

PUBLIC NOTICE

**PUBLIC NOTICE OF A DRAFT NPDES PERMIT TO
DISCHARGE INTO WATERS OF THE UNITED STATES**

U.S. Environmental Protection Agency
Region 5, Permits Branch, Water Division - WP-15J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-0981

Public Notice No.: 19-11-01-A

Public Notice Issued On: November 19, 2019 Comment period ends: December 19, 2019

Permit No.: MN-0067423-3 (REISSUANCE)

Application No.: MN-0067423-3

Name and Address of Applicant:

Shakopee Mdewakanton Sioux Community
2330 Sioux Trail NW
Prior Lake, Minnesota 55372

Name and Address of Facility Where Discharge Occurs:

Shakopee Mdewakanton Sioux Community
2330 Sioux Trail NW
Prior Lake, Minnesota 55372

Located NW ¼ of Section 33, T115, R22W, Scott County, Minnesota
Approximate MS4 center: Latitude 44°00'00" N, Longitude 93°28'15 W

Receiving Waters:

The SMSC's MS4 is physically connected to the Prior Lake and City of Shakopee MS4s. Please refer to Section 4.2 of the Storm Water Pollution Prevention Plan for a map of the MS4 outfalls and connections.

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has re-applied for NPDES Permit coverage to discharge into the designated receiving waters. The discharge is located within the boundaries of the Shakopee Mdewakanton Sioux Community. The EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within Indian Country. The EPA is reissuing this NPDES permit under the authorities of the Clean Water Act.

The Shakopee Mdewakanton Sioux Community's (SMSC or permittee) MS4 is a regulated small MS4 as indicated in Appendix I to the Preamble - Federally - Recognized American Indian Areas Located Fully or Partially in Bureau of The Census Urbanized Areas (Federal Register/Vol. 64, No. 235, 12/8/1999, pg.68803).

An urbanized area as delineated by the Bureau of Census is defined as a central place or places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 people and overall population density of at least 500 people per square mile. The SMSC reservation is located partially within the Minneapolis-St. Paul Urbanized Area.

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 SMSC's small MS4 subject to certain effluent limitations and the storm water pollution prevention program.

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 permit may be submitted extends to December 19, 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 December 19, 2019.
EPA will hold a hearing if there is significant interest based on written requests. 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.
3. All comments postmarked after December 19, 2019 will not be considered in the formulation of the final determination.
4. Written comments or requests for a public hearing must be delivered or mailed to: Brian C. Bell, U.S. Environmental Protection Agency, Region 5, Permits Branch - WP-15J, 77 West Jackson Boulevard, Chicago, Illinois 60604, or emailed to bell.brianc@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 decision, any person who filed comments on the draft permit or participated in a public hearing, if held, may petition the Environmental Appeals Board (EAB) to review any condition of the permit decision. Such a petition must include a statement of the reasons supporting review of the decision, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including any public hearing). The petition should, when appropriate, show that each condition being appealed is based on either, (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an exercise of discretion or an important policy demonstration which the EAB should, in its discretion, review.

AVAILABILITY OF DOCUMENTS

The application, draft permit, statement of basis, storm water pollution prevention plan 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/shakopec-mdewakanton-sioux-community-ms4-mpdes-permit-mn-0067423-3". All data submitted by the applicant is available as part of the administrative record. For more information, please contact Brian Bell at (312) 886-0981 or by e-mail at bell.brianc@epa.gov