

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.: 13-09-01-A

Public Notice Issued On: September 9, 2013

Comment period ends: October 9, 2013

Permit No.: WI-0036188-3 (REISSUANCE)

Application No.: WI-0036188-3

Name and Address of Applicant:

Stockbridge-Munsee Utility Department
Stockbridge-Munsee Community
N8618 Oak Street
Bowler, Wisconsin 54416

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

Stockbridge-Munsee Community
Wastewater Ponds
W13438 Birch Street
Bowler, Wisconsin 54416
Stockbridge-Munsee Indian Reservation
Shawano County

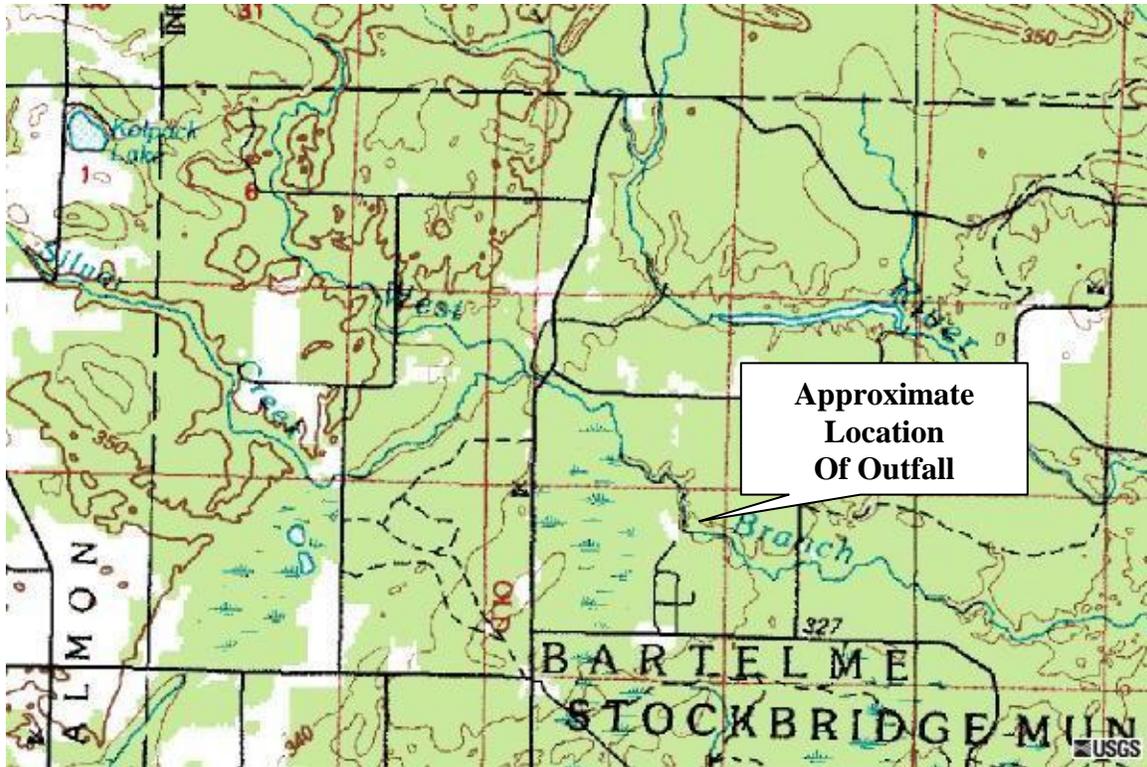
(N.E. ¼ of Section 16 of Township 28N, Range 13E)

Receiving Water: West Branch of the Red River

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 above facility is located within the boundaries of the Stockbridge-Munsee Indian Reservation. The EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within Indian Country. The EPA is issuing this NPDES permit under the authorities of the Clean Water Act.

The Stockbridge-Munsee Band of the Mohican Indians operates a wastewater treatment system to serve the community in northern Shawano County, Wisconsin. The treatment works consists of a series of facultative lagoons, located in the NE ¼ of Section 16, T 28 N, R 13 E. The ponds are operated on a fill-and-draw basis, discharging treated effluent to the West Branch of the Red River at approximately Latitude 44° 54' 37" North and Longitude 88° 55' 30" West, in the "Red River Watershed" (WR 16) in the Wolf River Basin.



The existing system consists of a 3-cell wastewater pond. Cell 1 is 6.36 acres in area. Cell 2 is approximately 3.1 acres in area. Cell 3 is 0.68 acres in area. Cells 2 and 3 are interconnected and act as one cell for filling and discharging purposes. The discharge pipe is located in Cell 3. The discharge is controlled, usually occurring once a year.

The design average influent flow for the system is 0.039 mgd. The wastewater is from domestic sources only.

Outfall 010 – Final

<u>Effluent Characteristics</u>	Discharge Limitations			
	Concentration (Specified Units)			
Parameter	Minimum	Monthly	Weekly	Maximum
Flow (mgd)	-	-	-	-
Dissolved Oxygen (mg/L)	4.0	-	-	-
pH (SU)	6.0	-	-	8.5
Total Suspended Solids (TSS) (mg/L)	-	60	90	-
Biochemical Oxygen Demand (BOD ₅) (mg/L)	-	30	45	-
Phosphorus, Total (mg/L)	-	Report	-	-

Ammonia, as N (mg/L)	-	-	-	4.28
E. coli (#/100ml)*	-	126	-	235
BOD ₅ percent removal (%)	85	-	-	-
TSS percent removal (%)	65	-	-	-
Outfall observation (yes/no)	-	Report	-	-

* Applicable May 1 through September 30

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 Wisconsin water quality standards where they are applicable. Clean Water Act Section 401 certification is not needed from the state or the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

ESA and NHPA COMPLIANCE

EPA has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since this is an existing facility with no new planned expansion or construction expected within the permit term, it is believed that the reissuance of the permit and the continued operation of the facility will have no effect on endangered or threatened species or their critical habitat and will have no impact to 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 Stockbridge-Munsee Wastewater Ponds 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 October 9, 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 October 9, 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 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 October 9, 2013 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'.

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