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

APR 25 2016

CERTIFIED MAIL 7014 2870 0000 3318 3067
RETURN RECEIPT REQUESTED

The Honorable Phyliss J. Anderson
Tribal Chief
Office of Tribal Chief
Mississippi Band of Choctaw Indians
101 Industrial Drive
P.O. Box 6010
Choctaw, Mississippi 39350

Re: Notice of Civil Violation and Information Request Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, for the Pearl River Wastewater Treatment Plant, National Pollutant Discharge Elimination System Permit No. MS0053503

Dear Chief Anderson:

The purpose of this letter is to notify you that the U.S. Environmental Protection Agency has reviewed Discharge Monitoring Reports (DMRs) submitted by the Mississippi Band of Choctaw Indians (Tribe) for its Pearl River Wastewater Treatment Plant (WWTP), National Pollutant Discharge Elimination System (NPDES) Permit Number MS0053503 (Permit), for the period from March 2011 to December 2015. The purpose of this DMR review was to evaluate the Tribe's compliance with the requirements of Sections 301 and 402 of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342; the regulations promulgated thereunder at 40 C.F.R. Part 122; and the Permit.

The EPA's review of the DMRs submitted by the Tribe revealed that the Tribe failed to comply with the requirements of the Permit and is therefore in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342. Specifically, the Tribe has failed to comply with the following Permit requirements, as depicted in Enclosure B. In summary:

1. The Tribe has failed to sample and report monthly total hardness concentrations in accordance with Part I.A.1 of the Permit on March through October 2011, July 2013, October 2013, July 2014, September 2014, and July 2015.

2. The Tribe has failed to sample and report monthly Copper concentrations in accordance with Part I.A.1 of the Permit on February 2013, June 2013, March through April 2014, July 2014, June through July 2015, and October 2015.

3. The Tribe reported Copper concentrations in units of mg/l instead of ug/l. Converting reported values to ug/l and calculating the Copper effluent limitations in accordance with Part I.A.9, the Tribe exceeded the Copper monthly average, weekly average, and daily maximum as summarized in Enclosure B.

Until compliance with the CWA is achieved, the Tribe is considered to be in violation of the CWA and may be subject to further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, which provides for, among other things, the issuance of administrative compliance orders and the initiation of civil and/or criminal actions.

The EPA is continuing to investigate the Tribe's compliance with the CWA. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that the Tribe provide a description of corrective actions and/or a schedule to correct the above violations within ten (10) business days of receipt of this letter.

The Tribe's response should be submitted to:

Michael Hom, Environmental Engineer
U.S. Environmental Protection Agency, Region 4
Stormwater and Residuals Enforcement Section
NPDES Permitting and Enforcement Branch
Water Protection Division
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If the Tribe believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure A.

Please be aware that the EPA may use information provided in response to this Notice of Civil Violation and Information Request in any enforcement proceeding related to this matter. All information submitted must be accompanied by the following certification that is signed by a duly authorized tribal official in accordance with 40 C.F.R. § 122.22:

> "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."

If you have any questions regarding this Notice of Civil Violation, your staff may contact Mr. Michael Hom at (404) 562-9748 or by e-mail to hom.michael@epa.gov. Legal inquiries should be directed to Ms. Suzanne Armor, Attorney Adviser at (404) 562-9701 or by e-mail to armor.suzanne@epa.gov.

Sincerely,

James D. Giattina
Director
Water Protection Division

Enclosures

cc: Reggie Shumaker
MBCI Public Works Department

Jerry W. Cain, P.E.
MBCI Office of Environmental Protection

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

ENCLOSURE B

Month-Year	Cu Monthly Avg Actual ug/l	Cu Weekly Avg Actual ug/l	Cu Daily Max Actual ug/l	Cu Monthly Avg Limit ug/l	Cu Weekly Avg Limit ug/l	Cu Daily Max Limit ug/l	Cu Monthly Avg % Over	Cu Weekly Avg % Over	Cu Daily Max % Over	Total Hardness mg/l as CaCO3
Mar-11	40	40	40	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Apr-11	19	19	19	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
May-11	2	2	2	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Jun-11	17	17	17	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Jul-11	16	16	16	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Aug-11	13	13	13	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Sep-11	25	25	25	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Oct-11	90	90	90	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Nov-11	16	16	16	6.506	9.759	9.409	145.9%	63.9%	70.1%	65.59
Dec-11	20	20	20	10.028	15.043	15.161	99.4%	33.0%	31.9%	108.83
Jan-12	20	20	20	6.046	9.068	8.677	230.8%	120.5%	130.5%	60.19
Feb-12	33	33	33	6.364	9.546	9.183	418.5%	245.7%	259.4%	63.92
Mar-12	42	42	42	5.288	7.932	7.486	694.3%	429.5%	461.1%	51.46
Apr-12	1	1	1	7.202	10.803	10.524	-86.1%	-90.7%	-90.5%	73.87
May-12	75	75	75	7.016	10.523	10.224	969.1%	612.7%	633.6%	71.64
Jun-12	11	11	11	5.939	8.908	8.508	85.2%	23.5%	29.3%	58.95
Jul-12	2	2	2	6.009	9.014	8.620	-66.7%	-77.8%	-76.8%	59.77
Aug-12	38	38	38	7.375	11.063	10.804	415.2%	243.5%	251.7%	75.96
Sep-12	20	20	20	5.302	7.953	7.508	277.2%	151.5%	166.4%	51.62
Oct-12	23	23	23	6.576	9.863	9.519	249.8%	133.2%	141.6%	66.41
Nov-12	12	12	12	6.294	9.440	9.070	90.7%	27.1%	32.3%	63.09
Dec-12	29	29	29	6.329	9.493	9.126	358.2%	205.5%	217.8%	63.5
Jan-13	15	15	15	5.470	8.205	7.771	174.2%	82.8%	93.0%	53.54
Feb-13	NS	NS	NS	6.186	9.279	8.900	#VALUE!	#VALUE!	#VALUE!	61.83
Mar-13	14	14	14	6.401	9.601	9.241	118.7%	45.8%	51.5%	64.35
Apr-13	13	13	13	6.257	9.385	9.012	107.8%	38.5%	44.3%	62.66
May-13	20	20	20	5.068	7.601	7.143	294.7%	163.1%	180.0%	48.96

