

**PUBLIC NOTICE**

**PUBLIC NOTICE OF 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) 886-6774

**Public Notice No.: 21-03-01-A**

**Public Notice Issued On: March 8, 2021**

**Comment period ends: April 7, 2021**

---

**Permit No.:** WI-0046868-5 (REISSUANCE)

**Application No.:** WI-0046868-5

**Name and Address of Applicant:**

**Name and Address of Facility:**

Menominee Tribal Enterprises  
Menominee Indian Tribe of Wisconsin  
P.O. Box 10  
Neopit, Wisconsin 54150

Menominee Tribal Enterprises  
N3580 Highway 47  
Neopit, Wisconsin 54150  
Menominee County  
Menominee Indian Reservation

**Receiving Water:** Neopit Mill Pond and the West Branch of the Wolf River

**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 discharge is located within the exterior boundaries of the Menominee Indian Reservation. The U.S. Environmental Protection Agency proposes to issue the permit.

The existing facility produces rough sawn and planed lumber from logs harvested from the Menominee Indian Reservation. Processes include wet decking, mechanical barking, sawing, edging, planing, machining, and drying. The following outfalls are covered under this permit:

001- Boiler blowdown discharge to the West Branch of the Wolf River

002- Stormwater discharge to the West Branch of the Wolf River

003- Wet decking discharge to the Neopit Mill Pond

The draft permit requires the applicant to meet the following effluent limitations:

**Outfall 001 – Boiler Blowdown**

Limitations for Surface Water Discharges		
Parameter	Daily Minimum	Daily Maximum
Flow (Gallons Per Day)	-	Report
Temperature (°F)	-	Report
Total Suspended Solids	-	40 mg/l
pH	6.0 s.u.	9.0 s.u.
Oil and Grease (mg/l)	-	Report
BOD <sub>5</sub> (mg/l)	-	Report
Total Phosphorus (mg/l)	-	Report
Ammonia Nitrogen (mg/l)	-	Report
Water Treatment Additives	-	Report Monthly Total

**Outfall 002 – Storm Water Associated with Industrial Activity**

Limitations for Surface Water Discharges	
Parameter	Daily Maximum
Total Suspended Solids (mg/L)	Report
COD (mg/l)	Report
Total Zinc (mg/l)	Report
Hardness (mg/L) (receiving water)	Report
Visual Monitoring	N/A

**Outfall 003 – Wet Decking**

Limitations for Surface Water Discharges		
Parameter	Daily Minimum	Daily Maximum
Flow (Gallons Per Day)	-	Report
pH	6.0 s.u.	9.0 s.u.
Visual Monitoring	N/A	N/A
Total Suspended Solids	-	Report

The limits were developed to ensure compliance with applicable effluent guidelines and protection of Tribal and Wisconsin water quality standards where they are applicable. In this regard, the Wisconsin Department of Natural Resources and the Tribe were contacted. Conditions of the permit are based on effluent guidelines found at 40 CFR Part 429, Wisconsin general permit for boiler blowdown, and EPA's 2021 multi-sector general permit for storm water associated with industrial activity. The permit also requires the revision (if needed) and implementation of a storm water pollution prevention plan and the prohibition of discharges from the following processes: Mechanical Barking; Sawing; Edging; Planing; Machining; and Drying.

### **SECTION 401 WATER QUALITY CERTIFICATION**

EPA is proposing to grant water quality certification without conditions and is accepting comments on this action. EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act within the Menominee Indian reservation and will be unless and until the Tribe is approved for Treatment as a State (TAS) for CWA 303 and 401. EPA believes the effluent limitations included in the draft permit meet tribal and state water quality requirements where they are applicable. The draft certification is available for review along with the draft permit.

### **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 discharges from Menominee Tribal Enterprises subject to certain effluent limitations and special conditions.

### **COMMENT PROCEDURES**

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 April 7, 2021.
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 April 7, 2021. 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 received after April 7, 2021 will not be considered in the formulation of the final determination.
4. Due to COVID-19 public health emergency and Stay-at-Home orders, written comments or requests for a public hearing must be emailed to: Kathryn Rosenberg, U.S. Environmental Protection Agency, Region 5, Permits Branch at [rosenberg.kathryn@epa.gov](mailto:rosenberg.kathryn@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. 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**

Due to COVID-19 public health emergency and Stay-at-Home orders, the application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record may not be available for inspection at the Chicago Regional offices of the Environmental Protection Agency. Please contact Kathryn Rosenberg at (312) 886-6774 or by e-mail at [rosenberg.kathryn@epa.gov](mailto:rosenberg.kathryn@epa.gov) anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday if you are interested in viewing the administrative record. 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/menominee-tribal-enterprises-npdes-permit-wi-00246868-5". All data submitted by the applicant is available as part of the administrative record. For more information, please contact Ms. Rosenberg as stated above.

Unless a public hearing is scheduled, the EPA will issue a final determination as to the reissuance 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. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.