Fact Sheet

NPDES Permit Number: OR-003409-6
Date: xxxx
Public Notice Expiration Date: xxxx
Technical Contact: Kelly Huynh 206/553-8414

The U.S. Environmental Protection Agency (EPA) Plans To Issue A Wastewater Discharge Permit To Discharge Pollutants And To Dispose Of Sewage Sludge (Biosolids) Pursuant To The Provisions Of The Clean Water Act To:

Cow Creek Gaming Center Wastewater Treatment Plant
146 Chief Miwaleta Lane
Canyonville, Oregon 97417

EPA Proposes NPDES Permit Issuance

The EPA proposes to issue a *National Pollutant Discharge Elimination System* (NPDES) Permit to the Cow Creek Band of Umpqua Tribe of Indians. The draft permit sets conditions for the discharge--or release--of pollutants from the Cow Creek Gaming Center Wastewater Treatment Plant to the South Umpqua River from November 1 through April 30. It also authorizes the facility to transport commercial septage to a solids handling facility and dispose of biosolids from the gravel filters in a municipal solid waste landfill. In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged, and places conditions on the use of biosolids.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- a description of the proposed discharge, current septage practice, and future biosolids practice
- a listing of proposed effluent limitations, monitoring schedules, and other conditions
- a map and description of the proposed discharge location
- detailed technical material supporting the conditions in the permit

Public Comment

The EPA will consider all substantive comments before issuing the final permit. Those wishing to comment on the draft permit may do so in writing by the expiration date of the Public Notice. A request for public hearing must state the nature of the issues to be raised as well as the requester's

name, address and telephone number. After the Public Notice expires, and all comments have been considered, EPA's regional Director for the Office of Water will make a final decision regarding permit issuance.

If no substantive comments are received, the tentative conditions in the draft permit will become final, and the permit will become effective upon issuance. If substantive comments are received, the EPA will address the comments and issue the permit. The permit will become effective 30 days after the issuance date, unless a request for an evidentiary hearing is submitted within 30 days.

Documents are Available for Review

The draft NPDES permit and related documents can be reviewed or obtained by visiting or contacting the EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday at:

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101
(206) 553-1214 or
1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

Draft permits, Fact Sheets, and other information can also be found by visiting the Region 10 website at www.epa.gov/r10earth/offices/water/npdes.html. To ensure effective communication, additional services can be made available to persons with disabilities by contacting the above EPA numbers.

The Fact Sheet and draft permit are also available at:

United States Environmental Protection Agency
Oregon Operations Office
811 S.W. 6th Avenue 3rd Floor
Portland, Oregon 97204
(503) 326-3250

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Cow Creek Gaming Center Wastewater Treatment Plant
NPDES Permit No.: OR-003409-6

Facility Location:	Mailing Address:
146 Chief Miwaleta Lane	2371 NE Stephen, Suite 100
Canyonville, Oregon 97417	Roseburg, Oregon 97470

Facility contact: Tonya Theiss-Skrip, Special Projects Officer

II. FACILITY ACTIVITY

The Cow Creek Band of Umpqua Tribe of Indians (hereafter referred to as "the Tribe") owns, operates, and maintains the Cow Creek Gaming Center Wastewater Treatment Plant (WWTP) located within the Tribe's reservation in Canyonville, Oregon in Douglas County. The WWTP provides treatment equivalent to secondary for domestic sewage from the Tribally owned Seven Feather Hotel and Casino Resort (including a 156 unit hotel, casino, convention center, 33 unit RV park, and three food establishments) and training facility. There are no industrial discharges to the system. The facility's maximum design flow is 0.0865 million gallons per day (mgd). Details about the wastewater treatment process and a map with the location of the treatment plant and discharge are included in Appendix A.

The commercial septage removed from the WWTP septic tanks is transported to a solids handling facility where it is treated and disposed of off-reservation. If the biosolids within the recirculation tank or drainfield gravel beds need disposing of, they shall be disposed of in a municipal solid waste landfill.

