct reference toxicant testing using the same conditions as the effluent toxicity tests (i.e., same duration, etc.)
- b. If either the reference toxicant test or the effluent test do not meet all test acceptability criteria as specified in the 40 CFR Part 136.3 approved method, then the permittee must re-sample and re-test within 14 days of receipt of the sample results. The re-sampling and re-testing requirements include laboratory induced error in performing the test method. The permittee shall conduct reference toxicant tests using the same test conditions as the effluent toxicity test (i.e., same test duration, etc.)

- c. For chronic WET testing, the reference toxicant and effluent tests must meet the upper and lower bounds on test sensitivity as determined by calculating the percent minimum significant difference (PMSD) for each test result. The test sensitivity bound is specified for each test method (see variability document EPA/833-R-00-003, Table 3-6).
 - d. Control and dilution water should be receiving water or lab water as appropriate, as described in the 40 CFR Part 136.3 approved method. If the dilution water used is different from the culture water, a second control, using culture water shall also be included.
5. Toxicity Identification Evaluation(TIE)/Toxicity Reduction Evaluation(TRE) Process
- a. If acute or chronic toxicity is detected above a trigger level specified in section 2. c. or 3. c. above and if the source of toxicity is known (for instance, a temporary plant upset), then the permittee shall conduct one follow-up test within 14 days of receipt of the sample results that exceeded the trigger. The permittee shall use the same test and species as the failed toxicity test. If toxicity is detected in the follow-up, then EPA may modify this permit according to the requirements set forth at 40 CFR Parts 122 and 124, to include appropriate conditions or limits to address demonstrated effluent toxicity.
 - b. If acute or chronic toxicity is detected above a trigger level specified in section 2. c. or 3. c. above and the source of toxicity is unknown, the permittee shall begin additional toxicity monitoring within 14 days of receipt of the sample results that exceeded the trigger. The permittee shall conduct four more tests, one approximately every other week, over an eight week period using the same test and species as the failed toxicity test. For intermittent discharges, testing shall be conducted on the next four discharge events using the same test and species as the failed toxicity test.
 - (1). If none of the four tests indicates toxicity above the trigger level, then the permittee may return to the routine WET testing frequency specified in this permit.
 - (2). If acute or chronic toxicity is detected in any of the additional four tests, beyond the trigger level, the permittee may discontinue the follow-up WET testing and shall immediately begin to develop a Toxicity Reduction Evaluation (TRE) plan. The TRE plan must be submitted to the EPA for review and approval within 30 days after receipt of the toxic result. The permittee shall use the EPA guidance manual EPA/833/B-99/002A in preparing the TRE plan, which shall include at a minimum, the following:

- (i). Further actions to investigate and identify the causes of toxicity. The permittee may initiate a Toxicity Identity Evaluation (TIE) as part of the TRE process using as guidance EPA manuals, EPA/600/6-91/005F (Phase I); EPA/600/R-92/080 (Phase II), and EPA/600/R-92/081 (Phase III) to identify the causes of toxicity, or as directed by EPA.
- (ii). Action the permittee will take to mitigate the impact of the discharge and to prevent recurrence of toxicity; and
- (iii). A schedule for implementing these actions.

6. WET Reporting

The permittee shall submit the results of the toxicity tests along with the next Discharge Monitoring Report (DMR). If additional toxicity tests are conducted as part of a TRE plan, then a full report, containing (1) the results, (2) the dates of sample collection and initiation of each toxicity test, and (3) the monthly average limit or trigger and daily maximum limit or trigger as described in this permit, shall also be submitted with the DMR for the quarter in which the investigation occurred.

D. DEFINITIONS

1. A "composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight (8) individual measurements taken at equal intervals for eight (8) hours or for the duration of discharge, whichever is shorter. For other than flow rate measurements, a composite sample means, a combination of either (8) individual portions obtained at equal time intervals for eight (8) hours or for the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling. The sampling period shall coincide with the period of maximum discharge.

Sample collection, preservation and handling shall be performed as described in the most recent edition of 40 CFR 136.3 (Table II). Where collection, preservation and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 20th edition of *Standard Methods for the Examination of Water and Wastewater* shall be used.

