

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.: 18-08-02-A

Public Notice Issued On: August 3, 2018

Comment period ends: September 4, 2018

Permit No.: MN-0059447-5 (REISSUANCE)

Application No.: MN-0059447-5

Name and Address of Applicant:

Bois Forte Band of Chippewa
P.O. Box 16
Nett Lake, Minnesota 55772

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

Nett Lake Wastewater
Stabilization Lagoon
S ½ of Section 18, T65N, R21W
St. Louis County
Nett Lake, Minnesota
Bois Forte Indian Reservation

Receiving Water: a wetland area which drains to Nett Lake

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of the Bois Forte 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.

The application and plans indicate that the treatment system consists of a 4-cell wastewater stabilization pond system. The three primary cells equal approximately 6.64 acres and the final cell is 5 acres at the average operating level. The facility has a controlled discharge {Outfall 001} to a wetland area which drains to Nett Lake. The pond system is designed to treat an average influent flow of 40,000 gallons per day (gpd). Wastewater is from domestic sources only.

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
Phosphorus	1.0 mg/L	2.0 mg/L
Sulfates, Total (mg/L)	Report	---
Ammonia Nitrogen, Total (as N) (mg/L)	Report	---
Nitrite Plus Nitrate, Total (as N) (mg/L)	Report	---
Nitrogen, Kjeldahl, Total	Report	---
Nitrogen, Total (as N) (mg/L)	Report	---
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 Dissolved Oxygen, compliance with 40 CFR Part 503 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. Clean Water Act Section 401 certification is not needed from the state nor the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

Permit No.: MN-0061310-5 (REISSUANCE)

Application No.: MN-0061310-5

Name and Address of Applicant:

Bois Forte Band of Chippewa
P.O. Box 16
Nett Lake, Minnesota 55772

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

Bois Forte Lake Vermilion WWTP
N.E. ¼ of Section 27, T62N, R16W
St. Louis County, Tower, Minnesota

Lake Vermilion Sector of the Bois
Forte Indian Reservation

Receiving Water: a wetland area that drains to Pike Bay

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of the Bois Forte Indian Reservation – Lake Vermilion Sector. 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.

The application and plans indicate that the treatment system consists of a 3-cell wastewater stabilization pond system, each cell being approximately 5.1 acres. The facility has a controlled discharge {Outfall 001 (N.W. ¼ of the S.W. ¼ of Section 27, T62N, R16W)} to a wetland area which drains to Pike Bay. The Bois Forte Lake Vermilion WWTP is designed to treat an average influent flow of 75,000 gallons per day (gpd). The treatment system provides service for the Fortune Bay Casino, hotel and conference center, and reservation homes.

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
Phosphorus	1.0 mg/L	2.0 mg/L
Sulfates, Total (mg/L)	Report	---
Ammonia Nitrogen, Total (as N) (mg/L)	Report	---
Nitrite Plus Nitrate, Total (as N) (mg/L)	Report	---
Nitrogen, Kjeldahl, Total	Report	---
Nitrogen, Total (as N) (mg/L)	Report	---
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 Dissolved Oxygen, compliance with 40 CFR Part 503

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. Clean Water Act Section 401 certification is not needed from the state or the 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 these are existing facilities with no new planned expansion or construction expected within the permit term, it is believed that the reissuance of the permits and the continued operation of the facilities will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

TENTATIVE DETERMINATION

Based on 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 Nett Lake Wastewater Stabilization Lagoon, and the Bois Forte Lake Vermilion Wastewater Treatment Pond 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 September 4, 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 September 4, 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 any of these permits. 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 September 4, 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 email 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 applications, draft permits, including proposed effluent limitations and special conditions, statements 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/nett-lake-wastewater-treatment-facility-npdes-permit-mn-0059447-5> and <https://www.epa.gov/npdes-permits/bois-forte-lake-vermilion-wastewater-treatment-pond-npdes-permit-mn-0061310-5>. 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.