

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.: 16-07-01-A

Public Notice Issued On: July 27, 2016

Comment period ends: August 26, 2016

Permit No.: WI-0073041-2 (Reissuance)

Application No.: WI-0073041-2

Name and Address of Applicant:

Lac Courte Oreilles Band of Lake Superior
Chippewa Indians
LCO Public Works Department
9796 N County Highway K
Hayward, Wisconsin 54843

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

LCO Reserve Lagoon
6894 N County Highway E
Lac Courte Oreilles Indian Reservation
Reserve, Wisconsin
Sawyer County
(Sec 9, T39N, R8W)

Receiving Water: Unnamed wetland within the Reservation

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 Lac Courte Oreilles 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 approximately 1.6 acres and the secondary cell is 2.34 acres in area (4 foot level). The system serves the Reserve Community (population: 120). At this time there is no additional housing proposed. The estimated average influent flow is 2500 gallons per day from domestic sources only. The discharge is controlled, usually occurring during the spring and fall to an unnamed wetland within the Reservation.

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

Proposed Effluent Limitations:

Outfall 001- the permittee is authorized to discharge treated municipal wastewater from Outfall 001. Outfall 001 discharges to an unnamed wetland.

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 (TSS)	All Year	60 mg/L	90 mg/L	---	---
Ammonia Nitrogen, Total (as N) (mg/L)	All Year	Report	---	---	---
Dissolved Oxygen (mg/L)	All Year	---	---	---	Report
E.coli	May 1 – September 30	126 E. coli/100 ml (geometric mean)	---	410 E. coli/100 ml	---
Phosphorus, Total (mg/L)	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 Parts 131 and 133 and protection of human health and EPA's water quality criteria, and protection of Wisconsin's WQS where they are applicable. In this regard, the draft permit has been shared with the Wisconsin Department of Natural Resources (WDNR). The limits in this draft permit are the same as the previous permit as EPA believes they are still applicable. The permittee has generally been in compliance with the limits. We have also included a daily maximum limit for E. coli. The permit also requires the continued implementation of a phosphorus management plan, compliance with 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility and 40 CFR Part 503 when sludge is used or disposed. The permittee does not plan to remove any solids from the pond during the permit term.

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 Lac Courte Oreilles Band of Lake Superior Chippewa 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.

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 with no planned expansion or construction within the permit term. Therefore, it is believed that the reissuance of the permit and the continued operation

of the facility and associated discharge will have no effect on endangered or threatened species or their critical habitat and will have no impact on 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 LCO Reserve 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 until August 26, 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 August 26, 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 August 26, 2016 will not be considered in the formulation of final determinations.
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.