

PUBLIC NOTICE
PUBLIC NOTICE OF 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) 886-0981

Public Notice No.: 14-04-01-A

Public Notice Issued On: April 30, 2014

Comment period ends: May 29, 2014

Background

The United States Environmental Protection Agency (EPA) published Phase I of the national storm water regulations in 1990 and required medium and large municipal separate storm sewer systems (MS4s) to apply for a National Pollutant Discharge Elimination System (NPDES) permit for their storm water discharges (Federal Register/Vol. 55, No. 222, 11/16/1990, pg.47990). In 1999, EPA published Phase II of the national storm water regulations. Operators of regulated small MS4s were required to apply for permit coverage by March 2003 (Federal Register/Vol. 64, No. 235, 12/8/1999, pg.68722). The NPDES permits issued to Phase II MS4s require small MS4s to develop and implement a Storm Water Management Program (SWMP) which addresses the following six (6) minimum control measures described in the rule:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Erosion and Sediment Control
- Post-Construction Erosion and Sediment Control
- Pollution Prevention/Good Housekeeping

For each of the minimum control measures, the MS4 operator must develop and implement best management practices (BMPs) to reduce pollutants in discharges to the maximum extent practicable, establish measurable goals for each BMP, and assign a responsible person to ensure the BMPs and measurable goals are met.

EPA is the NPDES permit issuing authority in Indian country. The permit described below will be issued by the Region 5 Office.

Permit No.: MN0067423-2 (REISSUANCE)

Application No.: MN0067423-2

Name and Address of Applicant:

Shakopee Mdewakantan Sioux Community
2330 Sioux Trail NW
Prior Lake, Minnesota 55372-9077

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

Minneapolis-St. Paul Urbanized Area
Prior Lake, Minnesota
Scott County
Within the boundaries of the Shakopee
Mdewakantan Sioux Community

Receiving Water: To waters of the United States (US)

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has reapplied for a National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water from its MS4 to the waters of the US. The permit covers discharges of the storm water from the portions of the permittee's MS4 in the area of Scott County located within the Minneapolis-St. Paul urbanized area and within the Shakopee Mdewakantan Sioux Community.

Compliance with Endangered Species Act and National Historic Preservation Act

Section 7 of the Endangered Species Act requires Federal agencies to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat. The United States Fish and Wildlife Service concurred with EPA's determination that issuance of this permit will not affect threatened or endangered species.

Section 106 of the National Historic Preservation Act (NHPA) requires that Federal agencies having direct or indirect jurisdiction over a proposed Federal or federally-assisted undertaking or independent agency having authority to license any undertaking shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. Federal agencies shall afford the Advisory Council on Historic Preservation established under Title II of NHPA a reasonable opportunity to comment with regard to such undertaking. The Minnesota State Historical Society and the Shakopee Director of Cultural Resources concurred with EPA's findings that issuance of this permit will have no impact on historical or cultural sites within the project area.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and applications of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to issue this permit for the discharges of storm water from the permittee's MS4 to waters of the United States.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue this 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 30 days from the date of public notice.
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 30 days from the date of this notice.
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 received prior to final determination shall be considered in the final determinations.
5. Written comments or requests for a public hearing must be delivered or mailed to:

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

6. Interested parties may also send electronic comments and requests for public hearing via email to bell.brianc@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 decisions.

Unless a public hearing is scheduled, the EPA will issue a final determination as to the issuance of this proposed permit in a timely manner after the expiration of the public comment period.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decision, any person who filed comments on the draft permit 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 application, draft permit, 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 any time between 9:00 a.m. and 3:30 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/notices.htm>. All data submitted by the applicant is available as part of the administrative records.

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