

PUBLIC NOTICE

**PUBLIC NOTICE OF DRAFT NPDES PERMITS TO
DISCHARGE INTO WATERS OF THE UNITED STATES**

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-A

Public Notice Issued On: April 5, 2013

Comment period ends: May 6, 2013

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 Band of Lake Superior Chippewa 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 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.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	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 (NH₃-N), Total Phosphorus, sulfates and mercury, compliance with 40 CFR Part 503 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 Wisconsin water quality standards where they are applicable and the Tribe’s water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits.

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 Band of Lake Superior Chippewa 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 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 (NH₃-N), Total Phosphorus, sulfates and mercury, compliance with 40 CFR Part 503 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 Wisconsin water quality standards where they are applicable and the Tribe’s water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits.

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 Band of Lake Superior Chippewa 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 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 (NH₃-N), sulfates, and mercury, compliance with 40 CFR Part 503 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 Wisconsin water quality standards where they are applicable and the Tribe’s water quality standards. In this regard, the Tribe was consulted regarding appropriate effluent limits.

ESA and NHPA COMPLIANCE

EPA has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since these are existing facilities with no new planned expansion or construction expected within the permit term, it is believed that 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. The Bad River Environmental Department (BRED) has public noticed the application for Section 401 water quality certification under Tribal Rules. The BRED indicated that the Council intends to provide Section 401 certification or conditions for certification to EPA prior to or during the public

notice period for these NPDES permit actions. It should be noted that this permit may be republic noticed based on the conditions for Section 401 certification provided by Council.

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, provided 401 Certification is granted or waived, 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 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 permits may be submitted extends to **May 6, 2013**.
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 **May 6, 2013**.
3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for any of these permits. 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.
4. All comments received later than **May 6, 2013**, may be considered in the formulation of final determinations.
5. Written comments or requests for a public hearing 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

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. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

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, statement of basis, and draft permits on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/index.htm>". 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 'yedavalli.sreedevi@epa.gov' or John Colletti at (312) 886-6106 or by e-mail at 'colletti.john@epa.gov'.

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