III. RECEIVING WATER

The draft permit allows the discharge of treated effluent from the Cow Creek WWTP to the South Umpqua River from November 1 through April 30 (high flow season). Although the Tribe does not have water quality standards for this water body, EPA must assure adjacent or downstream standards are met for the water body for the purpose of developing permit limitations and conditions. Therefore, the State of Oregon's water quality standards were applied to this permit. The South Umpqua River is designated by the *September 1992 Oregon Administrative Rules (OAR 340-41-282)* as being protected for public and private domestic water supply, industrial water supply, irrigation, livestock watering, anadromous fish passage, salmonid fish rearing and spawning, cold water resident fish and aquatic life, wildlife and hunting, fishing and boating, water contact recreation, aesthetic quality, and hydro power. The South Umpqua River has been listed under Section 303(d) of the Clean Water Act as not attaining Oregon water quality

standards for biological criteria and water contact recreation/bacteria during the time of the proposed discharge. Where the receiving water quality does not meet water quality standards after the imposition of technology-based effluent limitations, Section 303(d) of the Clean Water Act requires the development of a Total Maximum Daily Load (TMDL) Plan to ensure that these waters will come into compliance. A TMDL is a determination of the amount of a pollutant, or property of a pollutant, from point, nonpoint, and natural background sources, including a margin of safety, that may be discharged to a water body without causing the water body to exceed the water quality criterion for that pollutant. A TMDL has been drafted for the South Umpqua River. The TMDL will not however, effect the limits imposed in the permit.

The EPA's national database of sampling sites and associated water quality data, STORET, was searched for the South Umpqua River. Flow data (4,556 days) where Days Creek meets the South Umpqua River from 1975 to 1990 clearly show the seasonal nature in the river. Flows range from a high of 25,000 cfs (16,125 mgd) in the winter months to a low of 29 cfs (45 mgd) during the summer months. Because of the minimal mixing available and the 303(d) limited nature of the river from May 1 through October 31, the Tribe will continue to discharge to its drainfields during this period.

IV. FACILITY BACKGROUND

The Tribe applied for a NPDES permit for a year round WWTP discharge to the South Umpqua River on October 3, 1995. The EPA was concerned about a year round discharge to the South Umpqua due to the 303(d) listing and lack of a TMDL. Permit development began after receiving a March 2, 1998 letter from the Oregon Department of Environmental Quality stating that a winter discharge would pose a minimal problem to the river if bacteria was addressed in the permit.

Monitoring data provided to the EPA from September 1996 to September 1998, indicate the average effluent five-day Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS) values are 9.3 mg/L and 9.3 mg/L respectively. The associated average percent removal rates for BOD and TSS are 95.9% and 86.6%. Currently disinfection is not being used (resulting in high fecal coliform values) because the Tribe is discharging to drainfields surrounding the WWTP.

V. EFFLUENT LIMITATIONS

A. Effluent Limits

The EPA followed the Clean Water Act, state and federal regulations, and the EPA's 1991 *Technical Support Document for Water Quality-Based Toxics Control (TSD)* to develop the draft effluent limits. Appendix B provides the basis for the development of effluent limits.

In general, the Clean Water Act requires that the effluent limits for a particular pollutant be the more stringent of either the *technology-based* or *water quality-based* limits. Technology-based limits are set based on the level of treatment that is achievable using available technology. Water quality-based limits are required for pollutants that are discharged at (or have the reasonable potential to discharge at) levels that could cause or contribute to an exceedance above the water quality standards in the South Umpqua River.

The draft permit includes both technology-based and water quality-based limits (See Appendix C). Technology-based limits have been developed for BOD_5 and TSS. In addition, water quality-based limits have been developed for Escherichia coli (E. coli). Table V-1 presents the effluent limits contained in the draft permit.

TABLE V-1: Outfall 001 Effluent Limitations

Parameter	Monthly Average Limit	Average Weekly Limit	Daily Maximum Limit
BOD_5[1]	30 mg/L 22 lbs/day	45 mg/L 33 lbs/day	---
TSS[1]	30 mg/L 22 lbs/day	45 mg/L 33 lbs/day	---
E. coli[2]	126/100ml	---	406/100ml
Notes: 1. The average monthly percent removal shall be greater than 85% 2. When five or more samples are taken for the month, the monthly average limit shall be reported as a monthly log mean			

Consistent with Oregon state standards, the draft permit requires that the WWTP effluent pH be within the range of 6.5-8.5 standard units and that the discharge be free from objectionable discoloration, scum, oily sleek or floating solids. The discharge shall not cause appreciable bottom or sludge deposits. The draft permit also prohibits discharges of waste streams that are not part of the normal operation of the facility, as reported in the permit application.

