

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.: 18-04-01-A

Public Notice Issued On: April 13, 2018

Comment period ends: May 14, 2018

Permit No.: MN-0022110-4 (REISSUANCE)

Application No.: MN-0022110-4

Name and Address of Applicant:

City of Waubun
P.O. Box 187
Waubun, Minnesota 56589

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

Waubun Wastewater Treatment Facility
Highway 113, Popple Grove Township
Waubun, Minnesota
Mahnomon County
(S. ½ of the N.E. ¼ of Sec. 25 of T143N, R42W)

Receiving Water: County Ditch No. 3 to Spring Creek

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of the White Earth Indian Reservation. The EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the exterior boundaries of Indian Reservations. The EPA is issuing this NPDES permit under the authorities of the Clean Water Act.

Major components of the existing facility include:

- 1 Primary Stabilization Pond (7.8 acres)
- 1 Secondary Stabilization Pond (2.9 acres)

The existing facility consists of one lift station, approximately 3,375 feet of six-inch force main, one pump station, and a two-cell stabilization pond system. The facility has a controlled discharge (SD001) to County Ditch No. 3 that leads to Spring Creek and is designed to treat an average influent flow of up to 40,000 gallons per day (gpd) with a 5-day Carbonaceous Biochemical Oxygen Demand (CBOD5) strength of 450 milligrams per liter (mg/l). The primary and secondary

cells are clay lined and have surface areas of 7.8 and 2.9 acres, respectively at the 4-foot mean operating depth. The facility provides a total detention time of 335 days at design flow.

Proposed facility

Major components of the proposed facility include:

2 Primary Stabilization Pond (3.85 acres)

1 Secondary Stabilization Pond (3.86 acres)

The permittee is proposing construction to the existing facility this permit cycle. The plans and specifications indicate the two primaries and one secondary cells will be lined with a synthetic liner. The primary ponds will have surface areas of 3.85 acres each and the secondary pond will be 3.86 acres, all measured at the 4-foot mean operating depth. The new treatment system is designed to treat an average wet weather flow of 71,650 gpd. The facility will provide a total detention time of 210 days at design flow.

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

<u>Limitations and Monitoring Requirements</u>		
<u>Parameter</u>	<u>30-Day Average</u>	<u>7-Day Average</u>
CBOD ₅	25 mg/L	40 mg/L
TSS	45 mg/L	65 mg/L
E. coli	126 E. coli/100ml	410 E. coli/100ml (daily maximum)
pH	6 S.U. (Minimum)	9 S.U.(Maximum)

The permit also requires monitoring for total phosphorus, total sulfates, ammonia (as N), Nitrite plus Nitrate-Nitrogen, Total Kjeldahl Nitrogen and Total Nitrogen, 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 proposed discharge under Section 401 of the Clean Water Act. Section 401 certification is not needed from the state nor the White Earth Band of Chippewa Indians as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

Antidegradation

Pursuant to 40 Code of Federal Regulations (CFR) Part 131, EPA reviewed the information provided by the applicant to determine whether or not the increased discharge is necessary to support important social and economic development in the area and that a possible lowering of water quality will still protect public health and the environment. Based on the information provided by the applicant EPA finds the following:

1. The proposed expansion is necessary to provide effective treatment and allow for future growth. Based on the data provided, there are no ways that the discharge can be avoided through the use of pollution prevention techniques and there are also no alternative or enhanced treatment options available to the applicant at a reasonable cost that would eliminate the need for the increased discharge or reduce its impacts.
2. The proposed expansion will help lessen existing impacts to County Ditch No. 3 and Spring Creek caused by inadequate treatment (leaking cells) at the existing plant.

Given the above findings, EPA concludes that the requirements of 40 CFR 131.12 are satisfied. Additional information related to these findings can be found in the administrative record.

ESA and NHPA Compliance

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. There are two threatened species (Gray wolf and Northern long-eared bat) and one endangered species (Poweshiek skipperling) within the county. The permittee is in the process of expanding its existing facility within the existing footprint of the existing facility. Since the facility will be built on the existing site and due to the highly disturbed nature of the project location, the site does not have the critical habitat needed for the identified species. 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.

Also, due to the highly disturbed nature of the project location, it is highly unlikely that cultural resources and historical properties exist, and therefore the project, discharge and issuance of the permit will have no effect on cultural resources and historical properties.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to issue a permit for the discharge from the Waubun WWTF 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 permits may be submitted extends to May 14, 2018.
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 14, 2018.
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

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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 May 14, 2018, 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 or by e-mail at 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. Please bring the foregoing to the attention of persons whom you know would be interested in this matter. 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. 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 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/waubun-wastewater-treatment-facility-mpdes-permit-mn-0022110-4>”. 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.