

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.: 19-02-01-A

Public Notice Issued On: February 15, 2019

Comment Period Ends: March 18, 2019

Permit No.: MI-0058582-1 (ISSUANCE)

Application No.: MI-0058582-1

Name and Address of Applicant:

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

Saginaw Chippewa Indian Tribe
7070 East Broadway
Mt. Pleasant, Michigan 48858

Saganing Water and Wastewater
Treatment Plant
2600 Worth Rd
Standish, Michigan 48658
Arenac County
(Section 31, Township 18N, Range 5E)

Receiving Water: Unnamed tributary to Saginaw Bay of Lake Huron

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 permit will be issued by the U.S. Environmental Protection Agency since the discharge is located within the trust property owned by the Saginaw Chippewa Indian Tribe in Arenac County. EPA is the appropriate NPDES permitting authority for the trust parcel upon which the wastewater treatment plant is built and upon which the discharge from this wastewater treatment plant is located.

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.

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There are three influent pumps that send the water to a 2mm fine screen; an automatic sampler is located in between the pumps and drum screen. Wastewater is then gravity fed into one of two membrane bioreactor (MBR) units. The water is then pumped through the three chambers located in the MBR unit where Aluminum Sulfate is added for phosphorus removal. Mixed liquor is then pumped into the filter unit located at the head of the MBR where it is filtered out at approximately 75 gallons per minute. Treated water then flows through a UV disinfection unit where an automatic sampler is located. Water can be diverted into ponds around the building and/or has the option of discharging through Outfall 001 (Lat: 43.921478; Long: -83.906254) to an unnamed tributary to Saginaw Bay of Lake Huron.

The plant has a design flow of 0.4 million gallons per day (mgd). At this time, the plant only processes approximately .025 mgd with an average of 1500 gallons of sludge wasted. The sludge is wasted from the filter area of the MBR with storage tanks located outside. The sludge is allowed to settle and the decant is brought back into the headworks. The sludge is ultimately taken to the Saginaw Chippewa Indian Tribe of Michigan's Isabella Reservation WWTP for treatment followed by land application.

LIMITATIONS AND MONITORING REQUIREMENTS- OUTFALL 001

Parameter	Date	Monthly Average	7-day Average	Daily Maximum	Daily Minimum
CBOD ₅	May - September	4 mg/L 13 lbs/d	33 lbs/d	10 mg/L	
	October - November	9 mg/L 30 lbs/d	47 lbs/d	14 mg/L	
	December - March	25 mg/L 83 lbs/d 85 % removal	40 mg/L 130 lbs/d		
	April	11 mg/L 37 lbs/d	53 lbs/d	16 mg/L	
Total Suspended Solids (TSS)	May - September	20 mg/L 66 lbs/d	30 mg/L 100 lbs/d		
	October - November	28 mg/L 66 lbs/d	42 mg/L 100 lbs/d		
	December - April	30 mg/L 100 lbs/d 85 % removal	45 mg/L 150 lbs/d		
Ammonia	May - September	0.5 mg/L 1.7 lbs/d	6.7 lbs/d	2 mg/L	

	October - November		12 lbs/d	3.6 mg/L	
	December - March			Report	
	April		26 lbs/d	7.8 mg/L	
Dissolved Oxygen	May - September				6 mg/L
	October - November				5 mg/L
	December - March				4.5 mg/L
	April				5 mg/L
Total Phosphorus	All Year	0.5 mg/L 1.2 lbs/d			
Total Mercury	All Year			Report	
E. coli	All Year	126 E. coli/100ml*		410 E. coli/100ml	
pH	All Year			9.0 S.U.	6.5 S.U.

The permit also requires monitoring for Total Kjeldahl Nitrogen, Nitrate plus Nitrite Nitrogen, Oil and Grease, Total Dissolved Solids, priority pollutants, 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 Michigan's 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 Saginaw Chippewa Indian Tribe as neither has 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. Since this is an existing facility with no planned expansion or construction expected within the permit term, it is believed that the issuance 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 Regional Administrator of EPA, Region 5 proposes to reissue a permit for the discharge from the Saganing Water and Wastewater Treatment Plant 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 March 18, 2019.
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 March 18, 2019.
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 March 18, 2019, 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 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. 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/saganing-water-and-wastewater-treatment-plant-mpdes-permit-mi-0058582-1>". 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.