VI. MONITORING REQUIREMENTS

A. Effluent/Influent Monitoring

Section 308 of the Clean Water Act and federal regulation 40 CFR 122.44(i) requires that monitoring be included in permits to determine compliance with effluent limitations. Monitoring may also be required to gather data for future effluent limitations or to monitor effluent impacts on receiving water quality. Effluent monitoring for total ammonia and temperature is included to verify

compliance with the state standards for ammonia and to gather data for a future ammonia limit if one is needed. The permittee is responsible for conducting the monitoring and for reporting results by the 10th day of the month following the calendar quarter on Discharge Monitoring Reports (DMRs) to the EPA. Table VI-1 presents the draft monitoring requirements based on the minimum sampling necessary to adequately monitor the facility's performance. Effluent monitoring shall be conducted after the last treatment unit and prior to discharge (such as at the pump stations). Influent monitoring shall be before any treatment process of the WWTP.

TABLE VI-1: Outfall 001 Effluent/Influent Monitoring Requirements

Parameter	**Sample Frequency**	**Sample Location**
Flow, mgd	Continuous	Influent or Effluent
BOD_5, mg/L[1]	1/week	Influent and Effluent
TSS, mg/L[1]	1/week	Influent and Effluent
pH, standard units[2]	2/week	Effluent
E. coli, organisms/100 ml	1/week	Effluent
Total Ammonia as N, mg/L	1/quarter	Effluent
Temperature, °C	1/quarter	Effluent
Notes: 1. Percent Removal Monitoring: The percent BOD_5 and TSS removal will be reported on each quarterly DMR form. 2. The permittee shall report the pH values and number and duration of pH excursions during the quarter with the DMR for that quarter.		

B. Ambient Monitoring

The draft permit requires the Permittee to conduct quarterly ambient (in-stream) monitoring upstream of outfall 001. The Permittee shall submit the upstream ambient site to EPA and indicate the location on the quarterly DMRs. Table VI-2 presents the monitoring requirements that will be used to verify compliance with ammonia standards. Based on the results of this study, EPA will determine whether to include ammonia permit limits when the permit is renewed.

TABLE VI-2. Outfall 001 Ambient Monitoring Requirements

Parameter	Sample Frequency
Ammonia, mg/L	Quarterly
pH, standard units	Quarterly
Temperature, °C	Quarterly

VII. OTHER PERMIT CONDITIONS

A. Quality Assurance Plan

Federal regulation 40 CFR 122.41(e) requires the permittee to develop and submit a Quality Assurance Plan to ensure that the monitoring data submitted is accurate and to explain data anomalies if they occur. The plan must also address sampling location, variability in the receiving water, appropriate sampling and analytical methods, analytical variability, and quality assurance/quality control for sampling and analysis. The permittee is required to submit a Quality Assurance Plan within 120 days of the effective date of the draft permit. The Quality Assurance Plan shall consist of standard operating procedures the permittee must follow for collecting, handling, storing and shipping samples, laboratory analysis, and data reporting.

B. Septage and Biosolids Management

Commercial septage is generated by the Cow Creek WWTP septic tanks. This septage is transported from the WWTP to a solids handling facility off of the reservation where it is treated and land applied.

The only biosolids potentially generated by the WWTP would be from the disposal of the gravel from the recirculation tanks or drainfields. Because it is unclear if the gravel biosolids will ever need disposing of, the draft permit contains the contingency that they either be disposed of in a municipal solid waste landfill or or cleaned and recycled with the biosolids being hauled to a solids handling facility. Appendix D details which regulations apply to biosolids disposal.

C. Additional Permit Provisions

Sections III, IV, and V of the draft permit contain “boilerplate” requirements. Boilerplate is standard regulatory language that applies to all permittees and must be included in NPDES permits. Because they are regulations, they cannot be challenged in the context of an NPDES permit action. The boilerplate covers

requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and general requirements.

