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) 886-0981

Public Notice No.: 10-04-01-A

Public Notice Issued On: April 28, 2010 **Comment period ends:** May 28, 2010

Background

The United States Environmental Protection Agency (EPA) published Phase I of the national stormwater 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 stormwater discharges (Federal Register/Vol. 55, No. 222, 11/16/1990, pg.47990). In 1999, EPA published Phase II of the national stormwater regulations. Operators of regulated small MS4 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 permits described below will be issued by the Region 5 Office.

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Permit No.: WI0073008-1 (ISSUANCE)

Application No.: WI0073008-1

Name and Address of Applicant:	**Name and Address of Facility Where Discharge Occurs:**
Brown County P.O. Box 23600 Green Bay, Wisconsin 54305-3600	Green Bay Urbanized Area Green Bay, Wisconsin Brown County Within the boundaries of the Oneida Tribe of Indians of Wisconsin

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

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to discharge storm water from its Municipal Separate Storm Sewer System (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 Brown County located within the Green Bay urbanized area and within the Oneida Reservation. Most of the Brown County MS4 covered under this permit is sewers and drainage managing runoff from the County road system.

Permit No.: WI0073016-1 (ISSUANCE)

Application No.: WI0073016-1

Name and Address of Applicant:	**Name and Address of Facility Where Discharge Occurs:**
City of Green Bay 100 North Jefferson Street	City of Green Bay Green Bay, Wisconsin Green Bay, Wisconsin 54301 Within the boundaries of the Oneida Tribe of Indians of Wisconsin

Receiving Water: To the waters of the US.

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to discharge storm water from its Municipal Separate Storm Sewer System (MS4) to the waters of the US. The permit covers discharges of the storm water from the portions of the permittee's MS4 located within the Green Bay urbanized area and located within the Oneida Reservation.

Permit No.: WI0073024-1 (ISSUANCE

Application No.: WI0073024-1

Name and Address of Applicant:	**Name and Address of Facility Where Discharge Occurs:**
Village of Hobart 2990 S. Pine Tree Road	Village of Hobart Green Bay, Wisconsin Hobart, Wisconsin 54155 Within the boundaries of the Oneida Tribe of Indians of Wisconsin

Receiving Water: To the waters of the US.

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to discharge storm water from its Municipal Separate Storm Sewer System (MS4) to the waters of the US. The permit covers discharges of the storm water from the portions of the permittee's MS4 located within the village boundaries, the Green Bay urbanized area and the Oneida Reservation.

Permit No.: WI0073032-1 (ISSUANCE)

Application No.: WI0073032-1

Name and Address of Applicant:	**Name and Address of Facility Where Discharge Occurs:**
Oneida Tribe Post Office Box 365	Oneida Reservation Oneida, Wisconsin Oneida, Wisconsin 54155 Within the boundaries of the Oneida Tribe of Indians of Wisconsin

Receiving Water: To the waters of the US.

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above-named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) Permit to discharge storm water from its Municipal Separate Storm Sewer System (MS4) to waters of the US. The permit covers discharges of the storm water from the portions of the permittee's MS4 within the Green Bay urbanized area and the Oneida Reservation.

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 USFWS concurred with EPA's determination that issuance of these permits 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 Oneida Tribal Historic Preservation Office concurred with EPA's findings that issuance of these permits 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 Acting Regional Administrator of EPA, Region 5 proposes to issue permits for the discharges of storm water from the municipal separate sewer systems located within the Green Bay urbanized area and the Oneida Reservation of following permittees to the waters of the United States: Brown County, the City of Green Bay, Village of Hobart and the Oneida Tribe of Indians of Wisconsin.

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 30 days from the date of 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 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 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 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.

Unless a Public Hearing is scheduled, the EPA will issue a final determination as to the issuances of the proposed permits 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 Acting Regional Administrator's final permit decision, 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 3:30 p.m., Monday through Friday. You may also view the public notice, statements of basis, and draft permits 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.