

STATEMENT OF BASIS FOR MODIFICATION
OF ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO.
AZ0025291

Pursuant to A.C.C. R18-9-B906, on July 9, 2018, ADEQ received a letter from the Pima County Kino Stadium District / Kino Sports Complex to modify AZPDES Permit No. AZ0025291 for the Ed Pastor Kino Environmental Restoration Project (KERP) which became effective on August 21, 2017. The request is to revise the Ammonia Impact Ratio (AIR) daily maximum limit from one (1) to two (2) in Table 1 in the permit.

The Ed Pastor Kino Environmental Restoration Project (KERP) receives treated domestic wastewater from the Agua Nueva Water Reclamation Facility that is a publicly owned treatment works in Tucson. KERP consists of three (3) impoundments and four (4) stream courses with several in-stream ponds. Pima County proposed a discharge of up to 2.0 million gallons per day (mgd) of treated domestic wastewater from KERP to Julian Wash in the Santa Cruz River Basin in Township 14 S, Range 14 E, Section 29, in Pima County, Arizona. The KERP site also includes a separate pond which is lined and raised in elevation and contains chlorinated reclaimed water used for irrigation of local ball fields. No sludge is generated at KERP.

This is a request to modify the ammonia limit listed on Table 1 of the permit. Ammonia water quality criteria vary based on the effluent pH and temperature at the time of effluent sampling. As a result, no single ammonia concentration can be included as a permit limit. To overcome this, an Ammonia Impact Ratio (AIR) was created in the permit. The AIR is calculated by dividing the ammonia concentration in the effluent by the applicable ammonia standard based on the effluent pH and temperature at the time of sampling. The AIR average monthly limit (AML) and the maximum daily limit (MDL) were previously both set at 1 in the permit. The Pima County Kino Stadium District/Kino Sports Complex has requested the AIR maximum daily limit be changed from 1 to 2 to be consistent with the limit in the recently renewed AZPDES permit for the Agua Nueva facility, which is the source water for the KERP facility.

This major modification has been reviewed and drafted with consideration of anti-backsliding concerns. Anti-backsliding refers to statutory (Section 402(o) of the Clean Water Act) and regulatory (40 CFR 122.44(l)) requirements that prohibit the renewal, reissuance, or modification of an existing NPDES permit that contains effluent limits, permit conditions, or standards that are less stringent than those established in the previous permit. The rules and statutes do identify exceptions to these circumstances where backsliding is acceptable.

40 CFR 122.44(l)(2)(i)(B)(1) allows a permit to be modified to contain a less stringent effluent limitation if information becomes available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. The revised maximum daily permit limit for ammonia was established using the procedures outlined in the EPA *Technical Support Document for Water-Quality Based Toxics Control* (TSD) (EPA/502/2-90-001). The previous AIR limit did not take calculate a separate maximum daily limit in accordance with the methodology

outlined in the TSD. This change in calculating the AIR value for the maximum daily limit fixes a technical mistake made in drafting the prior permit. Section 402(o)(2)(B)(ii) of the Clean Water Act states a less stringent effluent limit can be included in a modified permit if a technical mistake were made at the time of permit issuance.

This change is considered a major modification. This proposed modification will be public noticed for a 30 day comment period prior to issuance of the final permit decision.

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