VIII. OTHER LEGAL REQUIREMENTS

A. Endangered Species Act

The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service if their actions could beneficially or adversely affect any threatened or endangered species. The EPA has completed informal consultation with the National Marine Fisheries Service and is in the process of informal consultation with the U.S. Fish and Wildlife Service regarding whether the issuance of this permit will affect any of the threatened or endangered species in the vicinity of the discharge. See Appendix E for further details.

B. State Certification

Since the WWTP discharge is from a facility located within the boundaries of the Cow Creek Band of Umpqua Tribe of Indians Reservation, the provisions of Section 401 of the Clean Water Act requiring state or tribal certification of the permit do not apply and the EPA will conduct the 401 certification of this permit. However, copies of the draft permit action have been provided to the Cow Creek Band of Umpqua Tribe of Indians as well as the Oregon Department of Environmental Quality.

C. Interstate Waters

Under 40 CFR 124.10(c)(1)(iii), the EPA must give notice of this permit action to any affected state. Notice has been given to the Oregon Department of Environmental Quality and other Oregon state agencies (as defined in this regulation) potentially impacted by this action.

D. Permit Expiration

This permit will expire five years from the effective date of the permit.

LIST OF ACRONYMS

BAT	Best Available Technology economically achievable
BCT	Best Conventional pollutant control Technology
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgement
BPT	Best Practicable control Technology currently available
CFR	Code of Federal Regulations
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
mgd	Million gallons per day
mg/L	Milligrams per liter
MSWLF	Municipal Solid Waste Landfill
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
ODEQ	Oregon Department of Environmental Quality
POTW	Publicly Owned Treatment Works
TMDL	Total Maximum Daily Load
TSD	Technical Support Document for Water Quality-based Toxics Control (EPA 1991)
TSS	Total Suspended Solids
USFWS	United State Fish and Wildlife Service
UV	Ultraviolet Radiation
WLA	Wasteload Allocation
WWTP	Wastewater treatment plant

APPENDIX A - COW CREEK PLANT DESCRIPTION AND MAP

The influent wastewater from the gaming center and training facility is collected in a conventional gravity sewer system and discharged into a community septic tank system where it receives preliminary treatment. The 150,000 gallon septic tank has three walls that make up a meander route for the wastewater. The wastewater is screened before entering the discharge compartment and screened again before being pumped to a series of 24-3,000 gallon recirculation tanks. The two-50 gpm pumps in the recirculation tanks transfer the effluent onto the gravel filter, three to five times a day, at a maximum daily application rate of five gallons/ft^2/day. Twenty percent (20%) of the effluent is collected in a 4-inch diameter pipe at the bottom of the gravel filter and either disinfected by ultra violet (UV) and discharged to the South Umpqua River (November 1 through April 30) or discharged to sixteen separate drainfields (May 1 through October 31). The remaining eighty percent (80%) of the effluent is recirculated through the gravel filter tanks again for additional biological treatment.

