STATEMENT OF BASIS

FOR THE REISSUANCE OF
A NPDES PERMIT

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**

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

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 has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. This is an existing facility. This is an existing facility with no planned construction during the permit. Therefore, it is believed that the reissuance of the permit and the continued operation of the facility and associated discharges will have no effect on endangered or threatened species or their critical habitat and will have no impact on historical, archeological, or cultural resources.

Basis for Permit Requirements

The limits were developed to ensure compliance with federal effluent guidelines, protection of EPA's water quality criteria, and protection of tribal and state water quality standards where they are applicable. Conditions of the permit are also based on effluent guidelines found at 40 CFR Part 429, the Wisconsin general permit for boiler blowdown, and EPA's 2015 multi-sector general permit for stormwater associated with industrial activity.

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

Outfall 001 – Boiler Blowdown

Limitations for Surface Water Discharges			Monitoring Requirements	
Parameter	Daily Minimum	Daily Maximum	Sample Frequency	Sample Type
Flow (Gallons Per Day)	-	Report	Quarterly	Estimate
Temperature (°F)	-	Report	Quarterly	Grab
Total Suspended Solids	-	40 mg/l	Quarterly	Grab
pH	6.0 s.u.	9.0 s.u.	Quarterly	Grab
Oil and Grease (mg/l)	-	Report	Annually	Grab
BOD_5 (mg/l)	-	Report	Annually	Grab
Total Phosphorus (mg/l)	-	Report	Annually	Grab
Ammonia Nitrogen (mg/l)	-	Report	Annually	Grab

Water Treatment Additives	-	Report Monthly Total	Monthly	Record Usage

Discharges from boilers remove dissolved and suspended solids from the system. Discharges from boilers can be both intermittent and continuous. All boilers have discharge connections at low points for short duration intermittent removal of settled sludge (blowdown). Frequent blowdown may be necessary to meet the total suspended solids limit included in this permit. Many boilers also have discharge connections located just below the water level in the steam release area for continuous removal of dissolved solids (bleed-off). Continuous blowdown and/or bleed-off of a small amount of boiler water provides for better operation by providing more consistent control of boiler water chemistry and chemical additives. Chemicals are added to boiler water to control scale and corrosion and provide a good quality steam. Most boiler water additives are non-toxic. However, every additive needs to be reviewed on a case-by-case basis.

Flow
An estimate of the average daily flow performed quarterly will be sufficient to assure that the facility is aware of the loading to the receiving water. An estimate means a reasonable approximation of flow based on any of the following: (a) water balance, (b) an uncalibrated weir, (c) calculations from the velocity and cross section of the discharge, (d) intake water meter readings where the intake, or a specific portion of it, is discharged, and (e) discharge water meter readings. The EPA may approve additional methods for estimating flow.

Total Suspended Solids (TSS)
The TSS daily maximum effluent limit is 40 mg/l (milligrams per liter). The TSS limit is based on the ability of simple settling equipment to easily remove suspended solids from the discharge to concentrations below 40 mg/l. Water is basically clear at 40 mg/l of TSS. TSS monitoring is required on a quarterly basis for boiler water discharges using a grab sample.

pH
The pH is limited to the range of 6.0 to 9.0 standard units. This is consistent with the water quality based pH range for waters classified for fish and aquatic life. pH monitoring is required for discharges of boiler water since the pH of the water in the boiler is maintained above 9.0 s.u. pH monitoring of boiler water is required on a quarterly basis using a grab sample.

Temperature
To ensure Wisconsin's thermal water quality standards are met at the reservation boundary, temperature monitoring is required.

Oil and Grease, BOD_5 (Biochemical Oxygen Demand), Phosphorus, and Ammonia
Annual monitoring for these parameters will provide the facility and EPA an indication of possible cross contamination with process wastewaters. Phosphorus monitoring is also designed to provide information on usage levels of phosphorus containing water treatment additives. Monitoring for these parameters is required on an annual basis using a grab sample.

Water Treatment Additives
The facility shall keep a monthly record of the daily maximum and monthly average quantity of each additive used. This will provide the necessary information to the facility and the EPA to determine if additive usage is remaining within approved levels. Additives approved for use are: Fremont 948; Fremont Oxygen Scavenger; and Fremont 8536.

Floating Solids and Foam
The prohibition on floating solids and foam is a Best Professional Judgment (BPJ) condition dating back to the Refuse Act Permit Program and the Corps of Engineer's River and Harbor Act of 1899. This condition is achievable by application of best practicable control technology.

Outfall 002 – Stormwater Associated with Industrial Activity

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

Stormwater discharges associated with certain industrial activities are subject to permitting requirements of the Clean Water Act (CWA). Applicable industrial activities are identified in 40 Code of Federal Regulations (CFR) part 122.26(b)(14). This particular facility is classified under 40 CFR part 122.26(b)(14)(ii). EPA has issued a National general permit (June 4, 2015) that covers the stormwater discharges from this type of industrial activity. Since EPA is issuing an individual permit for the facility's non-stormwater discharges, this permit will contain applicable requirements from the general permit to address the facility's stormwater discharges.

Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)
The permit requires the design, installation and implementation of best management practices (BMPs) that are to be tailored to the permittee's facility. The BMPs are to minimize exposure to stormwater.