Month-Year	Cu Monthly Avg Actual ug/l	Cu Weekly Avg Actual ug/l	Cu Daily Max Actual ug/l	Cu Monthly Avg Limit ug/l	Cu Weekly Avg Limit ug/l	Cu Daily Max Limit ug/l	Cu Monthly Avg % Over	Cu Weekly Avg % Over	Cu Daily Max % Over	Total Hardness mg/l as CaCO3
Jun-13	NS	NS	NS	5.068	7.601	7.143	#VALUE!	#VALUE!	#VALUE!	48.96
Jul-13	20	20	20	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Aug-13	20	20	20	6.371	9.557	9.194	213.9%	109.3%	117.5%	64
Sep-13	200	200	200	8.445	12.667	12.543	2268.3%	1478.9%	1494.5%	89
Oct-13	200	200	200	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Nov-13	NS	NS	NS	8.526	12.789	12.676	#VALUE!	#VALUE!	#VALUE!	90
Dec-13	NS	NS	NS	8.364	12.545	12.411	#VALUE!	#VALUE!	#VALUE!	88
Jan-14	20	20	20	4.983	7.474	7.011	301.4%	167.6%	185.3%	48
Feb-14	20	20	20	6.029	9.044	8.651	231.7%	121.1%	131.2%	60
Mar-14	NS	NS	NS	6.098	9.147	8.760	#VALUE!	#VALUE!	#VALUE!	60.8
Apr-14	NS	NS	NS	6.115	9.172	8.787	#VALUE!	#VALUE!	#VALUE!	61
May-14	12.2	12.2	12.2	5.493	8.239	7.806	122.1%	48.1%	56.3%	53.8
Jun-14	ND	ND	ND	27.211	40.816	45.574	#VALUE!	#VALUE!	#VALUE!	350
Jul-14	NS	NS	NS	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Aug-14	20	20	20	6.029	9.044	8.651	231.7%	121.1%	131.2%	60
Sep-14	NS	NS	NS	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Oct-14	20	20	20	3.989	5.983	5.486	401.4%	234.3%	264.6%	37
Nov-14	76	76	76	5.684	8.526	8.107	1237.1%	791.4%	837.5%	56
Dec-14	68	68	68	6.625	9.938	9.599	926.4%	584.2%	608.4%	67
Jan-15	180	180	180	6.962	10.443	10.138	2485.5%	1623.7%	1675.5%	71
Feb-15	20	20	20	6.371	9.557	9.194	213.9%	109.3%	117.5%	64
Mar-15	20	20	20	6.676	10.014	9.680	199.6%	99.7%	106.6%	67.6
Apr-15	20	20	20	7.213	10.819	10.541	177.3%	84.9%	89.7%	74
May-15	ND	ND	ND	6.769	10.153	9.828	#VALUE!	#VALUE!	#VALUE!	68.7
Jun-15	NS	NS	NS	6.710	10.065	9.734	#VALUE!	#VALUE!	#VALUE!	68
Jul-15	NS	NS	NS	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	NS
Aug-15	28	28	28	6.277	9.416	9.045	346.0%	197.4%	209.6%	62.9
Sep-15	22.3	22.3	22.3	6.541	9.811	9.464	240.9%	127.3%	135.6%	66

Month-Year	Cu Monthly Avg Actual ug/l	Cu Weekly Avg Actual ug/l	Cu Daily Max Actual ug/l	Cu Monthly Avg Limit ug/l	Cu Weekly Avg Limit ug/l	Cu Daily Max Limit ug/l	Cu Monthly Avg % Over	Cu Weekly Avg % Over	Cu Daily Max % Over	Total Hardness mg/l as CaCO3
Oct-15	NS	NS	NS	7.956	11.934	11.745	#VALUE!	#VALUE!	#VALUE!	83
Nov-15	20	20	20	5.857	8.786	8.379	241.5%	127.6%	138.7%	58
Dec-15	13.3	13.3	13.3	5.309	7.963	7.519	150.5%	67.0%	76.9%	51.7
Note:	#VALUE!	unable to calculate due to missing data								
	NS	did not sample								
	ND	reported non-detectable								
	"-%"	indicates in compliance with limitation								