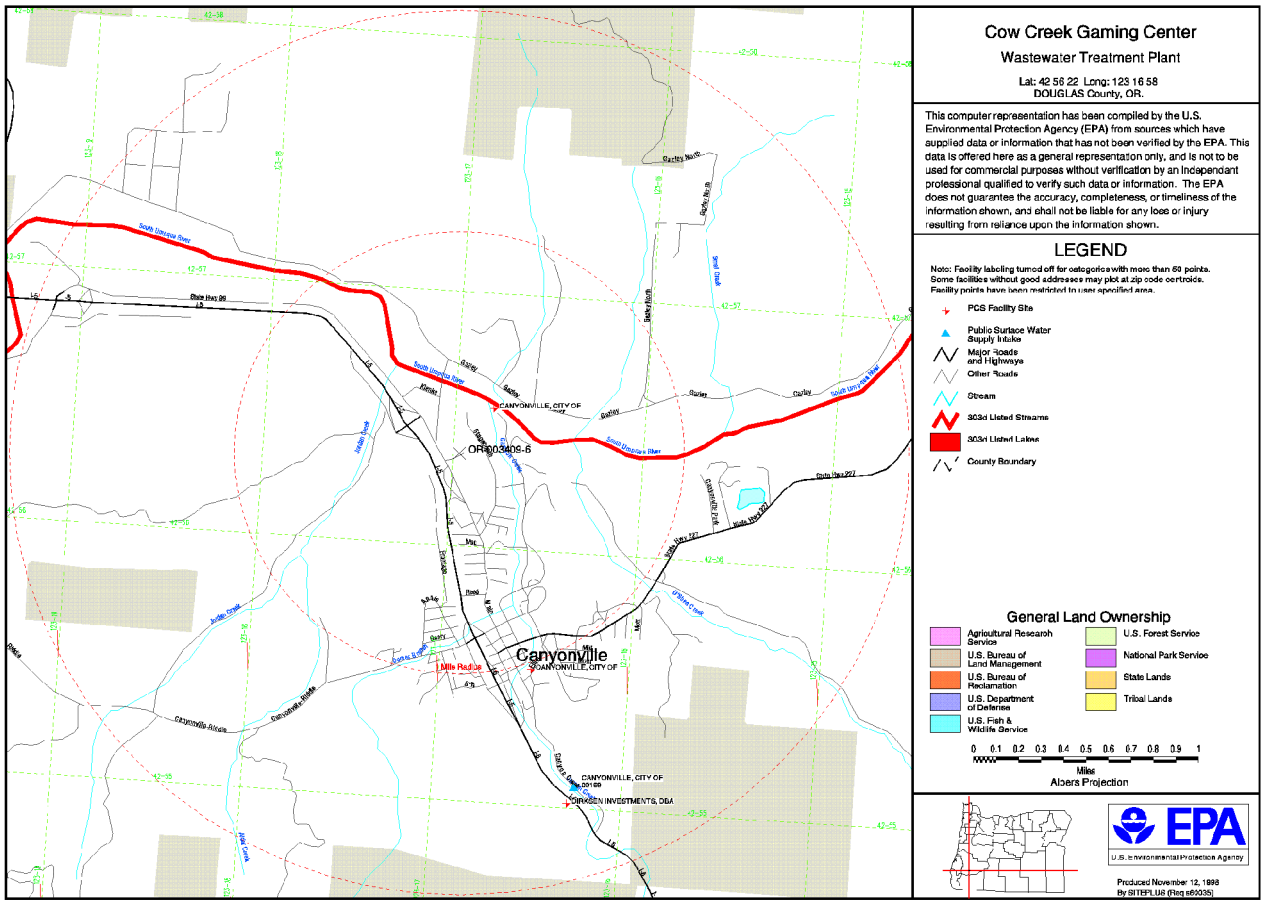
The commercial septage from the septic tank is transported by a commercial hauler to a solids handling facility off-reservation where it is treated and land applied. If the gravel filter material from the recirculation tank or drainfield ever becomes ineffective and needs replacing, disposal shall be to a municipal solid waste landfill (MSWLF).

For a color hard copy of the following map, send a request to:

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101
(206) 553-1214 or
1-800-424-4372 (within Region 10 only)

Be sure to reference the NPDES permit number for this facility (OR-003409-6) in addition to the file name.

MAP OF COW CREEK GAMING CENTER FACILITY AND DISCHARGE LOCATION



APPENDIX B - BASIS FOR EFFLUENT LIMITATIONS

Sections 101, 301(b), 304, 308, 401, 402, and 405 of the Clean Water Act (CWA) provide the basis for the effluent limitations and other conditions in the draft permit. The EPA evaluates discharges with respect to these sections of the CWA and the relevant NPDES regulations to determine which conditions to include in the draft permit.

In general, the EPA first determines which technology-based limits must be incorporated into the permit. The EPA then evaluates the effluent quality expected to result from these controls, to see if it could result in any exceedences of the water quality standards in the receiving water. If exceedences could occur, the EPA must include water quality-based limits in the permit. The draft permit limits will reflect whichever requirements (technology-based or water quality-based) are more stringent. The limits which the EPA is proposing in the draft permit are found in Section V.A of this Fact Sheet.

A. Technology-based Evaluation for Municipals

The 1972 CWA required publicly owned treatment works (POTWs) to meet performance-based requirements based on available wastewater treatment technology. Section 301 of the CWA established a required performance level, referred to as "secondary treatment," that all POTWs were required to meet by July 1, 1977.

