

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.: 22-08-01-A

Public Notice Issued On: August 1, 2022

Comment Period Ends: August 31, 2022

Permit No.: WI-0071501-3 (REISSUANCE)

Application No.: WI-0071501-3

Name and Address of Applicant:

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

Sokaogon Chippewa Community
3051 Sand Lake Road
Crandon, Wisconsin 54520

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

Receiving Water: Wetland 22 to Swamp Creek

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 U. S. Environmental Protection Agency 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 permit will be issued by EPA.

The application and plans indicate that the permittee owns and operates a 0.09 million gallon per day 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 50 feet from the edge of a wetland on the Mole Lake Indian Reservation (Latitude: 45° 28' 54" Longitude: 89° 00' 04"). The subsurface discharge almost immediately surfaces from the foot of the system and flows over riprap directly to Wetland 22. Sludge generated at the facility is hauled offsite by a private hauler when needed and land applied. The treatment system serves the Sokaogon Chippewa Community and Casino/Hotel.

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 Sokaogon Chippewa Community is a federally recognized Indian tribe and has Treatment-in-the-same-Manner-As-a-State ("TAS") for purposes of enforcement of federal water quality standards on the Mole Lake Reservation in Wisconsin. The tribal Section 401 authority within the Mole Lake Indian Reservation is the Sokaogon Natural Resources Board.

By letter dated June 30, 2022, the Sokaogon Natural Resources Board provided Section 401 certification without conditions.

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

Parameter	Date	Monthly average	Weekly Average	Daily Maximum	Daily Minimum
Flow	All year	Report	Report	-	---
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	All Year	20 mg/L	30 mg/L	---	---
Total Suspended Solids (TSS)	All Year	20 mg/L	30 mg/L	---	---
Ammonia Nitrogen, Total (as N) (mg/L)	All Year	Report	---	Report	---
Dissolved Oxygen (mg/L)	All Year	---	---	---	5.0
E. coli	May 1 – September 30	126 E. coli/100 ml (geometric mean)	---	410 E. coli/100 ml	---
Phosphorus, Total (mg/L)	All Year	Report	---	---	---
Temperature (°F)	All Year	Report	---	Report	---
pH	All Year	---	---	8.5 S.U.	6.5 S.U.
Outfall Observation	All Year	Report	---	---	---

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. The permit also requires monitoring for total phosphorus, temperature, electronic reporting, compliance with 40 CFR Part 503 when sludge is used or disposed (see below) 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 continue implementing a wetland protection/monitoring plan.

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 until August 31, 2022.
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 August 31, 2022. 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 after August 31, 2022 will not be considered in the formulation of the final determination.
4. Due to precautions being taken to prevent the transmission of COVID-19, written comments or requests for a public hearing must be emailed to: John Colletti, U.S. Environmental Protection Agency, Region 5, Permits Branch at colletti.john@epa.gov.

The application and Public Notice numbers should appear in the subject line of the email 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 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

Due to precautions being taken to prevent the transmission of COVID-19, the application, draft permit, including proposed effluent limitations and special conditions, Statement of Basis, and other documents contained in the administrative record may not be available for inspection at the Chicago Regional offices of the Environmental Protection Agency. Please contact John Colletti at (312) 886-6106 or by e-mail at colletti.john@epa.gov anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday if you are interested in viewing the administrative record. 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/sokaogon-chippewa-community-wastewater-treatment-system-npdes-permit-wi-0071501-3>. All data submitted by the applicant is available as part of the administrative record. For more information, please contact Mr. Colletti as stated above.

Unless a public hearing is scheduled, the EPA will issue a final determination as to the reissuance 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 Mr. Colletti at the above email address. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.