

PUBLIC NOTICE

PUBLIC NOTICE OF DRAFT NPDES PERMITS 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.: 16-04-01-A

Public Notice Issued On: April 29, 2016

Comment period ends: May 31, 2016

Permit No.: MN-0058611-5 (Reissuance)

Application No.: MN-0058611-5

Name and Address of Applicant:

Mille Lacs Band of Ojibwe
Mille Lacs Public Works
43408 Oodena Drive
Onamia, Minnesota 56359

**Name and Address of Facility
Where Discharge Occurs:**

East Lake Sewage Lagoon
Mille Lacs Indian Reservation
West 364th Lane
East Lake (McGregor), Minnesota
Aitkin County
(NW ¼ of the SW ¼ of Sec 21, T47N, R23W)

Receiving Water: Deciduous lowlands

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 facility is located within the exterior boundaries of the Mille Lacs Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The treatment facility consists of a 2-cell lagoon. The primary cell is 1.0 acre in area and the secondary cell is 0.5 acres in area. The system serves 35 dwelling units (Apple Orchard Community) and has an average design flow of approximately 10,200 gallons per day. The discharge is controlled, usually occurring during the fall to a lowland area. Wastewater is from domestic sources only. The facility would be rated as a Class D under Minnesota regulations if applicable.

The permittee does not plan to remove any solids from the pond during the permit term.

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

Parameter	Date	Monthly average	Weekly Average	Daily Maximum	Daily Minimum
Flow	All year	Report	Report	---	---
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	All Year	25 mg/L	40 mg/L	---	---
Total Suspended Solids	All Year	45 mg/L	65 mg/L	---	---
Ammonia Nitrogen, Total (as N) (mg/L)	All Year	Report	---	---	---
Nitrite Plus Nitrate, Total (as N) (mg/L)	All Year	Report	---	---	---
Nitrogen, Kjeldahl, Total	All Year	Report	---	---	---
Nitrogen, Total (as N) (mg/L)	All Year	Report	---	---	---
Sulfates (mg/L)	All Year	Report	---	---	---
Dissolved Oxygen	All Year	---	---	---	Report
E.coli	April 1 –October 31	126 E. coli/100 ml*	---	410 E. coli/100 ml	---
Total Phosphorus	All Year	Report	---	---	---
pH	All Year	---	---	9.0 S.U.	6.0 S.U.
Outfall Observation	All Year	Report	---	---	---

The limits were developed to ensure compliance with 40 CFR Part 133 and protection of Minnesota water quality standards where they are applicable. In this regard, the Minnesota Pollution Control Agency (MPCA) was consulted regarding appropriate effluent limits. The limits in this draft permit are the same as the previous permit as EPA believes they are still applicable. The permittee has been in substantial compliance with the limits. The permit also requires the development and implementation of a phosphorus management plan. This condition is consistent with minor permits issued by MPCA. The permit requires the permittee to conduct a tracer study to determine the direction of flow after the discharge enters the deciduous lowlands. The permit contains a reopener clause that would allow the permit to be modified based on the results of the study. The permit also requires monitoring for additional parameters as listed in the table above, compliance with 40 CFR Part 503 when sludge is used or disposed and 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility.

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 nor the Mille Lacs Band of Ojibwe Indians as neither has federally approved water quality standards applicable to the receiving water at the point of discharge, however, EPA believes the effluent limitations included in the draft

permit meet state water quality standards at the reservation boundary. We have discussed our reissuance of the permit with the MPCA.

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 Acting Regional Administrator of EPA, Region 5 proposes to reissue a NPDES permit for the discharge from the East Lake Sewage Lagoon subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES

The determination to issue an NPDES permit is tentative. Interested persons are invited to submit written comments on the draft permit. 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 permit may be submitted extends May 31, 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 May 31, 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 after May 31, 2016 will not be considered in the formulation of final determination.
5. Written comments of request 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 or emailed to colletti.john@epa.gov.

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.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.