

PUBLIC NOTICE

PUBLIC NOTICE OF 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.: 19-04-01-A

Public Notice Issued On: April 19, 2019

Comment period ends: May 20, 2019

Permit No.: MN-0052540-5 (REISSUANCE)

Application No.: MN-0052540-5

Name and Address of Applicant:

Great Lakes Gas Transmission Limited Partnership
700 Louisiana Street, Suite 700
Houston, Texas 77002-2700

Receiving Water: Waters of the United States within the exterior boundaries of the Leech Lake and Fond du Lac Indian Reservations

The EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the boundaries of Indian Reservations. The EPA is issuing this NPDES permit under the authorities of the Clean Water Act (CWA).

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

Great Lakes Gas Transmission Limited Partnership (Great Lakes) operates a natural gas pipeline that serves portions of Minnesota. This permit covers activities related to the pipeline that are within the exterior boundaries of the Leech Lake Indian Reservation (Cass and Itasca Counties) and the Fond du Lac Indian Reservation (St. Louis and Carlton Counties).

Great Lakes performs routine maintenance and inspection of the pipeline on a regular basis. Periodically, this results in the need to repair and/or replace portions of the pipeline. During the inspections, water from ground seepage and surface runoff may accumulate in the pipeline trench. When the accumulation hampers inspection, the trench will be dewatered. The end of the pump intake hose will be held above the bottom of the trench to minimize sediment withdrawal. Discharge will be done in a manner that prevents soil erosion and other nuisance

conditions, and controls surface runoff. Discharge will be to a well vegetated upland or wetland using a filtration/energy dissipation device, typically either a geotextile filter bag or a straw bale dewatering structure. These devices are designed to prevent erosion and to remove solids/sediments from the discharge.

Where necessary to evaluate pipeline integrity consistent with U. S. Department of Transportation safety requirements, the discharge of hydrostatic test water may be necessary. Hydrostatic testing is a common means of evaluating the integrity of pipelines. During these tests, water is used as the testing medium rather than as a process stream. Because no additives are used, it is anticipated that the water used will not change significantly and thus, will reflect the characteristics of the source from which it was appropriated. Additionally, the permittee may desire to discharge hydrostatic test waters resulting from construction or maintenance projects such as piping modifications at compressor stations, construction of a meter station, or replacement of a section of pipe. Hydrostatic test water will be discharged to surface waters and/or in the manner described above.

Storm water discharges are expected where pipeline projects and construction activities require significant clearing and grading. The permit only allows storm water discharges from the inspection and repair of the existing pipeline. The permit does not authorize the construction or installation of new pipeline facilities.

Pipeline Locations

<u>Reservation</u>	<u>Milepost</u>		<u>Legal Locations</u>		
	<u>Begin</u>	<u>End</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Leech Lake	160.94	203.61	145N	32W	24, 25
			145N	31W	19, 28, 29, 30, 33, 34, 36
			144N	31W	1, 2, 3
			144N	30W	1, 2, 3, 4, 5, 6
			144N	29W	2, 3, 4, 5, 6
			145N	29W	35, 36
			145N	28W	31, 32, 33, 34, 35, 36
			145N	27W	31, 32, 33, 34, 35, 36
			145N	26W	31, 32
			144N	26W	1, 2, 3, 4, 5, 6
			144N	25W	2, 6

			145N	25W	31, 32, 33, 34, 35
Leech Lake	207.10	207.53	144N	27W	26
Fond du Lac	267.53	281.29	50N	19W	22, 25, 26, 27, 36
			49N	19W	1
			49N	18W	6, 7, 8, 15, 16, 17, 22, 23, 26, 35, 36
			48N	18W	1
			48N	17W	5, 6

Discharge Limitations:**A. Hydrostatic Test Water****Effluent Limitations and Monitoring Requirements**

The permittee is authorized to discharge hydrostatic test water. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Parameter</u>	<u>Effluent Limitations</u>	
	<u>Daily Min.</u>	<u>Daily Max.</u>
Total Discharge Volume (MG)		(Report)
Total Suspended Solids		30 mg/l
Dissolved Oxygen	5 mg/l	
pH (standard units)	6 S.U.	9 S.U.
Oil & Grease		10 mg/l
Chlorine, Total Residual		0.038 mg/L
Treatment System, Discharge and Receiving Water Inspection		(Report)

