PUBLIC NOTICE

PUBLIC NOTICE OF DRAFT NPDES PERMITS TO DISCHARGE INTO WATERS OF THE UNITED STATES
&
EPA OPEN HOUSE AND PUBLIC HEARING

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-6106

Public Notice No.: 13-04-01-B

Public Notice Issued On: July 25, 2013 **Comment period ends: September 3, 2013**

On April 6, 2013, the U.S. Environmental Protection Agency issued public notice No.: 13-04-01-A, which described EPA's tentative decision to reissue NPDES permits for the Bad River Band of the Lake Superior Tribe of Chippewa Indians' three community wastewater treatment facilities, as listed below, located within the Bad River Indian Reservation. During the comment period announced in public notice No. 13-04-01-A, which ended on May 6, 2013, EPA received written comments that included requests for a public hearing on the draft permits. In response to these requests, EPA will hold an open house and a formal public hearing on EPA's tentative decision to issue the draft NPDES permits. In addition to holding the public hearing, EPA has extended the comment period until September 3, 2013. EPA representatives will answer questions about the draft permits at the open house. The public hearing, which follows immediately after the open house, is an opportunity for the public to submit oral and written comments concerning the draft permits. The rules and procedures governing this public hearing are found at Sections 25.5 and 124.12 of Title 40 of the Code of Federal Regulations, 40 C.F.R. §§ 25.5 and 124.12. EPA invites all interested parties to express their views on issues related to the draft permits. Parties making presentations are urged to address their statements to relevant issues. Oral statements will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to submit duplicate copies of their written statements to the Presiding Officer.

This hearing will not be a formal adjudicatory hearing. Therefore, the rules of evidence, cross-examination, and other procedures relating to adjudicatory hearings will not govern. EPA will present a statement relating to the draft permits. Following the presentation, any person so desiring may comment on EPA's tentative decision to issue the permits or any issue raised in connection therewith. All persons wishing to make an oral comment, sign in begins at 5:30 p.m. Speakers will appear in the order in which they sign in. Information and clarifying questions may be directed at persons making oral statements through the Presiding Officer. The Presiding Officer shall have the discretion to fix reasonable limits upon the time allowed for oral statements. The hearing may end earlier if all persons wishing to make comments have been heard.

EPA will consider comments received at the hearing along with previously submitted comments regarding the draft permits in making the final permit decision. Previously submitted comments do not have to be resubmitted.

Tuesday, August 27
Bad River Lodge & Convention Center
73370 US Highway 2
Odanah, WI 54861

Open House: 6 to 7 p.m. in the Gitche Gumee Convention Center
Public Hearing: 7:15 to 9:00 p.m.

EPA's public comment period runs until Tuesday, September 3. You may mail written comments, postmarked on or before that date, to:

John Colletti
U.S. Environmental Protection Agency (WN-16J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590
Or email comments to: colletti.john@epa.gov

Permit No.: WI-0036544-4 (REISSUANCE)

Application No.: WI-0036544-4

Name and Address of Applicant:

Bad River Utilities
Bad River Band of the Lake Superior Tribe
of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Name and Address of Facility Where Discharge Occurs:

Diaperville Stabilization Lagoon
Bad River Indian Reservation
Diaperville, Wisconsin
Ashland County
(S ½ of Sec. 26, T48N, R3W)

Receiving Water: Hanson Swamp

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of Bad River Indian Reservation. EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the boundaries of Indian Reservations. EPA is issuing this NPDES permit under the authorities of the Clean Water Act. The existing permit for this facility expired in August of 2011 but has continued in effect since the Band submitted timely permit renewal applications in accordance with 40 C.F.R. § 122.6.

The application and plans indicate that the treatment system consists of a 2-cell stabilization lagoon, the primary cell being 1.76 acres in area and the secondary cell being 1.66 acres in area measured at the mean operating level. It has an average design flow of 20,025 gallons per day (gpd). The facility has a controlled discharge (Outfall 001), usually occurring during the spring and fall to Hanson Swamp. Wastewater is from domestic sources only.

The facility was built around 1975 and expanded in 1999.

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

Monitoring Point 001- the permittee is authorized to discharge of treated municipal wastewater from Monitoring Point 001 through Outfall 010, which discharges to the Hanson Swamp.

