

PUBLIC NOTICE

PUBLIC NOTICE OF DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-6106

Public Notice No.: 16-03-02-A

Public Notice Issued On: March 11, 2016

Comment period ends: April 11, 2016

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Permit No.: WI-0046868-4 (REISSUANCE)

Application No.: WI-0046868-4

Name and Address of Applicant:

Menominee Tribal Enterprises
Menominee Indian Tribe of Wisconsin
P.O. Box 10
Neopit, Wisconsin 54150

Name and Address of Facility:

Menominee Tribal Enterprises
N3522 Cottage Avenue
Neopit, Wisconsin 54150
Menominee County
Menominee Indian Reservation

Receiving Water: Neopit Mill Pond and the West Branch of the Wolf River

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above named applicant has applied for an NPDES Permit to discharge into the designated receiving water. The discharge is located within the exterior boundaries of the Menominee Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The existing facility is a timber processing facility which produces rough sawn and planed lumber from logs harvested from the Menominee Indian Reservation. Processes include wet decking, mechanical barking, sawing, edging, planing, machining, and drying. The following outfalls are covered under this permit:

001- Boiler blowdown discharge to the West Branch of the Wolf River

002- Stormwater discharge to the West Branch of the Wolf River

003- Wet decking discharge to the Neopit Mill Pond

The draft permit requires the applicant to meet the following effluent limitations:

Outfall 001 – Boiler Blowdown

Limitations for Surface Water Discharges		
Parameter	Daily Minimum	Daily Maximum
Flow (Gallons Per Day)	-	Report
Temperature (°F)	-	Report
Total Suspended Solids	-	40 mg/l
pH	6.0 s.u.	9.0 s.u.
Oil and Grease (mg/l)	-	Report
BOD ₅ (mg/l)	-	Report
Total Phosphorus (mg/l)	-	Report
Ammonia Nitrogen (mg/l)	-	Report
Water Treatment Additives	-	Report Monthly Total

Outfall 002 – Storm Water Associated with Industrial Activity

Limitations for Surface Water Discharges	
Parameter	Daily Maximum
Total Suspended Solids (mg/L)	Report
COD (mg/l)	Report
Total Zinc (mg/l)	Report
Hardness (mg/L) (receiving water)	Report
Visual Monitoring	N/A

Outfall 003 – Wet Decking

Limitations for Surface Water Discharges		
Parameter	Daily Minimum	Daily Maximum
Flow (Gallons Per Day)	-	Report
pH	6.0 s.u.	9.0 s.u.
Visual Monitoring	N/A	N/A
Total Suspended Solids	-	Report

The limits were developed to ensure compliance with applicable effluent guidelines and

protection of Tribal and Wisconsin water quality standards where they are applicable. In this regard, the Wisconsin Department of Natural Resources and the Tribe were contacted. Conditions of the permit are based on effluent guidelines found at 40 CFR Part 429, Wisconsin general permit for boiler blowdown, and EPA's 2015 multi-sector general permit for storm water associated with industrial activity. The permit also requires the revision (if needed) and implementation of a storm water pollution prevention plan and the prohibition of discharges from the following processes: Mechanical Barking; Sawing; Edging; Planing; Machining, and; Drying.

SECTION 401 WATER QUALITY CERTIFICATION

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act. Section 401 certification is not needed from the state or the Menominee Indian Tribe of Wisconsin as neither has federally approved water quality standards applicable to the receiving water at the point of discharge. It should be noted that the Menominee Indian Tribe of Wisconsin has tribally approved water quality standards. EPA believes the effluent limitations included in the draft permit meet tribal and state water quality standards where they are applicable. We have discussed our reissuance of the permit with the Tribe and WDNR.

ESA AND NHPA COMPLIANCE

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since this is an existing facility with no new planned expansion or construction expected within the permit term, it is believed that the issuance of the permit and the continued operation of the facility will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to reissue a permit for the discharges from Menominee Tribal Enterprises subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES

The determination to issue the NPDES permit is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permits may be submitted extends to April 11, 2016.
2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is April 11, 2016.
3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.

4. All comments received later than April 11, 2016, will not be considered in the formulation of final determinations.
5. Written comments or requests for a public hearing must be delivered or mailed to:
John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs
Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decisions, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. All documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be sent to the following address: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, DC 20460-0001.

All mail sent to the Environmental Appeals Board may be delayed by a random sterilization procedure. Parties are encouraged to utilize the Board's e-filing system or hand or courier delivery when filing pleadings with the Board to avoid potential delays.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, U.S. EPA East Building, Room 3334, Washington, DC 20004

Documents that are hand-carried may be delivered to the Clerk of the Board between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

AVAILABILITY OF DOCUMENTS

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view, the public notice, statement of basis, and draft permit on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/index.htm>". All data submitted by the applicant is available as part of the administrative record. For more information, please contact John Colletti at (312) 886-6106 or by e-mail at colletti.john@epa.gov.

Unless a public hearing is scheduled, the EPA will issue a final determination as to the reissuance of the permit in a timely manner after the expiration of the public comment period. If you would like to receive a copy of the final determination, please submit a request during the comment period to the above address. Please bring the foregoing to the attention of persons

whom you know would be interested in this matter.