

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) 353-1938

Public Notice No.: 25-06-01-B

Public Notice Issued On: June 6, 2025

Comment Period Ends: July 7, 2025

Permit No.: MI-0058582-2 (REISSUANCE)

Application No.: MI-0058582-2

Name and Address of Applicant:

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

Saginaw Chippewa Indian Tribe
7070 East Broadway
Mt. Pleasant, Michigan 48858

Saganing Water and Wastewater
Treatment Plant
2600 Worth Rd
Standish, Michigan 48658
Arenac County
(Section 31, Township 18N, Range 5E)

Receiving Water: Unnamed tributary to Saginaw Bay of Lake Huron

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 within the trust property owned by the Saginaw Chippewa Indian Tribe in Arenac County. EPA is the appropriate NPDES permitting authority for the trust parcel upon which the wastewater treatment plant is built and upon which the discharge from this wastewater treatment plant is located.

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.

There are three influent pumps that send the water to a 2 millimeter (mm) fine screen; where an automatic sampler is located in between the pumps and drum screen. Wastewater is then gravity fed into one of two membrane bioreactor (MBR) units. The water is then pumped through the three chambers located in the MBR unit where Aluminum Sulfate is added for phosphorus removal. Mixed liquor is then pumped into the filter unit located at the head of the MBR where it is filtered out at approximately 75 gallons per minute. Treated water then flows through a UV disinfection unit where an automatic sampler is located. Water can be diverted into ponds around the building and/or has the option of discharging through Outfall 001 (Lat: 43.921478; Long: -83.906254) to an unnamed tributary to Saginaw Bay of Lake Huron.

The plant has a design flow of 0.4 million gallons per day (mgd). The sludge is wasted from the filter area of the MBR with storage tanks located outside. The sludge is allowed to settle and the decant is brought back into the headworks. The sludge will ultimately be land applied.

LIMITATIONS AND MONITORING REQUIREMENTS- OUTFALL 001

Parameter	Date	Monthly Average	7-day Average	Daily Maximum	Daily Minimum
CBOD ₅	May 1 – Sep 30	4 mg/L 13 lbs/d	33 lbs/d	10 mg/L	
	Oct 1 – Nov 30	9 mg/L 30 lbs/d	47 lbs/d	14 mg/L	
	Dec 1–March 31	25 mg/L 83 lbs/d 85 % removal	40 mg/L 130 lbs/d		
	April 1-30	11 mg/L 37 lbs/d	53 lbs/d	16 mg/L	
Total Suspended Solids (TSS)	May 1 – Sep 30	20 mg/L 66 lbs/d	30 mg/L 100 lbs/d		
	Oct 1 – Nov 30	28 mg/L 66 lbs/d	42 mg/L 100 lbs/d		
	Dec 1 – April 30	30 mg/L 100 lbs/d 85 % removal	45 mg/L 150 lbs/d		
Ammonia	May 1 – Sep 30	0.5 mg/L 1.7 lbs/d	6.7 lbs/d	2 mg/L	
	Oct 1 – Nov 30	12 lbs/d	12 lbs/d	3.6 mg/L	
	Dec 1-March 31			Report	
	April 1-30	26 lbs/d	26 lbs/d	7.8 mg/L	

Dissolved Oxygen	May 1-Sep 30				6 mg/L
	Oct 1 – Nov 30				5 mg/L
	Dec 1-March 31				4.5 mg/L
	April 1-30				5 mg/L
Total Phosphorus	All Year	0.5 mg/L 1.2 lbs/d	1.2 lbs/d		
Total Mercury	All Year			Report	
E. coli	All Year	126 E. coli/100ml (geometric mean)		410 E. coli/100ml	
pH	All Year			9.0 S.U.	6.5 S.U.

The permit also requires monitoring for Total Kjeldahl Nitrogen, Nitrate plus Nitrite Nitrogen, Oil and Grease, Total Dissolved Solids, priority pollutants, compliance with 40 CFR Part 503 and any other applicable regulations 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 Michigan's water quality standards where they are applicable.

Section 401 Water Quality Certification

The Environmental Protection Agency received a request for a Clean Water Act (CWA) Section 401 water quality certification. Section 401(a)(1) of the CWA requires applicants for Federal licenses or permits that may result in any discharge into waters of the United States to obtain certification or waiver from the certifying authority where the discharge would originate. The EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401(a)(1) of the CWA within the trust land of the Saginaw Chippewa Indian Tribe and will be unless and until the Saginaw Chippewa Indian Tribe 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. The 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. The EPA will act on this certification request prior to issuance of the permit. We have discussed our issuance of the permit with the Saginaw Chippewa Indian Tribe and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) 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 Saginaw Water and Wastewater Treatment Plant 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 July 7, 2025.
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 July 7, 2025. 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 July 7, 2025, will not be considered in the formulation of the final determination.
4. Written comments or requests for a public hearing must be emailed to: Jodie Opie, U.S. Environmental Protection Agency, Region 5, Permits Branch at opie.jodie@epa.gov and R5NPDES@epa.gov. If you are unable to submit comments or requests by email, please contact Ms. Opie at 312-353-1938 to make alternate arrangements.

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 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 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/saganing-water-and-wastewater-treatment-plant-npdes-permit-mi-0058582-2>. All data submitted by the applicant is available as part of the administrative record. For more information, please contact Jodie Opie at (312) 353-1938 or by e-mail at opie.jodie@epa.gov and R5NPDES@epa.gov.