

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 - WP-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-6106

Public Notice No.: 19-12-01-A

Public Notice Issued On: December 20, 2019 Comment period ends: January 20, 2020

Permit No.: MI-0058661-3 (REISSUANCE)

Application No.: MI-0058661-3

Name and Address of Applicant:

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

Gun Lake Tribal Gaming Authority
1123 129th Avenue
Wayland, Michigan 49348

Gun Lake Tribal Gaming Authority
Wastewater Treatment Facility
1123 129th Avenue
Wayland, Michigan 49348
Allegan County
NW ¼ of Section 19, T3N, R11W

Receiving Water: Buskirk Creek

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 on land held in trust for the Gun Lake Tribe. 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.

The Gun Lake Tribal Gaming Authority operates a 0.20 mgd (with plans to ultimately expand to 0.350 mgd) wastewater treatment facility to serve the Gun Lake Indian Community in Allegan County, Michigan. The treatment works consists of an influent equalization basin with three influent pumps followed by flow metering and fine screening, located in the NW ¼ of Section 19 T 3N, R 11W.

Following screening, the wastewater enters the activated sludge process at the anoxic basin which provides additional flow equalization as needed. Chemical addition of alum for phosphorus removal and sodium hydroxide for pH adjustment occurs in the anoxic basin. Activated sludge is pumped from the anoxic basin to one or both pre-aeration basins which flow to one of both membrane bioreactor (MBR) for liquid/solids separation. Final effluent is pumped to ultra-violet light disinfection and post aeration prior to discharge to Buskirk Creek. The final effluent goes through ultraviolet disinfection then is discharged through Outfall 001 at approximately (N42635684, W85.652941), to discharge to Buskirk Creek.

Waste activated sludge (WAS) is removed from the MBR basins as needed via the WAS pump. WAS is typically thickened using a drum thickener with polymer addition then pumped to the aerobic digester. WAS may be pumped directly to the aerobic digester without thickening. WAS is aerated in the aerobic digester. Additional thickening occurs in the digester when the solids are allowed to settle for supernatant removal. A loading standpipe and wash down station are provided to allow tankers to be loaded for biosolids disposal.

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 Gun Lake Tribal Gaming Authority Wastewater Treatment Facility 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 permit may be submitted extends to January 20, 2020.
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 January 20, 2020. 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 January 20, 2020 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: John A. Colletti, U.S. Environmental Protection Agency, Region 5, Permits Branch - WP-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 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, 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/gun-lake-tribal-gaming-authority-wastewater-treatment-facility-mpdes-permit-mi-0058661-3>". 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.