

**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.: 10-12-01-A**

**Public Notice Issued On:** December 15, 2010

**Comment period ends:** January 14, 2011

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**Permit No.:** WI-0071501-1 (Issuance)

**Application No.:** WI-0071501-1

**Name and Address of Applicant:**

Sokaogon Chippewa Community  
3051 Sand Lake Road  
Crandon, Wisconsin 54520

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

Sokaogon Chippewa Community  
Wastewater Treatment System (SCC WWTS)  
3000 Ackley Circle  
Crandon, Wisconsin 54520  
(SW ¼ of Section 28, T35N, R12E)

Receiving Water: Wetland 22 via hydrologically connected ground water

**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 exterior boundaries of the Mole Lake Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The application and plans indicate that the permittee owns and operates a 0.09 mgd wastewater treatment system. The system consists of fine screening followed by septic tanks (2 primary and 2 secondary), recirculating sand filter beds (4) and ultraviolet disinfection. The discharge is continuous to a subsurface discharging system. The subsurface discharge is 50 feet from the edge of a wetland on the Mole Lake Indian Reservation. This facility replaces the Community's existing system. Sludge generated at the facility is hauled offsite by a private hauler and land applied. The treatment system serves the Community and Casino/Hotel.

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

| Parameter              | Date     | 30-Day Average | 7-Day Average | Daily Minimum | Daily Maximum |
|------------------------|----------|----------------|---------------|---------------|---------------|
| CBOD <sub>5</sub>      | All Year | 20 mg/L        | 30 mg/L       | NA            | NA            |
| Total Suspended Solids | All Year | 20 mg/L        | 30 mg/L       | NA            | NA            |
| Ammonia as N           | All Year | NA             | NA            | NA            | 9.87 mg/L     |
| pH                     | All Year | NA             | NA            |               |               |

The facility discharges its effluent through a subsurface drainage system. EPA would not normally require a NPDES permit for a subsurface discharge. In this case, EPA believes that with the close proximity of the wetland to the subsurface discharge location (roughly 50 feet) and the design of the subsurface drainage system, there will be a direct hydrological connection to the wetland and as such, would act like a direct discharge to the wetland.

The effluent limits in the permit were developed to protect the wetland and to ensure compliance with 40 CFR Part 133, the Sokaogon Chippewa Community's (SCC's) federally approved water quality standards (WQS) within the Mole Lake Indian Reservation and Wisconsin water quality standards where they are applicable. In this regard, the SCC and Wisconsin Department of Natural Resources (WDNR) were consulted regarding appropriate effluent limits. EPA has moved in the direction of using E. coli, which is a better indicator of recreational suitability, instead of fecal coliform. The 30-day average limit for E. coli is based on SCC's water quality criteria. The daily maximum ammonia-N limit is based on protecting the acute criteria at the maximum pH level allowed by the permit. The permit also requires monitoring for total phosphorus, dissolved oxygen, 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. The permit also requires the permittee to develop and implement a wetland protection/monitoring plan.

### **Antidegradation**

Though this facility is replacing an existing subsurface discharge, it is designed to treat more wastewater. As such, SCC's WQS require that an antidegradation demonstration application be submitted to and approved by SCC Tribal Authorities prior to permitting the facility. SCC Tribal Authorities consists of the SCC Environmental Director and the SCC Natural Resources Board. SCC Tribal Authorities issued a Final Antidegradation Decision on December 2, 2010, which states that "because the facility will treat wastewater from residential and commercial facilities currently served by outdated and/or inefficient wastewater treatment technologies, and because the facility will also allow for treatment of additional wastewater to be generated from the anticipated residential growth, the operation of this Wastewater Treatment Facility will result in positive socio-economic benefit to the

Tribe and will also result in improved water quality in the areas of current inadequate wastewater treatment” and “the overall water quality in the Wetland 22 complex may be lowered, but this potential water quality lowering is justified by anticipated benefits to the Tribe and to the water resources.” This decision is solely for purposes of satisfying SCC water quality regulations and is not intended to supplant local requirements, including land use or zoning laws. It is not, and should not be construed as, a finding by Tribal Authorities that the proposed development meets local requirements or ordinances.

### **Section 401 Water Quality Certification**

Where states or tribes have federally approved water quality standards that are applicable at the point of discharge, federal NPDES permits cannot be issued unless water quality certification for the discharge is granted or waived pursuant to Section 401 of the Clean Water Act. The tribal Section 401 authority within the Mole Lake Reservation is SCC Tribal Authorities. EPA has provided a copy of the permittee’s NPDES permit application and a copy of the draft NPDES permit to Tribal Authorities. If Tribal Authorities needs any additional information in order for the Section 401 application to be considered complete, Tribal Authorities will request such information from the permittee. It is the permittee’s responsibility to ensure that Tribal Authorities has received a valid, complete application for tribal Section 401 certification and to obtain a final Section 401 action from Tribal Authorities.

The SCC Environmental Department (SCCED) has indicated that they have public noticed the application for Section 401 water quality certification under Tribal Rules on November 22, 2010. The SCCED has also indicated that Tribal Authorities will provide Section 401 certification or conditions for certification to EPA during the public notice period for this NPDES permit action. It should be noted that this permit may be republic noticed based on the conditions for Section 401 certification provided Tribal Authorities.

### **ESA and NHPA Compliance**

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. It is believed that the issuance of the permit and the 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 issue a permit for the discharge subject to certain effluent limitations and special conditions.

### **COMMENT PROCEDURES**

The determination to issue an NPDES permit is tentative. Interested persons are invited to submit written comments on the draft permit. 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 14, 2011.
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 14, 2011.
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 later than January 14, 2011, may be considered in the formulation of final determinations.
5. Written comments of request 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.

### **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 the public hearing 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 4:00 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. 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).

Unless a public hearing is scheduled, the EPA will issue a final determination as to the issuance of the

permit in a timely manner after the expiration of the public comment period. If you would like to receive a copy of the final determination, please submit a request during the comment period to the above address. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.