2. The "daily maximum concentration limit" means the measurement made on any single discrete sample or composite sample.

3. The "daily maximum mass limit" means the total discharge by mass during any calendar day.
4. A "discrete" or "grab" sample means an individual sample collected from a single location at a specific time, or over a period of time not exceeding 15 minutes. Sample collection, preservation and handling shall be performed as described in the most recent edition of 40 CFR 136.3 (Table II). Where collection, preservation and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 20th edition of *Standard Methods for the Examination of Water and Wastewater* shall be used.
5. The "Method Detection Limit (MDL)" is the minimum concentration of an analyte that can be detected with 99 percent confidence that the analyte concentration is greater than zero, as defined by the specific laboratory method listed in 40 CFR part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
6. The "Minimum Level (ML)" is the concentration at which the entire analytical system must give a recognizable signal and 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 of the method-specified sample weights, volumes, and processing steps have been followed (as defined in EPA's draft *National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels*, March 22, 1994). Promulgated method-specific MLs are contained in 40 CFR Part 136, Appendix A and must be utilized if available. If a promulgated method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the promulgated method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc.

When neither an ML nor an MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML. At this point in the calculation, a different procedure is used for metals than for non-metals.

- a. For metals: due to laboratory calibration practices, calculated MLs for metals may be rounded to the nearest whole number.
- b. For non-metals: because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of $(1, 2, \text{ or } 5) \times 10^n$, where n is zero or an integer. (For example: if an MDL is $2.5 \mu\text{g/L}$, then the calculated ML is $2.5 \mu\text{g/L} \times 3.18 =$

7.95 $\mu\text{g/L}$. The multiple of (1, 2, or 5) $\times 10^n$ nearest to 7.95 is $1 \times 10^1 = 10$ $\mu\text{g/L}$, so the calculated ML (rounded to the nearest whole number) is 10 $\mu\text{g/L}$.)

7. The "monthly or weekly average concentration limit", other than for fecal or total coliform bacteria, means the arithmetic mean of consecutive measurements made during calendar month or weekly period, respectively. The "monthly or weekly average" concentration for fecal or total coliform bacteria means the geometric mean of measurements made during a monthly or weekly period, respectively. The geometric mean is the n th root of the product of n numbers.
8. The "monthly or weekly average mass limitation" means the total discharge by mass during a calendar monthly or weekly period, respectively, divided by the number of days in the period that the facility was discharging. Where less than daily sampling is required by this permit, the monthly or weekly average value shall be determined by the summation of all the measured discharges by mass divided by the number of days during the monthly or weekly period when the measurements were made.
9. The "Practical Quantitation Level (PQL)" is the lowest concentration of the analyte that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions (as defined in the Federal Register on July 8, 1987 (52 FR 25699)) and as adopted by the State of Arizona.
10. A "24-hour composite sample" means either: (i) a time-proportioned mixture of not less than eight (8) discrete aliquots obtained at equal time intervals. The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less 100 ml; or (ii) a flow-proportional combination of individual samples obtained at regular intervals over a 24-hour sampling period. The volume of each sample shall be proportional to the flow rate during the 24-hour sampling period. Sample collection, preservation and handling shall be performed as described in the most recent edition of 40 CFR Part 136.3 (Table II). Where collection, preservation and handling procedures are not outlined in 40 CFR Part 136.3, procedures outlined in the 20th edition of *Standard Methods for the Examination of Water and Wastewater* shall be used.

E. BIOSOLIDS (SLUDGE) REQUIREMENTS

1. All biosolids generated by the permittee shall be reused or disposed of in compliance with the applicable portions of:
 - (a) 40 CFR 503 for biosolids that are land applied, placed in surface disposal sites (dedicated land disposal sites or monofills), or incinerated;
 - (b) 40 CFR 258 for biosolids disposed of in Municipal Solid Waste landfills;