More specifically, Section 301(b)(1)(B) of the CWA requires that EPA develop secondary treatment standards for POTWs as defined in Section 304(d)(1) of the CWA. Based on this statutory requirement, EPA developed secondary treatment regulations which are specified in 40 CFR Part 133. These technology-based regulations apply to all municipal wastewater treatment plants and identify the minimum level of effluent quality attainable by secondary treatment in terms of BOD_5, TSS and pH. According to 40 CFR 122.2 a municipality refers to a city town, borough, county, parish, district, association or Indian tribe or an authorized Indian tribal organization. The Part 133 regulations provide for special considerations regarding combined sewers, industrial wastes, waste stabilization ponds, and less concentrated influent wastewater for combined and separate sewers. Pursuant to Section 304(d)(4) of the CWA, the regulations also define "treatment equivalent to secondary treatment" and the alternative standards that apply to facilities meeting this definition.

An important aspect of municipal wastewater is that it is amenable to biological treatment. The biological treatment component of a municipal treatment plant is

termed secondary treatment and is usually preceded by simple settling (primary treatment). In response to the CWA requirements, EPA evaluated performance data for POTWs practicing secondary treatment and established performance standards based on its evaluation.

B. Water Quality-based Evaluation

In addition to the technology-based limits discussed above, the EPA evaluated the discharge to determine compliance with Section 301(b)(1)(C) of the CWA. This section requires the establishment of limitations in permits necessary to meet water quality standards by July 1, 1977.

NPDES regulation 40 CFR 122.44(d)(1) requires that permits include limits for all pollutants or parameters which "are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality." The limits must be stringent enough to ensure that water quality standards are met, and must be consistent with any available wasteload allocation (WLA).

EPA used the approach outlined below when determining whether water quality-based limits are needed and when developing those limits. Water quality-based limits were needed for Escherichia coli (E. coli).

1. Determine the appropriate criteria
2. Determine whether there is "reasonable potential" to exceed the criteria
3. If there is reasonable potential to exceed the criteria, then develop effluent limits

C. Effluent Limitations

This discussion outlines the basis for each of the effluent limitations in the Cow Creek WWTP draft NPDES permit. The limitations proposed are either technology-based or water quality-based.

1. Biochemical Oxygen Demand and Total Suspended Solids

The WWTP is a POTW. As such, the facility is subject to the technology-based requirements for BOD_5 and TSS in 40 CFR 133.102, as outlined in Table C-1.

Table B-1: Secondary Treatment Requirements			
Parameter	**Monthly Average (mg/L)**	**Weekly Average (mg/L)**	**Percent Removal (%)**
BOD_5	30	45	85
TSS	30	45	85

In addition to the concentration limits, 40 CFR 122.45(f) requires that NPDES permits contain mass-based limits for such pollutants as BOD_5 and TSS. The draft permit establishes loading limits based on the WWTPs current design capacity of 0.0865 mgd (40 CFR 122.45(b)). The limits are calculated by multiplying the concentration limits by the design flow and a conversion factor of 8.34 pound•liter/milligram•million gallons, as shown below:

Monthly Average Load: = (0.0865 mgd)(30 mg/L)(8.34)
= **22 lbs/day**

Weekly Average Load: = (0.0865 mgd)(45 mg/L)(8.34)
= **33 lbs/day**

2. pH

In addition to limits on BOD_5 and TSS, 40 CFR 133.102 specifies a pH range from 6.0 to 9.0 standard units for POTWs. The State water quality standards for protection of fresh water (OAR 340-41-285(2)(d)) requires that ambient pH be in the range of 6.5 - 8.5 standard units. Therefore, the draft permit incorporates the more stringent water quality-based requirements.

3. Bacteria/E. coli

Criteria for bacteria has been adopted by the Oregon Department of Environmental Quality (ODEQ), based on the beneficial uses of the South Umpqua River (See Section III of the Fact Sheet). The criteria is expressed as E. coli. The ODEQ water quality standard, OAR 340-41-285(2)(e), limits E. coli to 126 organisms per 100 ml, based on a minimum of five samples and 406 organisms per 100 ml never to be exceeded. Although effluent monitoring data is not available for E. coli, past studies have shown a direct relationship between fecal coliform and E. coli in domestic waste. Therefore, because past fecal coliform monitoring (ranging from

16,000/100ml to 240,000/100ml) indicates a significant exceedence of the state criteria for E. coli, a reasonable potential analysis is not necessary. The Cow Creek WWTP will disinfect the effluent to the South Umpqua River by ultra violet radiation.