Effluent Characteristics	Discharge Limitations			
	Concentration (Specified Units)			
Parameter	Minimum	Monthly	Weekly	Maximum
Dissolved Oxygen (mg/L)	4.0	-	-	-
pH (SU)	6.0	-	-	9.0
Total Suspended Solids (TSS) (mg/L)	-	60	90	-
Biochemical Oxygen Demand (BOD_5) (mg/L)	-	30	45	-
E. coli (#/100ml) *	-	126	-	235
BOD_5 percent removal (%)	85	-	-	-
TSS percent removal (%)	65	-	-	-

* Applicable May 1 through September 30

The permit also requires monitoring for Ammonia Nitrogen (NH_3-N), Total Phosphorus, sulfates and mercury, compliance with 40 C.F.R. Part 503 when sludge is used or disposed and 40 C.F.R. 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 the Tribe's water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits. They are also intended to be protective of Wisconsin water quality standards where they are applicable.

Permit No.: WI-0036579-4 (REISSUANCE)

Application No.: WI-0036579-4

Name and Address of Applicant:

Bad River Utilities
Bad River Band of the Lake Superior Tribe
of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Name and Address of Facility Where Discharge Occurs:

Birch Hill Stabilization Lagoon
Bad River Indian Reservation
Birch Hill, Wisconsin
Ashland County
(NW ¼ of NE ¼ of Sec. 36, T47N, R2W)

Receiving Water: Birch Hill Swamp

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of Bad River Indian Reservation. EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the boundaries of Indian Reservations. EPA is issuing this NPDES permit under the authorities of the Clean Water Act. The existing permit for this facility expired in August of 2011 but has continued in effect since the Band submitted timely permit renewal applications in accordance with 40 C.F.R. § 122.6.

The existing treatment facility consists of 2-cell stabilization lagoon, the primary cell being 2.31 acres in area and the secondary cell being 2.30 acres in area measured at the mean operating level. It has an average design flow of 22,000 gallons per day.

The discharge is controlled, usually occurring during the spring and fall to Birch Hill Swamp.

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

Effluent Characteristics	Discharge Limitations			
	Concentration (Specified Units)			
Parameter	Minimum	Monthly	Weekly	Maximum
Dissolved Oxygen (mg/L)	4.0	-	-	-
pH (SU)	6.0	-	-	9.0
Total Suspended Solids (TSS) (mg/L)	-	60	90	-
Biochemical Oxygen Demand (BOD_5) (mg/L)	-	30	45	-
E. coli (#/100ml) *	-	126	-	235
BOD_5 percent removal (%)	85	-	-	-
TSS percent removal (%)	65	-	-	-

* Applicable May 1 through September 30

The permit also requires monitoring for Ammonia Nitrogen (NH_3-N), Total Phosphorus, sulfates and mercury, compliance with 40 C.F.R. Part 503 when sludge is used or disposed, and 40 C.F.R. 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 the Tribe's water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits. They are also intended to be protective of Wisconsin water quality standards where they are applicable.

Permit No.: WI-0036587-4 (REISSUANCE)

Application No.: WI-0036587-4

Name and Address of Applicant:

Bad River Utilities
Bad River Band of the Lake Superior Tribe
of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Name and Address of Facility Where Discharge Occurs:

Bad River Wastewater Treatment Plant
Bad River Indian Reservation
New Odanah, Wisconsin
Ashland County
(E ½ of the SE ¼ of Sec. 30, T48N, R2W)

Receiving Water: Bad River

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above facility is located within the exterior boundaries of Bad River Indian Reservation. EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the boundaries of Indian Reservations. EPA is issuing this NPDES permit under the authorities of the Clean Water Act. The existing permit for this facility expired in August of 2011 but has continued in effect since the Band submitted timely permit renewal applications in accordance with 40 C.F.R. § 122.6.

The existing treatment facility consists of mechanical fine screens followed by an influent equalization tank. Wastewater then flows to a two tank sequencing batch reactor (SBR) system. Though some biological removal of phosphorus occurs in the system, a chemical feed system is also used for phosphorus removal. Effluent from the SBR's goes through ultra-violet disinfection and then discharges to the Bad River (Outfall 002).

Waste activated sludge is pumped to an aerobic digester and then to one of two treatment/storage lagoons. The treatment/storage lagoons are the old aerated stabilization lagoons that were taken out of service in 1996. One lagoon is approximately 8 feet deep, 0.3 acres in area. The other lagoon is 6 feet deep and 3.38 acres in area. It is the latter lagoon that is being used at this time. The permittee is looking at options for the final disposal of the sludge, whether it is to continue using the lagoons for treatment/storage, to land apply the sludge, or to haul it to another facility for treatment.