- (c) 40 CFR 257 for all biosolids disposal practices not covered under 40 CFR 258 or 503.
 - (d) 40 CFR 503 Subpart B (land application) for biosolids placed on the land for the purpose of providing nutrients or conditioning the soil for crops or vegetation.
 - (e) 40 CFR 503 Subpart C (surface disposal) for biosolids placed on the land for the purpose of disposal.
- 2.. The permittee is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with 40 CFR 257, 258, and 503, whether the permittee reuses or disposes of the biosolids itself or transfers them to another party for further treatment, reuse, or disposal. The permittee is responsible for informing subsequent preparers, applicers, or disposers of the requirements they must meet under 40 CFR 257, 258, and 503.
 3. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
 4. No biosolids shall be allowed to enter wetlands or other waters of the United States.
 5. Biosolids treatment, storage, and use or disposal shall not contaminate groundwater.
 6. Biosolids treatment, storage, and use or disposal shall not create a nuisance such as objectionable odors or flies.
 7. The permittee shall assure that haulers who transport biosolids off site for treatment, reuse, or disposal take all necessary measures to keep the biosolids contained.
 8. If biosolids are stored for over two years from the time they are generated, the permittee must ensure compliance with all the requirements for surface disposal under 40 CFR 503 Subpart C, or must submit a written request to EPA with the information in 503.20 (b), requesting permission for longer temporary storage.
 9. Biosolids containing more than 50 mg/kg PCB's shall be disposed of in accordance with 40 CFR 761.
 10. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from the adjacent area, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the disposal site to escape from the site. Adequate protection is defined as

protected from at least a 100-year storm and from the highest tidal stage that may occur.

11. Inspection and Entry: The permittee shall allow the Regional Administrator or an authorized representative thereof, upon the presentation of credentials, to:
 - a) enter upon all premises where biosolids produced/treated by the permittee are treated, stored, used, or disposed, either by the permittee or by another party to whom the permittee transfers the biosolids for treatment, use, or disposal,
 - b) have access to and copy any records that must be kept under the conditions of this permit or of 40 CFR 503, by the permittee or by another party to whom the permittee transfers the biosolids for further treatment, use, or disposal,
 - c) inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in the biosolids treatment, storage, use, or disposal by the permittee or by another party to whom the permittee transfers the biosolids for treatment, use, or disposal.

12. The permittee shall comply with the following notification requirements:
 - a) At least 60 days prior to transfer to treatment facility or site of any biosolids from this facility to a new or previously unreported site, the permittee shall notify EPA.
 - b) c) If biosolids are shipped to another State or to Indian Lands, the permittee must send 60 days prior notice of the shipment to the permitting authorities in the receiving State or Indian Land (the EPA Regional Office for that area and the State/Indian authorities).
 - d) Notification of non-compliance: The permittee shall notify EPA Region 9 of any non-compliance within 24 hours if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the permittee shall notify EPA Region 9 in writing within 5 working days of becoming aware of the non-compliance.

13. The permittee shall submit an annual biosolids report to EPA and the Board by February 19 of each year for the period covering the previous calendar year. The report shall include:
 - a) the amount of biosolids generated that year and the amount accumulated, if any, from previous years.
 - b) Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, disposal in a municipal waste landfill,

or for other reuse/disposal methods not covered above, and volumes delivered to each.

Reports shall be submitted to :

U.S. EPA, WTR-7
Regional Biosolids Coordinator
75 Hawthorne St.
San Francisco, CA 94105-3901

Part II

A. MANAGEMENT REQUIREMENTS

1. Duty to comply [40 CFR 122.41(a)] - The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act 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, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Clean Water Act provides that:
 - (1) Any person who causes a violation of any condition in this permit is subject to a civil penalty not to exceed \$25,000 per day of each violation. Any person who negligently causes a violation of any condition in this permit is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both. [Updated pursuant to the Water Quality Act of 1987]
 - (2) Any person who knowingly causes violation of any condition of this permit is subject to fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three years, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$100,000 per day of violation, or by imprisonment of not more than six years, or both. [Updated pursuant to the Water Quality Act of 1987]
 - (3) Any person who knowingly causes a violation of any condition of this permit and, by so doing, knows at that time that he thereby places another in imminent danger of death or serious bodily injury shall be subject to a fine of not more than \$250,000, or imprisonment of not more than 15 years, or both. A person who is an organization and violates this provision shall be subject to a fine of not more than \$1,000,000 for a first

conviction. For a second conviction under this provision, the maximum fine and imprisonment shall be doubled. [Updated pursuant to the Water Quality Act of 1987]

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. 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.
4. Adverse Impact [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. Upset [40 CFR 122.41(n)]
 - 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 section 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; and
 - (3) The permittee submitted notice of the upset as required in paragraph Part (I)(B)(4)(f) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under 40 CFR 122.41(d).
- d. Burden of proof - In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
6. Removed Substances [Pursuant to Clean Water Act Section 301] - Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- B. RESPONSIBILITIES
1. Transfers by modification [40 CFR 122.61(a)] - Except as provided in section (2), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2), or a minor modification made (under 40 CFR 122.63(d), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
 2. Automatic transfers [40 CFR 122.61(b)] - As an alternative to transfers under section (1), any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b) of this section;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. 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 the paragraph (b) of this section.
 3. Availability of Reports [Pursuant to Clean Water Act Section 308] - 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 Regional Administrator as required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

