



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WC-15J

JUL 15 2014

Michael Wiggins Jr., Chairman
Bad River Band of Lake Superior Tribe of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Dear Chairman Wiggins:

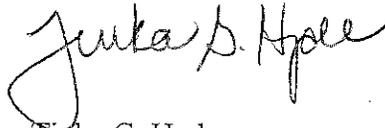
On behalf of Susan Hedman, thank you for your July 1, 2014, letter requesting an extension of the completion date for work required under the modified Compliance Plan issued by the U.S. Environmental Protection Agency on February 7, 2014. The modified Compliance Plan identified Clean Water Act (CWA) violations at the Bad River Band's three wastewater treatment facilities, and outlined a timetable for specific actions required to resolve these violations by June 30, 2014.

Your letter stated that an extension of the final completion date to September 30, 2014, is necessary due to delays in the schedule for lowering water levels in the existing lagoon. The lagoon must be lowered to the 2-ft level to allow the digester basin to be emptied before work on the digester can begin at the Bad River Wastewater Treatment Plant. In discussions with your staff we learned that the late winter thaw caused the delay in the schedule for treatment of phosphorus in the lagoon, which is now underway. Your staff confirmed that Control System Upgrade equipment ordering and programming was completed in June, and that construction of remaining mechanical work will begin once the lagoon is lowered. We expect these developments will be discussed in your next Progress Report, due on August 15, 2014.

EPA reviewed your request and approves the extension of the final completion date to September 30, 2014. Accordingly, please find the enclosed modified Compliance Plan that describes the specific steps that the Band must take to complete the scheduled tasks by September 30, 2014. Under the modified plan the Final Compliance Status Report for the Bad River WWTP is due on November 14, 2014. EPA will continue to monitor each step and associated milestone and all other CWA requirements applicable to the facility. As reflected in the modified Compliance Plan, if milestones are missed or additional violations occur, EPA may take formal enforcement against the Band to ensure compliance with the CWA and protect human health and the environment.

EPA plans to conduct an inspection of the wastewater facilities in August and will coordinate with your staff on scheduling. If you or your staff have questions concerning any requirements in the modified Compliance Plan or the upcoming inspection, please contact Dean Maraldo at (312) 353-2098. Legal inquiries should be directed to Barbara Wester, Associate Regional Counsel, at (312) 353-8514.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde". The signature is written in a cursive style with a large, looping initial "T".

Tinka G. Hyde
Director, Water Division

Enclosure
Modified Compliance Plan (July 2014)

cc: Pat Hunt, Operations Manager, Bad River Utilities
Craig Morin, IHS Bemidji Area Office
Ervin Soulier, Natural Resources Director, Bad River Band

MODIFIED COMPLIANCE PLAN
July 2014

Bad River Wastewater Treatment Facilities
(Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon)

Information:

Facility Name: Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon

Location: Bad River Indian Reservation

Owner/Operator: Bad River Band of the Lake Superior Tribe of Chippewa Indians

Facility Contact: Pat Hunt, Operations Manager

Permit #: WI-0036587, WI-0036544, WI-0036579

Introduction:

The objective of the Compliance Plan (CP) is to return the Bad River wastewater treatment facilities to compliance with current and future National Pollutant Discharge Elimination System (NPDES) permits and to assure that the conditions of the NPDES permits are met.

This modified CP describes violations at the facilities and the actions required to return to compliance, and supplements the CP that was issued on August 15, 2013 and modified on February 7, 2014. These actions are outlined in the “Actions to be Taken” section. Continuing to operate in non-compliance may result in the filing of a formal enforcement action, including the issuance of an Administrative Order, with appropriate additional enforcement consequences if violations continue.

Violations:

Violations include failure to meet permit reporting requirements at the Bad River WWTP, Diaperville Stabilization Lagoon, and Birch Hill Stabilization Lagoon; and failure to comply with the permit effluent limits for the following parameters:

- Phosphorus, total [Bad River WWTP]
- E. coli [Bad River WWTP; Birch Hill]
- Solids, total suspended [Bad River WWTP; Birch Hill]
- BOD, 5-day, 20 deg. C [Bad River WWTP]
- BOD, 5-day, 20 deg. C percent removal [Bad River WWTP]
- Solids, total suspended percent removal [Bad River WWTP]

Actions to be Taken:

The following actions outline the steps necessary to bring the Bad River WWTP (WI-0036587), Diaperville Stabilization Lagoon (WI-0036544), and the Birch Hill Stabilization Lagoon (WI-0036579) into compliance:

Date	Milestone	Documentation or Report Required
July 30, 2014	Tribe to submit copies for each operator of certified operator certificates for ponds and lagoons, phosphorus removal, laboratory, wastewater, and activated sludge categories.	Copies of certificates for each operator.
September 30, 2014	Tribe to complete equipment installation, mechanical repairs, and program upgrades required to return the Bad River WWTP to compliance with NPDES permit effluent limits. Tribe to be in compliance with NPDES permit effluent limits and reporting requirements for the Bad River WWTP.	Include project updates and compliance status in CP Progress Report due August 15, 2014. Submit Final Compliance Status Report for the Bad River WWTP, due November 14, 2014.

Compliance Plan Implementation:

EPA intends to work with the Tribe to implement this modified Compliance Plan. EPA will review each Progress Report, and may schedule conference calls or visits to discuss ongoing progress. Continuing non-compliance may subject the Tribe to a formal enforcement action.

Submittals:

Documentation, updates, reports, and plans required under this modified CP shall be sent to EPA by both registered mail and electronic mail to the following addresses:

Chief, Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd. (WC-15J)
Chicago, IL 60604
ATTN: Dean Maraldo
Email: maraldo.dean@epa.gov

Office of the Regional Counsel
U.S. Environmental Protection Agency, Region 5
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ATTN: Barbara L. Wester, Associate Regional Counsel
Email: wester.barbara@epa.gov