The treatment facility has a design flow of 0.14 million gallons per day of wastewater.

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

Monitoring Point 002A- the permittee is authorized to discharge treated municipal wastewater from Monitoring Point 002A through Outfall 002, which discharges to the Bad River.

Effluent Characteristics	Discharge Limitations			
	Concentration (Specified Units)			
Parameter	Minimum	Monthly	Weekly	Maximum
Dissolved Oxygen (mg/L)	5.0	-	-	-
pH (SU)	6.0	-	-	8.5
Total Suspended Solids (TSS) (mg/L)	-	30	45	-
Biochemical Oxygen Demand (BOD_5) (mg/L)	-	30	45	-
Phosphorus, Total (mg/L)	-	1.0	-	2.0
E. coli (#/100ml) *	-	126	-	235
BOD percent removal (%)	85	-	-	-
TSS percent removal (%)	85	-	-	-

* Applicable May 1 through September 30

The permit also requires monitoring for Ammonia Nitrogen (NH_3-N), sulfates, and mercury, compliance with 40

C.F.R. Part 503 when sludge is used or disposed, and 40 C.F.R. 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 the Tribe's water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits. They are also intended to be protective of Wisconsin water quality standards where they are applicable.

ESA and NHPA COMPLIANCE

EPA has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since the two lagoon systems are existing facilities with no new planned expansion or construction expected within the permit term, the reissuance of the permits and the continued operation of the facilities will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources. The Bad River WWTP is also an existing facility, however there is some ongoing construction occurring at this time. The construction, however, is within the existing footprint on the facility which has already been previously disturbed. Therefore, the reissuance of the permits and the continued operation of the facilities will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

SECTION 401 WATER QUALITY CERTIFICATION

Where states or tribes have federally approved water quality standards that are applicable at the point of discharge, federal NPDES permits cannot be issued unless water quality certification for the discharge is granted or waived pursuant to Section 401 of the Clean Water Act. By Council Resolution dated April 3, 2013, the Bad River Band of the Lake Superior Tribe of Chippewa Indians granted Section 401 certification, with conditions, for the Bad River WWTP permit. Also, by Council Resolution dated May 1, 2013, the Bad River Band of the Lake Superior Tribe of Chippewa Indians granted Section 401 certification, with conditions, for the Diaperville Stabilization Lagoon permit and Birch Hill Stabilization Lagoon permit. The conditions of the certifications have been incorporated into the respective permits.

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 issue permits for the discharges from the Diaperville Stabilization Lagoon, the Birch Hill Stabilization Lagoon and the Bad River Wastewater Treatment Plant subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue the NPDES permits 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 permits may be submitted extends to **September 3, 2013.**

2. A public hearing has been scheduled for **August 27, 2013.** See above for details.

3. All comments postmarked after **September 3, 2013**, will not be considered in the formulation of final determinations.

4. Written comments must be delivered or mailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604 or e-mailed 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. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decisions.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decisions, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. All documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be sent to the following address: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue, NW, Mail Code 1103M, Washington, DC 20460-0001.

All mail sent to the Environmental Appeals Board may be delayed by a random sterilization procedure. Parties are encouraged to utilize the Board's e-filing system or hand or courier delivery when filing pleadings with the Board to avoid potential delays.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to: Clerk of the Board, U.S. Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Avenue, NW, U.S. EPA East Building, Room 3334, Washington, DC 20004

Documents that are hand-carried may be delivered to the Clerk of the Board between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

AVAILABILITY OF DOCUMENTS

The applications, draft permits, including proposed effluent limitations and special conditions, statements of basis, and other documents contained in the administrative records, 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, statements of basis, and draft permits on Region 5's website at " [HYPERLINK "http://www.epa.gov/region5/water/npdestek/badriverband/index.html"] ". All data submitted by the applicants are available as part of the administrative records. For more information, please contact Sreedevi Yedavalli (312) 353-7314 or by email at '[HYPERLINK "mailto:yedavalli.sreedevi@epa.gov"]' or John Colletti at (312) 886-6106 or by e-mail at '[HYPERLINK "mailto:colletti.john@epa.gov"]'.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.