Dilution is unavailable in the development of bacteria permit limits because the receiving water exceeds the state criteria for bacteria. Therefore, the E. coli limits are applied "end-of-pipe" (prior to discharge to the river). The draft limits for E. coli include a monthly average limit of 126/100 ml based on a minimum of five samples and a maximum daily limit of 406/100 ml.

4. Floating, Suspended or Submerged Matter

In accordance with OAR 340-410285(j and k) the formation of objectionable discoloration, scum, oily sleek or floating solids shall not be allowed. The formation of appreciable bottom or sludge deposits is also not allowed.

APPENDIX C - BIOSOLIDS/SEPTAGE

The sludge (biosolids) management regulations of 40 CFR 503 were designed so that the standards are directly enforceable against most users or disposers of biosolids, whether or not they obtain a permit. Therefore, the publication of Part 503 in the *Federal Register* on February 19, 1993 served as notice to the regulated community of its duty to comply with the requirements of the rule, except those requirements that indicate that the permitting authority shall specify what has to be done.

Even though Part 503 is largely self-implementing, Section 405(f) of the CWA requires the inclusion of biosolids use or disposal requirements in any NPDES permit issued to a Treatment Works Treating Domestic Sewage. In addition, the biosolids permitting regulations in 40 CFR Section 122 and 124 have been revised to expand the Agency's authority to issue NPDES permits with these requirements. This includes all biosolids generators, biosolids treaters and blenders, surface disposal sites and biosolids incinerators. Therefore, the requirements of 40 CFR 503 have to be met when biosolids are applied to the land, placed on a surface disposal site, placed on a MSWLF unit, or fired in a sewage sludge incinerator.

Requirements are included in Part 503 for pollutants in biosolids, the reduction of pathogens in biosolids, the reduction of the characteristics in biosolids that attract vectors, the quality of the exit gas from a biosolids incinerator stack, the quality of biosolids that are placed in a MSWLF unit, the sites where biosolids are either land applied or placed for final disposal, and for a biosolids incinerator.

A. Management

D. Commercial Septage: The commercial septage generated in the septic tanks periodically needs disposing of. The Tribe sends the septage to a solids handling facility that treats and land applies it off-reservation. Commercial septage is excluded from coverage under the Biosolids management regulations (40 CFR 503.6), therefore, conditions for transporting the septage to another facility are not included in the draft permit.

E. Biosolids: The permittee currently does not generate biosolids from the WWTP. However, there is the potential for the Permittee to need a disposal method for the gravel filter beds, in the recirculation tanks and drainfields, should they need replacing. Currently, the gravel beds are performing well and the consultant who designed the WWTP does not envision the need to replace or clean the filter material during the life of the permit. However, if the filter material needs replacing or cleaning, the material shall be disposed of either in a MSWLF or cleaned and recycled. The material cleaned from the gravel shall be hauled to a solids handling

facility off of the reservation. A MSWLF unit is the area of the solid waste landfill operation that actually receives the household waste. The permittee shall take all reasonable steps to ensure that the MSWLF complies with 40 CFR 258 and Subtitle D of RCRA (56 FR 50978).

B. Permit Requirements

To ensure compliance with the CWA and the federal standards for the use or disposal of biosolids (40 CFR 503), the draft permit contains the following requirements:

1. State Laws and Federal Standards: Pursuant to 40 CFR 122.41(a), a condition has been incorporated into the draft permit requiring the Permittee to comply with all existing federal laws and state laws, and all regulations applying to biosolids use and disposal. These standards are interpreted using the specific EPA guidance documents listed in paragraph 2, below. These documents are used by EPA Region 10 as the primary technical references for permitting and enforcement activities.

2. Health and Environmental General Requirement: The CWA requires that the environment and public health be protected from toxic effects of any pollutants in biosolids. Therefore, the Permittee must handle and use/dispose of biosolids in such a way as to protect human health and the environment.

   The U.S. Department of Agriculture assists facilities in evaluating potential nutrient or micronutrient problems. Additionally, the EPA has published the following guidance to assist facilities in evaluating their biosolids for pollutants other than those listed in 40 CFR 503: *Part 503 Implementation Guidance*, EPA 833-R-95-001 and *Environmental Regulations and Technology: Control of Pathogens and Vector Attraction in Sewage Sludge*, EPA/625/R-92/013.