Benchmark Parameters - Total Suspended Solids, COD (Chemical Oxygen Demand), and Zinc
The permit requires quarterly monitoring of benchmark parameters selected for the type of industry being permitted. Monitoring for these parameters will provide the facility and EPA an indication of possible cross contamination with process wastewaters. EPA notes that the benchmark thresholds used for monitoring are not effluent limits, but rather information that is

primarily for the use of the industrial facility to determine the overall effectiveness of the control measures and to assist in understanding when corrective action(s) may be necessary. For clarity, EPA emphasizes that the benchmark levels are not, and have never been, effluent limits themselves. Therefore, an exceedance of the benchmark four-quarter average is not a violation of the permit, provided that no separate water quality exceedance resulted from the associated stormwater discharges.

Stormwater Pollution Prevention Plan
The permit requires the review and update of the facilities existing Stormwater Pollution Prevention Plan (SWPPP). The SWPPP focuses on two major objectives: (1) to identify sources of pollution potentially affecting the quality of stormwater discharges associated with industrial activity from the facility; and (2) to ensure implementation of measures to minimize and control pollutants in stormwater discharges associated with industrial activity from the facility. EPA believes the pollution prevention approach is the most environmentally sound and cost-effective way to control the discharge of pollutants in stormwater runoff from industrial facilities.

Visual Monitoring
The permit requires that grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen or other obvious indicators of stormwater pollution. EPA believes that this quick and simple assessment will help the permittee to determine the effectiveness of his/her SWPPP on a regular basis at very little cost.

Routine Facility Inspections
The permit requires the permittee to quarterly conduct inspections of areas of the facility covered by the requirements in the permit, including, but not limited to, the following:

- areas where industrial materials or activities are exposed to stormwater;
- areas identified in the SWPPP and those that are potential pollutant sources;
- areas where spills and leaks have occurred in the past three years;
- discharge points; and
- control measures used to comply with the effluent limits contained in this permit.

These inspections will enable permittees to better identify sources of pollutants discharged in stormwater runoff from the facility and to actively observe the effectiveness of control measures implemented to comply with effluent limits.

<u>Outfall 003 – Wet Decking</u>

Limitations for Surface Water Discharges			Monitoring Requirements	
Parameter	Daily Minimum	Daily Maximum	Sample Frequency	Sample Type
Flow (Gallons Per Day)	-	Report	Weekly	Estimate
pH	6.0 s.u.	9.0 s.u.	Weekly	Grab

Visual Monitoring	N/A	N/A	Weekly	Visual
Total Suspended Solids	-	Report	Quarterly	Grab

This facility is subject to effluent guidelines found at 40 CFR part 429, Timber Products Processing Point Source Category, Subparts I, K, and L.

Flow
An estimate of the average daily flow performed quarterly will be sufficient to assure that the facility is aware of the loading to the receiving water. An estimate means a reasonable approximation of flow based on any of the following: (a) water balance, (b) an uncalibrated weir, (c) calculations from the velocity and cross section of the discharge, (d) intake water meter readings where the intake, or a specific portion of it, is discharged, and (e) discharge water meter readings. The EPA may approve additional methods for estimating flow.

Benchmark Parameter - Total Suspended Solids
The permit requires quarterly monitoring of the benchmark parameter selected for the type of industry being permitted. Monitoring for this parameter will provide the facility and EPA an indication of possible cross contamination with process wastewaters. EPA notes that the benchmark thresholds used for monitoring are not effluent limits, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of the control measures and to assist in understanding when corrective action(s) may be necessary.

Subpart I – Wet Storage Subcategory
In accordance with 40 CFR part 429.103, there shall be no debris discharged and the pH shall be within the range of 6.0 and 9.0. Debris is defined as woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1") diameter round opening.

Prohibited Discharges

Subpart K – Sawmills and Planing Mills and Subpart L – Finishing Subcategory
There shall be no discharge of process wastewater pollutants into navigable waters from the following processes: Mechanical Barking; Sawing; Edging; Planing; Machining, and; Drying.

Special Conditions

1. The permittee must start reporting Discharge Monitoring Report information electronically by January 21, 2017.
2. The permit has requirements to take corrective action.
3. The permit has requirements to review and update a stormwater pollution prevention plan.
4. The permit has requirements for routine facility inspections.
5. The permit has requirements for visual monitoring of the stormwater discharges.
6. The permit has requirements for using different of water treatment additives.
7. The permit has requirements related to monitoring of benchmark parameters.

Significant Changes from the Previous Permit

1. Parts I.B.2 and 3 have been updated to be consistent with the 2015 multi-sector national general permit.
2. The **Reporting** requirement has been changed to require electronic submittal of DMRs. (Part I.E.2).
3. The **Corrective Action** requirement has been updated to be consistent with the 2015 multi-sector national general permit (Part I.E.3).
4. The **SWPPP** requirement has been updated to be consistent with the 2015 multi-sector national general permit (Part I.E.4).
5. A new Part I.E.5 has been added to require routine facility inspections to be consistent with the 2015 multi-sector national general permit. The subsequent parts have been renumbered.
6. The **Standard Conditions** has been updated (Part II).

The permit is based on an NPDES application dated March 4, 2015 and additional documents found in the administrative record.

This permit will be effective for approximately five years from the date of issuance as allowed by regulation.

Written By: John Colletti March 2016
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