B. Trench Water

- A. All trench water discharge activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, inundation in wetlands causing significant adverse impact to the wetland.
- B. The permittee must ensure that discharge points are adequately protected from erosion and scouring. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures.
- C. The use of BMPs represents the minimum technology necessary to meet the 'pollutant removal' goal of the CWA. If the BMPs employed to minimize sediment withdrawal prove inadequate to avoid the discharge of pollutants at levels which will cause or contribute to a violation of a water quality standard, additional treatment measures shall be taken.
- D. Trench dewatering activities shall be conducted in such a manner as to avoid creating a turbid or sediment laden waste stream.
- E. Depending on the discharge rate of the pump and the existing conditions at the construction site, treatment practices such as the following shall be used for sediment control:
 - 1. Directing the dewatering discharge into an upland area with adequate vegetation which will serve to filter sediment from the water;
 - 2. Directing the dewatering discharge into a filter sump constructed from silt fence and straw bales. A sump may also be used to contain sediment from the dewatering operations under frozen soil conditions or in areas where vegetation is insufficient to filter the discharge; or
 - 3. Directing the dewatering discharge into a geotextile filter bag. Geotextile filter bags can be substituted for straw bale filtering structures and function in a similar fashion.

The end of the pump intake hose shall be held above the bottom of the trench to minimize sediment withdrawal.

C. Storm Water

In 1987, Congress reauthorized the CWA. Section 402(p)(2) of the 1987 CWA requires NPDES permits for storm water discharges associated with industrial activity. EPA has defined storm water discharges associated with industrial activity to include storm water discharges from construction sites which disturb 1 or more acres (40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15)). The permittee will be required to develop and implement a Storm Water Pollution Prevention Plan and a Storm Water Management Plan.

Section 401 Water Quality Certification

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the CWA regarding discharges within the Leech Lake Indian Reservation. CWA § 401 certification is not needed from the state or the Leech Lake Tribe as neither have water quality standards applicable to the receiving water at the points of discharge. Regarding discharges occurring within the Fond du Lac Indian Reservation, the Fond du Lac Band of Lake Superior Chippewa (Band) is responsible for CWA § 401 certification. The Band is processing the CWA § 401 certification request in accordance with the Band's rules. The permit will not be issued until CWA § 401 certification is granted or waived. It should be noted that this permit may have to be public noticed again based on the conditions for CWA § 401 certification provided by the Band.

ESA and NHPA Compliance

For projects resulting in discharges covered under this permit, the permittee will consult with the U.S. Fish and Wildlife Service (FWS) to review the project area for the presence of federally listed species and critical habitat. The permittee uses the information provided from the FWS to establish conservation measures that would minimize or avoid impacts on the listed species during project activities. The species information and conservation measures are reviewed by the FWS and upon approval are implemented by the permittee for the next 12 months. Since protection of threatened and endangered species and its critical habitat is also a permit condition, we do not believe that the issuance of the permit and its associated discharges will have an effect on those species, and therefore, we have met our requirements under the Endangered Species Act (ESA).

As part of previous projects, the permittee has also performed archeological surveys of its pipeline system within the Leech Lake and Fond du Lac Reservations. The permittee consulted State and Tribal preservation Offices during those projects to assure the archeological sites and traditional cultural properties are avoided pursuant to the National Historic Preservation Act (NHPA). Since protection of archeological and cultural resources is also a permit condition, using the above-referenced resources, impacts to known sensitive resources would be avoided, and therefore, we believe that with the issuance of the permit and its associated discharges, no sensitive resources will be affected and have satisfied our requirements under the NHPA.

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 to Great Lakes Gas Transmission Limited Partnership 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 **May 20, 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 **May 20, 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 **May 20, 2019** will not be considered in the formulation of the final determination.
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-16J, 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 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/npdes-permits/great-lakes-gas-transmission-limited-partnership-npdes-permit-mn-0052540-5>. 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.