

## **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-15J  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 886-6106

**Public Notice No.: 18-06-01-A**

**Public Notice Issued On: June 27, 2018**

**Comment period ends: July 27, 2018**

**Permit No.: WI-0071307-3 (REISSUANCE)**

**Application No.: WI-0071307-3**

**Name and Address of Applicant:**

Menominee Indian Tribe of Wisconsin  
Menominee Tribal Utilities  
N700 Go Around Road  
Keshena, Wisconsin 54135

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

Wolf River Ranch WWTF  
N3229 State Highway 47  
Middle Village, Wisconsin  
Shawano County  
(Section 2, T28N, R14E)

Receiving Water: Unnamed wetland downstream of Mud Lake

**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 Menominee Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The application and plans indicate that the permittee operates a 0.065 mgd Sequencing Batch Reactor (SBR) system designed with biological phosphorus removal followed by ultraviolet disinfection. However, the facility has not been able to achieve biological phosphorus removal. The permittee is in the process of looking at alternatives for chemical phosphorus removal or changing the discharge to a subsurface discharge. The sludge from the facility is aerobically digested on site. When needed the digested sludge is then hauled to the old Keshena lagoon's primary cells for additional treatment. The facility does not plan to land apply the sludge from this facility during this permit term.

The facility has a continuous discharge to an unnamed wetland through Outfall 001 (Lat: 44° 56' 13", Long: 88° 45' 36") downstream of Mud Lake.

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> )								
	11	16	---	lbs/day	20	30	---	mg/L
Total Suspended Solids (TSS)								
	11	16	---	lbs/day	20	30	---	mg/L
Ammonia (asN)								
May-October	5.35	---	5.35	lbs/day	9.87	---	9.87	mg/L
Nov-April	---	---	5.35	lbs/day	---	---	9.87	mg/L
Total Phosphorus (as P)								
Effective 8/31/20	0.54	1.1	---	lbs/day	1.0	2.0	---	mg/L
E. coli								
	---	---	---	---	126*	---	235	E. coli/100 ml
					Minimum Daily		Maximum Daily	
pH	---	---	---	---	6.0	---	8.5	S.U.
Dissolved Oxygen								
	---	---	---	---	5.0	---	---	mg/l
Temperature								
	---	---	---	---	Report	Report	Report	°F

The permit also requires 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 Menominee and Wisconsin water quality standards where they are applicable. This permit also contains a compliance schedule in accordance with 40 CFR 122.47 to achieve compliance with the above phosphorus limits by 8/31/2020.

### **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 Menominee Indian Tribe of Wisconsin as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

### **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 endangered species (Gray wolf and Karner blue butterfly) and one threatened species (Northern long-eared bat) within the county. The permittee is in the process of upgrading its existing facility within the existing footprint of the existing facility. Since the facility will be upgraded 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.

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**Permit No.: WI-0071315-3 (REISSUANCE)****Application No.: WI-0071315-3****Name and Address of Applicant:****Name and Address of Facility Where Discharge Occurs:**

Menominee Indian Tribe of Wisconsin  
Menominee Tribal Utilities  
N 700 Go Around Road  
Keshena, Wisconsin 54135

Keshena WWTP  
N 700 Go Around Road  
Menominee County, WI  
(Section 25, T28N, R15E)

Receiving Water: Unnamed Wetland.

**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 Menominee 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 0.335 mgd extended oxidation ditch system with phosphorus removal followed by ultraviolet disinfection.

In addition, the permittee has for use its original lagoon treatment system. The previous system consisted of two primary cells and three secondary cells and was designed to remove phosphorus by alum addition to the secondary cell to be discharged. The permittee no longer uses this practice as the infrastructure is no longer available. During the summer months, some of the influent flow is diverted away from the oxidation ditch to the old lagoons so that they do not dry out. The lagoons still have a discharge control structure. Normally, there will be no discharge from these cells, however, if one is needed, the effluent must meet the limits required for the oxidation ditch.

The discharge goes east about 1700 feet through a pipe where it hits a splash pad, then the discharge flows about 900 feet through manmade trench constructed of riprap to a diversion structure where the flow spreads out and spills over a weir into an unnamed wetland through Outfall 001 (Lat: 44° 52' 40", Long: 88° 37' 05"). The discharge is continuous.

The sludge from the facility is aerobically digested on site. As needed the sludge is then put into the lagoon's primary cells for additional treatment. The facility does not plan to use or dispose of

sludge from this facility during the permit term.

Wastewater is from domestic sources only, including a casino and a hotel.

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> )								
	56	84	---	lbs/day	20	30	---	mg/L
Total Suspended Solids (TSS)								
	56	84	---	lbs/day	20	30	---	mg/L
Ammonia (asN)								
May-October	15.6	---	27.6	lbs/day	5.59	---	9.87	mg/L
Nov-April	---	---	27.6	lbs/day	---	---	9.87	mg/L
Total Phosphorus (as P)								
	2.8	---	5.6	lbs/day	1.0	---	2.0	mg/L
E. coli								
	---	---	---	---	126*	---	235	E.coli/100 ml
Total Mercury								
	---	---	---	---	---	---	Report	ng/L
					Minimum Daily		Maximum Daily	
pH	---	---	---	---	6.0	---	8.5	S.U.
Dissolved Oxygen								
	---	---	---	---	5.0	---	---	mg/l
Temperature								
	---	---	---	---	Report	Report	Report	°F

The permit also requires 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 Menominee and Wisconsin 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 or the tribe as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

#### **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 endangered species (Gray wolf and Karner blue butterfly) and one threatened species (Northern long-eared bat) within the county. This is an existing facility with no planned construction during the permit term. This permit has been issued by EPA in the past. 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 previously 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.

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### **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 permits for the discharges from the Wolf River Ranch WWTF and the Keshena WWTP subject to certain effluent limitations and special conditions.

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

The determination to issue the NPDES permits 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 July 27, 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 July 27, 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 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 July 27, 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](mailto: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 applications, draft permits, 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 permits on Region 5's website at <https://www.epa.gov/npdes-permits/wolf-river-ranch-wastewater-treatment-facility-npdes-permit-wi-0071307-3> and <https://www.epa.gov/npdes-permits/keshena-wastewater-treatment-plant-npdes-permit-wi-0071315-3>. 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).