4. Furnishing False Information and Tampering with Monitoring Devices - The Clean Water act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$20,000 per day of violation, or imprisonment for not more than four years, or both. [Updated pursuant to the Water Quality Act of 1987]
5. Civil and Criminal Liability [Pursuant to Clean Water Act Section 309]- Except as provided in permit conditions on "Bypass" (Section 14) and "Upset" (Section 15), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
6. Oil and Hazardous Substance Liability - [Pursuant to Clean Water Act Section 311] - 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 Clean Water Act.
7. State or Tribal Law [Pursuant to Clean Water Act Section 510 and 518] - 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 or consistent with any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act, or any applicable Tribal law, including any authority granted under Section 518 of the Clean Water Act.
8. Property rights [40 CFR 122.41(g)] - This permit does not convey any property rights of any sort, or any exclusive privilege.
9. Severability [Pursuant to Clean water Act Section 512] - 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 remainder of the permit, shall not be affected thereby.

Part III

A. OTHER REQUIREMENTS

1. Duty to Reapply [40 CFR 122.21(d)] - The permittee shall submit a new application 180 days before the existing permit expires. 40 CFR 122.2(c)(2) POTW's with currently effective NPDES permits shall submit with the next application the sludge information listed at 40 CFR 501.15(a)(2).
2. Applications [40 CFR 122.22]
 - a. All permit applications shall be signed as follows:
 - (1). For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2). For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively; or
 - (3). For a municipality, State, Federal, Tribal or other public agency, all permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) The chief executive officer of the agency, or
 - (ii) 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 2. 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 2. a. of this Section;
 - (2) The authorization specified 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. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (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.

3. Signatory requirement [40 CFR 122.41(k)]

- a. All applications, reports or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22).
- b. 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 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 two years per violation, or by both for a first conviction. For a second conviction, such a person is subject to fine of not more than \$20,000 per day of violation, or imprisonment of not more than four years, or both. [Updated pursuant to the Water Quality Act of 1987]

4. Permit actions [40 CFR 122.41(f)] - The 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.
5. 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 termination 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.
6. Inspection and entry [40 CFR 122.41(I)] - The permittee shall allow the Director, or an authorized representative, upon the 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 Clean Water Act, any substances or parameters at any location.
7. Publicly owned treatment works [40 CFR 122.42(b)] - This section applies only to publicly owned treatment works (POTWs) as defined at 40 CFR 122.2.
 - a. All POTWs must provide adequate notice to the Director of the following:
 - (1). Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and

- (2). Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (3). For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
 - b. The following condition has been established by Region IX to enforce applicable requirements of the Resource Conservation and Recovery Act]: Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261.31 - 261.33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.
8. Reopener clause [40 CFR 122.44(c)] - This permit shall be modified or revoked and reissued to incorporate any applicable effluent standard or limitation or standard for sewage sludge use or disposal under sections 301(b)(2)(C), and (D), 304(b)(2), 307(a)(2) and 405(d) which is promulgated or approved after the permit is issued if that effluent or sludge standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant or sludge use or disposal practice not limited in the permit.
9. Privately owned treatment works - The following conditions were established by Region IX to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR 122.44(m). This section applies only to privately owned treatment works as defined at 40 CFR 122.2.
 - a. Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized materials are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "authorized Non-domestic Sewer Dischargers" elsewhere in this permit.
 - b. It is the permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other un-sewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA, State or Tribal inspector. The permittee

must provide adequate security to prevent unauthorized discharges to the collection system.

- c. Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and an application, pursuant to 40 CFR 122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using EPA Forms 1 and 2C, unless another format is requested by the permitting authority. If the privately owned treatment works or collection system user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the permit modification request. The application and request for modification shall be submitted at least 6 months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.
10. Termination of permits [40 CFR 122.64] - The following are causes for terminating a permit during its term, or for denying a permit renewal application:
- a. Noncompliance by the permittee with any condition of the permit;
 - b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).