

## **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.: 17-10-01-A**

**Public Notice Issued On:** October 25, 2017

**Comment Period Ends:** November 24, 2017

**Permit No.: MN-0075001-2 (REISSUANCE)**

**Application No.: MN-0075001-2**

**Name and Address of Applicant:**

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

Upper Sioux Community, Pezihutazizi Oyate  
5722 Travers Lane  
P.O. Box 147  
Granite Falls, Minnesota 56241

USC Wastewater Treatment Facility  
Upper Sioux Indian Reservation  
Upper Sioux Community, Minnesota  
Yellow Medicine County  
Lat: 44 deg 45 min N  
Long: 95 deg 29 min W

**Receiving Water:** Minnesota 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 facility and discharge are located within the Upper Sioux Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency since the discharge is located on land held in trust for the Upper Sioux Community. The Supreme Court has held in a variety of contexts that tribal trust lands are reservations whether or not they are part of a formally established reservation. Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Oklahoma, 498 U.S. 505, 511(1991); United States v. John, 437 U.S. 634, 649 ((1978) (finding no apparent reason" why lands held in trust should not be considered reservations under §1151(a)). This interpretation has been upheld recently in the environmental context in Arizona Pub. Service Co. v. U.S. Environmental Protection Agency, 211 F.3d 1280 (D.C. Cir. 2000) where the court upheld EPA's regulations governing the authority of Indian tribes to carry out certain provisions of the Clean Air Act.

The applicant owns and operates a wastewater treatment facility. Wastewater flows are pumped to the treatment facility from four lift stations located in the community. Raw screening at the

wastewater treatment facility removes large objects from the waste stream prior to the treatment units. Biological treatment is accomplished utilizing a membrane bioreactor process. This process consists of an extended aeration activated sludge basin followed by membrane filters. The extended aeration activated sludge process utilizes bacteria to remove oxygen-demanding wastes and particulates from the wastewater. Prior to entering the membrane filtration tanks, fine screens remove any fibrous material which may damage the membranes. The membrane system provides for separation of solids from the waste stream, thus removing CBOD, TSS and phosphorous from the wastewater effluent. In addition to the membrane system, final clarifiers designed to handle periods of high hydraulic load to the facility provide solids separation for a portion of the facility flow. Disinfection following the membranes and the final clarifier treated flows is accomplished utilizing ultraviolet disinfection. The average daily design flow is 63,445 gallons per day, the average wet weather design flow is 95,061 gallons per day, the peak design day flow is 107,531 gallons per day and the peak hourly design flow is 130,000 gallons per day. The effluent discharges through Outfall 001 to the Minnesota River (Latitude: 44°45' N, Longitude: 95°29' W).

Sewage sludge generated throughout the treatment process is stored in a holding tank with a 180-day minimum capacity of 2.5% total solids. The concrete storage tanks are aerated to provide treatment and prevent odors. The storage tank is designed to allow for lime treatment if needed to meet pathogen reduction requirements. Land application of the treated sewage sludge is to agricultural land owned by the permittee. The following land application site has been identified as the site to receive sewage sludge during the permit term. It is not expected additional sites will be needed, however, the permit requires notification to EPA if additional sites will be used. As new sites are identified, information on those sites will be available for inspection at the Regional Office.

Site Name	Site Area and Location
Site 1	~ 70 acres; State Highway 23 and County Highway 44, Yellow Medicine County, Upper Sioux Community, MN (44.769321 N, 95.546939 W)

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

Parameter	Maximum Limits for Quantity or Loading				Maximum Limits for Quality or Concentration			
	30-Day	7-Day	Daily	Units	30-Day	7-Day	Daily	Units
Flow	Report	---	Report	MGD	---	---	---	---
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )								
	4.1	---	8.2	kgs/day	10	20	---	mg/L
Total Suspended Solids (TSS)								
	4.1	---	8.2	kgs/day	10	20	---	mg/L
Total Phosphorus (as P)								
Oct. 1- April 30	0.20	---	---	kgs/day	0.5	---	---	mg/L

May 1- Sept. 30	---	---	0.20	kgs/day	---	---	Report	mg/L
E. coli	---	---	---	---	126	---	235	E.coli/100 ml
					Minimum Daily		Maximum Daily	
pH					6.0	---	9.0	S.U.
Dissolved Oxygen					7.0	---	---	mg/l

The permit also requires monitoring for Total Kjeldahl Nitrogen, Nitrate plus Nitrite Nitrogen, Oil and Grease, Total Dissolved Solids, Ammonia (as N), compliance with 40 CFR Part 503 and any other applicable regulations 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. These limits are consistent with federal regulations and are also intended to be protective of Minnesota water quality standards where they are applicable.

#### **Section 401 Water Quality Certification**

EPA is the appropriate authority for purposes of certifying the discharge under Section 401 of the Clean Water Act. Section 401 certification is not needed from the state nor the Upper Sioux Community as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

#### **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. Though construction may occur during the permit term, the construction would occur within the same footprint of the permittee's existing facility. 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. The issuance of the permit will ensure that a quality effluent is being produced.

#### **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 permit for the discharge from the USC Wastewater Treatment Facility subject to certain effluent limitations and special conditions.

#### **COMMENT PROCEDURES and PUBLIC HEARING**

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 permit may be submitted extends to November 24, 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 November 24, 2017.

3. In appropriate cases, including those where there is significant public interest, the EPA Acting 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 November 24, 2017, 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-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. 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 Acting Regional Administrator's final permit decisions, any person who filed comments on the draft permit 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/npdes-permits/usc-wastewater-treatment-facility-npdes-permit-mn-0075001-2>". 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](mailto: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.