

## PUBLIC NOTICE

### PUBLIC NOTICE OF A DRAFT NPDES PERMIT 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.: 13-12-02-A**

**Public Notice Issued On: December 18, 2013**

**Comment period ends: January 17, 2014**

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**Permit No.: MI-0055204-3 (REISSUANCE)**

**Application No.: MI-0055204-3**

**Name and Address of Applicant:**

Lac Vieux Desert Utility Commission  
P.O. Box 249  
Watersmeet, Michigan 49969

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

Lac Vieux Desert Wastewater Facility  
Water Tower Road  
Lac Vieux Desert Indian Reservation  
Watersmeet, Michigan 49969  
Gogebic County  
(SE ¼ of the NW ¼ of Section 22,  
Township 45N, Range 39W)

**Receiving Water:** wetland tributary to Bonifas Creek

#### **DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE**

The above facility is located within the boundaries of the Lac Vieux Desert Indian Reservation. The 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. The EPA is issuing this NPDES permit under the authorities of the Clean Water Act.

The permittee has built and operates a 2-cell wastewater stabilization lagoon. The primary cell is approximately 6.1 acres and the secondary cell is approximately 2.9 acres. The treated effluent is discharged through Outfall 001 (lat: 46.285455 long: -89.167633) in a controlled manner during the spring and fall to a wetland that is tributary to Bonifas Creek.

The design average influent flow for the facility is 65,000 gallons per day. The treatment system provides service for the Lac Vieux Desert Indian Reservation.

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	Concentration (Specified Units)			
Parameter	Minimum	Monthly	Weekly	Maximum
Flow (MGD)	-	Report	-	-
Dissolved Oxygen (mg/L)	5.0	-	-	-
pH (SU)	6.5	-	-	9.0
Total Suspended Solids (TSS) (mg/L)	-	45	65	-
Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/L)	-	30	45	-
Phosphorus, Total (mg/L)	-	Report	-	-
Ammonia (NH <sub>3</sub> -N) (mg/L)	-	Report	-	Report
E. coli (#/100ml)	-	126	-	235
BOD <sub>5</sub> percent removal (%)	85	-	-	-
TSS percent removal (%)	65	-	-	-
Outfall observation (yes/no)	-	-	-	-

The permit also requires 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 Michigan water quality standards where they are applicable.

#### **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 Lac Vieux Desert Indian Tribe as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

#### **ESA and NHPA Compliance**

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. As this is an existing discharge, with no planned construction during permit term, we do not believe the discharge will have any effect on historic properties or threatened or endangered species.

#### **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 Lac Vieux Desert Wastewater Facility 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 January 17, 2014.
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 January 17, 2014.
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 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 postmarked after January 17, 2014 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

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 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](mailto:colletti.john@epa.gov)’.

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