

PUBLIC NOTICE

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

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-15J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-6106

Public Notice No.: 17-05-02-A

Public Notice Issued On: May 31, 2017

Comment period ends: June 30, 2017

Permit No.: WI-0071501-2 (Reissuance)

Application No.: WI-0071501-2

Name and Address of Applicant:

Sokaogon Chippewa Community
3051 Sand Lake Road
Crandon, Wisconsin 54520

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

Sokaogon Chippewa Community
Wastewater Treatment System
(SCC WWTS)
3000 Ackley Circle
Crandon, Wisconsin 54520
(SW ¼ of Section 28, T35N, R12E)

Receiving Water: Wetland 22 via hydrologically connected groundwater

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 Mole Lake Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The application and plans indicate that the permittee owns and operates a 0.09 mgd wastewater treatment system. The system consists of fine screening followed by septic tanks (2 primary and 2 secondary), recirculating sand filter beds (4) and ultraviolet disinfection. The discharge is continuous to a subsurface discharging system. The subsurface discharge is 50 feet from the edge of a wetland on the Mole Lake Indian Reservation. Sludge generated at the facility is hauled offsite by a private hauler and land applied. The treatment system serves the Sokaogon Chippewa Community and Casino/Hotel.

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	20 mg/L	30 mg/L	---	---
Total Suspended Solids (TSS)	All Year	20 mg/L	30 mg/L	---	---
Ammonia Nitrogen, Total (as N) (mg/L)	All Year	9.87	---	9.87	---
Dissolved Oxygen (mg/L)	All Year	---	---	---	5.0
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	---	---	---
Temperature (°F)	All Year	Report	---	Report	---
pH	All Year	---	---	8.5 S.U.	6.5 S.U.
Outfall Observation	All Year	Report	---	---	---

The facility discharges its effluent through a subsurface drainage system. EPA would not normally require a NPDES permit for a subsurface discharge. In this case, EPA believes that with the close proximity of the wetland to the subsurface discharge location (roughly 50 feet) and the design of the subsurface drainage system, there will be a direct hydrological connection to the wetland and as such, would act like a direct discharge to the wetland. It has been EPA's position, supported by case law, that the regulations of the NPDES program are deemed to be applicable to operations that have a direct hydrologic connection to groundwater that has a direct hydrologic connection to surface water. This was detailed in the Preamble to proposed rules, guidelines and standards for Concentrated Animal Feeding Operations, Federal Register, vol. 66, No. 9, Fri., January 12, 2001, pp. 3015-3020.

The effluent limits in the permit were developed to protect the wetland and to ensure compliance with 40 CFR Part 133, the Sokaogon Chippewa Community's (SCC's) federally approved water quality standards (WQS) within the Mole Lake Indian Reservation and Wisconsin water quality standards where they are applicable. In this regard, the SCC and Wisconsin Department of Natural Resources (WDNR) were consulted regarding appropriate effluent limits. The permit also requires monitoring for total phosphorus, temperature, electronic reporting, compliance with 40 CFR Part 503 when sludge is used or disposed (see below) and 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility. The permit also requires the permittee to develop and implement a wetland protection/monitoring plan.

The residual material to be removed from the septic tanks meets the federal definition of domestic septage, and therefore will be treated as such. The applicant is required to dispose of the domestic septage in a manner that is consistent with 40 CFR part 503; "Standards for the Use or Disposal of Sewage Sludge" as it applies to domestic septage. If the septage is disposed of

outside the reservation boundaries, Wisconsin regulations (Administrative Rule ch. NR 113) will also have to be complied with.

The following sites have been identified by the permittee as sites that could be used for the land application of domestic septage by the permittee's hauler.

Legal Description								
WDNR #	Site Owner	QQQ	QQ	Q	Sec	Township	Range	Town
74743	Jeremy Jansen (JJ 1)	NE	NW	SE	35	34N	12E	Ainsworth
88285	Dan Witman (DU 1)		NW	NW	10	33N	12E	Ainsworth
56555	Daniel Witman (DU 2)		NE	NW	10	33N	12E	Ainsworth
28667	Dave Jansen (DJ 1)	E	SE	NE	34	34N	12E	Ainsworth
26897	Dave Jansen (OL 1)	NW	SW	NW	35	34N	12E	Ainsworth

Section 401 Water Quality Certification

Where states or tribes have federally approved water quality standards that are applicable at the point of discharge, federal NPDES permits cannot be issued unless water quality certification for the discharge is granted or waived pursuant to Section 401 of the Clean Water Act. The tribal Section 401 authority within the Mole Lake Reservation is SCC Tribal Authorities. EPA has provided a copy of the permittee's NPDES permit application and a copy of the draft NPDES permit to Tribal Authorities. If Tribal Authorities needs any additional information in order for the Section 401 application to be considered complete, Tribal Authorities will request such information from the permittee. It is the permittee's responsibility to ensure that Tribal Authorities has received a valid, complete application for tribal Section 401 certification and to obtain a final Section 401 action from Tribal Authorities.

ESA and NHPA Compliance

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. It is believed that the issuance of the permit and the 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 issue a permit for the discharge 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 to June 30, 2017.
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 June 30, 2017.
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 June 30, 2017, 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-15J, 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.

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 "<https://www.epa.gov/publicnotices/sokaogon-chippewa-community-wwts-npdes-permit-wi-0071501-2>". 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 issuance 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.