

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.: 23-11-02-A

Public Notice Issued On: November 22, 2023

Comment period ends: December 22, 2023

Permit No.: MN-0064173-5(REISSUANCE)

Application No.: MN-0064173-5

Name and Address of Applicant:

White Earth Department of Public Works
White Earth Band of Chippewa Indians
P.O. Box 418
White Earth, Minnesota 56591

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

White Earth Wastewater
Stabilization Lagoon No. 2
White Earth Indian Reservation
White Earth, Minnesota
Becker County
(Sec. 27, T142N, R41W)

Receiving Water: unnamed slough, eventually flowing to Rat Farm Lake

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of the White Earth 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 wastewater treatment consists of a 4-cell wastewater stabilization pond. Influent is provided to two primary cells that can be operated in series or in parallel. Effluent from either primary cell is discharged to an intermediate secondary cell. Effluent is further discharged to a polishing cell. Primary cell 1 is 2.9 acres in area, primary cell 2 is 5.1 acres in area, the intermediate secondary cell is 3.4 acres in area, and the polishing cell is 1.5 acres in area. The facility has a controlled discharge (Discharge 001) to an unnamed slough that eventually will flow to Rat Farm Lake and is designed to treat an average influent flow of 85,000 gallons per day.

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	Concentration (Specified Units)			
Parameter	Daily Minimum	Monthly Average	Weekly Average	Daily Maximum
Flow (MG)	-	Report calendar month total	-	-
Flow (mgd)	-	Report	-	Report
Dissolved Oxygen (mg/L)	Report	-	-	-
pH (SU)	6.0	-	-	9.0
Total Suspended Solids (TSS) (mg/L)	-	45	65	-
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) (mg/L)	-	25	40	-
E. coli (#/100ml) (April 1 – October 31)	-	126 (geometric mean)	-	235
Phosphorus, 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	-	-
CBOD ₅ percent removal (%)	≥85	-	-	-
TSS percent removal (%)	≥65	-	-	-
Outfall observation (yes/no)	-	-	-	-

The permit also requires the continued implementation of an operation and maintenance plan, the development and implementation of a Phosphorus Management Plan, compliance with 40 CFR Part 503 when sludge is used or disposed and compliance with 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.

SECTION 401 WATER QUALITY CERTIFICATION

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the CWA within the White Earth Indian Reservation and will be unless and until the White Earth Nation is approved for Treatment as a State (TAS) for CWA Sections 303 and

401. EPA is in the process of certifying pursuant to Section 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. We have discussed our reissuance of the permit with the White Earth Nation and the Minnesota Pollution Control Agency (MPCA) and the permittee.

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 White Earth Wastewater Stabilization Lagoon (WWSL) No. 2 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 C.F.R. §§ 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 22, 2023.
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 22, 2023. 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 later than December 22, 2023 will not be considered in the formulation of the final determination.
4. Written comments or requests for a public hearing must be emailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, Permits Branch at colletti.john@epa.gov and R5NPDES@epa.gov. If you are unable to submit comments or requests by email, please contact Mr. Colletti at 312-886-6106 to make alternate arrangements.

The application and Public Notice numbers should appear 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 a finding of fact or conclusion of law which is clearly erroneous.

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. Please contact John Colletti at (312) 886-6106 or by e-mail at colletti.john@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, draft permit, and the draft Section 401 Water Quality Certification on Region 5's website at <https://www.epa.gov/npdes-permits/white-earth-wastewater-stabilization-lagoon-no-2-npdes-permit-mn-0064173-5>. All data submitted by the applicant is available as part of the administrative record. For more information, please contact Mr. Colletti as stated above.

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 Mr. Colletti at the above email address. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.