

JOINT NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105

Navajo Nation Environmental Protection Agency
NPDES Program
P.O. Box 339
Window Rock, AZ 86515

On Application for National Pollutant
Discharge Elimination System (NPDES)
Permits to Discharge Pollutants to
Waters of the United States

On Request for Certification for Compliance
With Applicable Effluent Limitations and
Navajo Requirements

Public Notice No.: AZ-09-W-16
Publication Date of Notice: September 17, 2009
Public Comment Period Closes: October 17, 2009

The U.S. Environmental Protection Agency, Region 9 (USEPA), and the Navajo Nation Environmental Protection Agency (Navajo EPA) are jointly issuing the following notice of proposed action under the Clean Water Act (CWA), as amended, the implementing regulations, and the Navajo Nation Surface Water Quality Standards, as amended. USEPA is today proposing to reissue an NPDES permit to the following six (6) dischargers subject to certain effluent limitations and special conditions:

(1) BIA Lake Valley Boarding School (NPDES Permit No. NN0021016)

The BIA Lake Valley Boarding School wastewater treatment lagoon facility is located 2.5 miles east of NM 371 on N7750 in Lake Valley, San Juan County, New Mexico. Treated effluent is discharged to an unnamed wash, a tributary to the Chaco Wash, a tributary to the San Juan River.

(2) BIA Pueblo Pintado Boarding School (NPDES Permit No. NN0020991)

The BIA Pueblo Pintado Boarding School wastewater treatment lagoon facility is located in the community of Pueblo Pintado, 45 miles northeast of Cuba in McKinley County, New Mexico, within the eastern portion of the Navajo Nation. Treated effluent is discharged to Chaco Wash, a tributary to the San Juan River.

(3) RGJ, Inc. DBA Gouldings Lodge (NPDES Permit No. NN0025178)

The Gouldings Lodge wastewater treatment lagoon facility is located in Monument Valley, San Juan County in the state of Utah, within the Northwestern portion of the Navajo Nation. Treated effluent is discharged to a dry wash named Mitchell Butte Wash, a tributary to Oljeto Wash, a tributary to the San Juan River.

USEPA has made a preliminary determination that the proposed permits would have no effect on any federally-listed threatened or endangered species.

Navajo EPA is considering a request to certify the discharges described above, pursuant to Section 401 of the CWA. The 401 Water Quality Certification will set forth any limitations and monitoring requirements necessary to ensure compliance with Navajo Nation surface water quality standards under Section 303, effluent limitations under Sections 301 and 302, standards of performance under Section 306, prohibitions, effluent standards or pretreatment standards under Section 307 of the CWA, and any other appropriate requirements of Navajo Nation law. The administrative record for the 401 Water Quality Certification, including the application and all data sent by the applicant for the complete application, are available for public inspection. The administrative record may be viewed between the hours of 8:00 AM to 5:00 PM on weekdays (except for official Navajo Nation holidays) at the Navajo Nation EPA address below. A copy of these documents may be obtained by calling (928) 283-3080 or by writing to:

Mailing Address

Navajo EPA
P.O. Box 3780
Tuba City, AZ 86045

Physical Address

Navajo EPA
Building 2789
Edgewater Drive (across from NTUA)
Tuba City, AZ 86045

During the public comment period, any person may submit written comments on the proposed 401 Water Quality Certification. The public comment period is for thirty (30) days from the date of this public notice. Written comments can be submitted to the Navajo EPA, P.O. Box 3780, Tuba City, AZ 86045.

The Director of Navajo EPA shall, if requested and if deemed appropriate, hold a public hearing on the proposed 401 Water Quality Certification to allow any person the opportunity to present their views, data or arguments in Navajo or English. Procedures governing Navajo Nation EPA public notices and public hearings are found in the Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings, and Rulemakings Under Navajo Nation Environmental Acts.

The Administrative Record, which include the draft permit, fact sheet, and other relevant documents, are available for public review Monday through Friday from 9:00 a.m. to 4:00 pm. at the EPA address listed below or may be obtained by contacting Ms. Linh Tran of USEPA by telephone at (415) 972-3511 or electronic mail at tran.linh@epa.gov, or Mr. Patrick Antonio by telephone at (928) 871-7185 or electronic mail at panto41815@aol.com. The draft permits and fact sheets may also be obtained by visiting EPA website at: <http://www.epa.gov/region09/water/npdes/publicnotices.html>

Persons wishing to comment upon the draft permit or request a public hearing pursuant to 40 CFR 124.12 should submit their comments or request in writing within 30 days from the date of this notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region 9
Chief, NPDES Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Upon issuance of a final permit decision and response to comments, the EPA will notify by mail the applicants and persons who submitted written comments or requested notice of the final permit decision. If no comments are submitted on the draft permits, the final permits will become effective three (3) days from the date of mailing. If comments are submitted on the draft permits, the final permits will become effective 33 days from the date of mailing, unless a petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address above. Persons filing a request for review must have filed comments on the draft permit or participated in a public hearing.

Please bring the foregoing notice to the attention of all persons you know would be interested in this matter.