

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.: 15-08-02-A

Public Notice Issued On: August 26, 2015

Comment period ends: September 25, 2015

Permit No.: MN-0064688-4 (REISSUANCE)

Application No.: MN-0064688-4

Name and Address of Applicant:

City of Bejou
P.O. Box 2098
Bejou, Minnesota 56516

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

City of Bejou WWTF
Bejou, Minnesota 56516
Mahnomen County
(NW ¼ of SE ¼ of S22, T146N,
R42W)

Receiving Water: Marsh Creek, also known as Judicial Ditch # 91

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 facility is located within the boundaries of the White Earth Indian Reservation. The U.S. Environmental Protection Agency has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within Indian Country. The permit will be issued by the EPA under the authorities of the Clean Water Act.

The application and plans indicate that the existing wastewater treatment system consists of two lift stations, approximately 2150 feet of 5-inch and 140 feet of 4-inch force main, and a 2-cell stabilization pond system.

The facility has a controlled discharge (discharge 001) to Marsh Creek, also known as Judicial Ditch # 91. The facility is designed to treat an average wet weather influent flow of 17,700 gallons per day (gpd) with five-day biochemical oxygen demand (BOD₅) strength of 144.0 milligrams per liter (mg/L). The primary cell has a surface area of approximately 1.83 acres at an average operating depth of 4 feet. The secondary cell has a surface area of approximately

0.92 acres. The pond system has a total detention time of approximately 200 days.

The facility is further described in plans and specifications on file with the Minnesota Pollution Control Agency and in an engineering report by the firm of Ulteig Engineers, Inc. (formerly Larson-Peterson and Associates, Inc.), Detroit Lakes, Minnesota. Wastewater is from domestic sources only. The facility is rated as a Class D under Minnesota regulations.

The permittee does not plan to remove any solids from the pond during the permit term.

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

Proposed Effluent Limitations:

Outfall 001- the permittee is authorized to discharge treated municipal wastewater from Outfall 010. Outfall 001 discharges to an unnamed ditch.

Parameter	Date	Monthly average	Weekly Average	Daily Maximum	Daily Minimum
Flow	All year	Report	Report	---	---
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	All Year	25 mg/L	40 mg/L	---	---
Total Suspended Solids	All Year	45 mg/L	65 mg/L	---	---
Ammonia Nitrogen, Total (as N) (mg/L)	All Year	Report	---	---	---
Nitrite Plus Nitrate, Total (as N) (mg/L)	All Year	Report	---	---	---
Nitrogen, Kjeldahl, Total	All Year	Report	---	---	---
Nitrogen, Total (as N) (mg/L)	All Year	Report	---	---	---
Dissolved Oxygen	All Year	---	---	---	Report
E.coli	April 1 – October 31	126 E. coli/100 ml (geometric mean)	---	410 E. coli/100 ml	---
Total Phosphorus	All Year	Report	---	---	---
pH	All Year	---	---	9.0 S.U.	6.0 S.U.

The permit also requires compliance with 40 CFR Part 503 when sludge is used or disposed and compliance with applicable pretreatment requirements (40 CFR Part 403). In addition, a requirement to develop a Phosphorus Management Plan has been included.

The limits were developed to ensure compliance with 40 CFR Part 133 and protection of human health, EPA's water quality criteria, and protection of Minnesota's water quality standards at the reservation boundary.

Section 401 Water Quality Certification

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section

401 of the Clean Water Act. Section 401 certification is not needed from the state or the White Earth Nation as neither has federally approved water quality standards applicable to the receiving water at the point of discharge, however as stated above, EPA believes the effluent limitations included in the draft permit meet state water quality standards at the reservation boundary.

ESA and NHPA Compliance

EPA has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. This is an existing facility with no planned expansion or construction within the permit term. Therefore, it is believed that the reissuance of the permit and the continued operation of the facility and associated discharge will have no effect on endangered or threatened species or their critical habitat and will have no impact on historical, archeological, or cultural resources.

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 City of Ogema Wastewater Treatment Facility 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 September 25, 2015.
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 September 25, 2015.
3. In appropriate cases, including those where there is significant public interest, the EPA Acting Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. 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 after September 25, 2015 will not be considered in the formulation of the final determination.
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 or emailed to colletti.john@epa.gov.

The application and Public Notice number 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 decision.

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 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 “<http://www.epa.gov/region5/water/npdestek/index.htm>”. All data submitted by the applicant is available as part of the administrative record. For more information, please contact 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.