3. Protection of Surface Waters from Sludge Pollutants: Section 405(a) of the CWA prohibits any practice where biosolids removed in a treatment works at one location would ultimately enter surface waters at another location. Under this requirement the Permittee must protect surface waters from metals, nutrients, and pathogens contained in the biosolids.

4. Biosolids Use/Disposal Practices: Information from the Tribe indicates the facility will dispose of its biosolids in a MSWLF if needed, therefore, these practices are authorized in the draft permit.

The facility does not receive biosolids from other treatment works, therefore the permit prohibits this activity.

5. Monitoring and Recording: Monitoring that is representative of the biosolids quality and variability shall occur prior to disposal at the MSWLF. The paint filter test (40 CFR 258.28) shall be performed each time biosolids are transported to a MSWLF to ensure that the biosolids do not contain free liquids. The biosolids shall also not contain hazardous materials in accordance with 40 CFR 258.20. If the biosolids are used as landfill cover, they must be suitable for that purpose according to 40 CFR 258.21. The quality of the biosolids must also meet 40 CFR Parts 260 Subpart B and 261, Subpart C RCRA requirements for materials disposed in a MSWLF unit. Records shall be kept and a report submitted to the EPA, with the subsequent quarterly DMR, each time the biosolids are disposed of documenting the results of the monitoring.

6. Planned Changes: Disposal options other than in a MSWLF off-reservation are not authorized during the life of the permit because information given by the Permittee does not indicate that such activities would comply with the necessary federal standards. Disposal of biosolids elsewhere at the landfill, such as in a separate trench, or stockpiling of biosolids for longer than two years, would be a different biosolids practice known under the federal biosolids rules as "surface disposal." The requirements of the 503 rules for surface disposal in 503.20-29 must be met in this case. This would be a major change in biosolids practices and would require a permit modification. The Permittee must apply for a permit modification 180 days before making a major change in biosolids management (40 CFR 122.21).

APPENDIX D - ENDANGERED SPECIES ACT

In a letter dated September 4, 1998, the National Marine Fisheries Service (NMFS) identified the following federally-listed species in the area of discharge:

A. Threatened Species
- Umpqua River cutthroat trout (*Orcorhynchus clarki clarki*)
- Oregon coast coho salmon (including Umpqua River coho, *O. kisutch*)

The EPA has completed informal consultation with the NMFS. Both agencies agree that the discharge from the Cow Creek WWTP is *not likely to adversely affect* the Umpqua River cutthroat trout or Umpqua River coho. Factors for the decline of the Umpqua River cutthroat trout include logging; recreational fishing; predation by marine mammals, birds, and native and nonnative fish species; adverse environmental conditions resulting from natural factors such as droughts, floods, and poor ocean conditions; non-point and point source pollution caused by agriculture and urban development; disease outbreaks by hatchery introduction and warm water temperatures; unscreened irrigation inlets; competition with other trout; loss and alteration of estuarine areas; and loss of habitat by dam construction. The major activities responsible for the decline of the Umpqua River coho in Oregon are logging, road building, grazing and mining activities, urbanization, stream channelization, dams, wetland loss, beaver trapping, water withdrawals, and unscreened diversions for irrigation.

In a letter dated November 12, 1998 the US Fish and Wildlife Service (USFWS) identified the following federally-listed species in the South Umpqua River.

A. Threatened Species
- Bald eagle (*Haliaeetus leucocephalus*)
- Northern spotted owl (*Strix occidentalis caurina*)
- Coho salmon (Oregon coast, *Oncorhynchus kisutch*)

B. Critical Habitat
- Northern spotted owl (*Strix occidentalis caurina*)

C. Endangered Species
- Columbian white-tailed deer (*Odocioleus virginianus leucurus*)
- Peregrine falcon (*Falco peregrinus*)
- Umpqua River cutthroat trout (*Oncorhynchus clarki clarki*)

D. Proposed Species
- Kincaid's lupine (*Lupinus sulphureus* var. *kincaidii*)

The EPA is currently in informal consultation with the USFWS in order to determine if the draft permit has *no affect* on the above listed species.