

PUBLIC NOTICE

PUBLIC NOTICE OF A DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, Permits Branch - WP-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-6106

Public Notice No.: 24-12-03-A

Public Notice Issued On: December 20, 2024

Comment period ends: January 21, 2025

Permit No.: MI-0055204-5 (REISSUANCE)

Application No.: MI-0055204-5

Name and Address of Applicant:

Lac Vieux Desert Band of Lake Superior
Chippewa Indians
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 ₅) (mg/L)		-	30	45	-
Phosphorus, Total (mg/L)		-	Report	-	-
Ammonia (NH ₃ -N) (mg/L)		-	Report	-	Report
E. coli (#/100ml)		-	126	-	235
BOD ₅ percent removal (%)		<u>≥85</u>	-	-	-
TSS percent removal (%)		<u>≥65</u>	-	-	-
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

The Environmental Protection Agency received a request for a Clean Water Act (CWA) Section 401 water quality certification. Section 401(a)(1) of the CWA requires applicants for Federal licenses or permits that may result in any discharge into waters of the United States to obtain certification or waiver from the certifying authority where the discharge would originate. The EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the CWA within the Lac Vieux Desert Indian Reservation and will be unless and until the Lac Vieux Desert Band of Lake Superior Chippewa Indians is approved for Treatment as a State (TAS) for CWA Sections 303 and 401. The EPA is in the process of certifying pursuant to Section 401 and believes the effluent limitations included in the draft permit meet tribal and state water quality requirements where they are applicable. The draft certification is available for review. The EPA will act on this certification request prior to issuance of the permit. We have discussed our reissuance of the permit with the Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Michigan Department of the Environment, Great Lakes, and Energy (EGLE) and the permittee.

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 Band of Lake Superior Chippewa Indians as neither has federally approved water quality standards applicable to the receiving water at the point of discharge.

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 C.F.R. §§ 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 21, 2025.
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 21, 2025. EPA will hold a hearing if there is significant interest based on written requests. 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.
3. All comments received later than January 21, 2025, will not be considered in the formulation of the final determination.
4. Written comments or requests for a public hearing must be emailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, Permits Branch at colletti.john@epa.gov and R5NPDES@epa.gov. If you are unable to submit comments or requests by email, please contact Mr. Colletti at 312-886-6106 to make alternate arrangements.

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. Please bring the foregoing to the attention of persons whom you know would be interested in this matter. 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. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

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 (EAB) to review any condition of the permit decision. Such a petition must include a statement of the reasons supporting review of the decision, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including any public hearing). The petition should, when appropriate, show that each condition being appealed is based on a finding of fact or conclusion of law which is clearly erroneous.

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 <https://www.epa.gov/npdes-permits/lac-vieux-desert-wastewater-facility-npdes-permit-mi-0055204-5>. 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.