

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY - 24TH FL.
NEW YORK, NEW YORK 10007

PUBLIC NOTICE

NOTICE NO.

DATE:

Notice: Announcement of Preparation of NPDES Draft Permit
Modification

Notice is hereby given that the following party:

**St. Regis Mohawk Tribe, Department of Public Works
Wastewater Treatment Plant (SR0240281)
412 State Route 37
Akwesasne, New York 13655**

has applied to the United States Environmental Protection Agency (EPA) under the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. (The Act), for a modification to its National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants from a facility located at: 47 Sanitation Plant Road, Franklin County, Akwesasne, New York 13655.

The applicant has a wastewater treatment plant which treats sanitary wastewater for the St. Regis Mohawk Tribe, located on the Mohawk Nation at Akwesasne along the New York/Canadian border. This activity has a standard industrial classification (SIC) code of 4952. The wastewater treatment process consists of coarse and fine bubble diffusion, clarification and chlorination. The applicant proposes to discharge 0.350 MGD as a daily maximum of wastewaters consisting of treated sanitary wastewaters to the St. Regis River.

This notice is being given to inform the public that EPA has prepared a draft permit modification for the St. Regis Mohawk Tribe wastewater treatment plant. The draft permit modification contains effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act. If, after the conclusion of the proceeding summarized below, the Regional Administrator of Region II of EPA makes a final decision to issue this permit modification, the applicant will be required to comply with all the conditions in the permit.

The draft permit modification prepared by EPA is based on the administrative record. Among other documents, the administrative record required by 40 CFR §124.9, consists of the application, draft permit modification, and statement of basis or fact sheet describing the reasons for the conditions in the permit. All data submitted by the applicant is available as part of the administrative record. The administrative record (with the exception of material readily available at EPA Region II or published material which is generally available) is on file in room 2128 at the EPA Region II office at 290 Broadway, 21st floor, New York, NY 10007, and may be inspected and copied at a charge of \$.15 per copy sheet at any time between 8:30 a.m. and 4:00 p.m., Monday through Friday. A copy of the draft permit and other available information may be obtained by writing to the above address, by calling (212) 637-3850, or by visiting the EPA website and downloading the draft permit and fact sheet at the following web address: <http://www.epa.gov/region02/water/permits.html>.

Interested persons may submit written comments on the draft permit modification to the Chief, Clean Water Regulatory Branch, at the above address by no later than 30 days from the date of this notice. All persons, including the applicant, who believe that preparation of a draft permit modification was inappropriate because any one of the variances or modifications listed in 40 CFR §122.21(n) should be granted or for some other reason, have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position, by the close of the public comment period. Any supporting materials which are submitted must be submitted in full unless they have already been included in the administrative record. If the Regional Administrator finds that comments timely submitted appear to raise substantial new questions the Regional Administrator may reopen the public comment period for that permit.

In lieu of, or in addition to, the submission of comments as above provided, any interested person may request a public hearing. Any request for a public hearing under 40 CFR §124.11 must be in writing, state the nature of the issues proposed to be raised in the hearing, and be submitted to the Chief, Clean Water Regulatory Branch, EPA Region II, at the above address by no later than 30 days from the date of this notice. EPA's decision on the question of whether to hold a public hearing on any draft NPDES permit, the administration of any hearing, and the rights and obligations of participants are governed by regulations at 40 CFR §124.12. If a public hearing is held for the permit, the public comment period in this notice shall automatically be extended to the close of the public hearing. If no public hearing is held or if the public comment period is not reopened,

EPA shall consider the issuance of a final permit to the applicant as soon as possible after the date indicated above for the submission of comments. All timely comments, submitted by interested persons in response to this notice, and statements and other evidence properly submitted at any public hearing held, shall be considered by the Regional Administrator in making the final decision with respect to this permit application. All comments shall be answered as provided in 40 CFR §124.17.

The applicant and any other person who submits timely written comments or requests notice of final permit decision shall receive notice of the Regional Administrator's final decision. Within 30 days of service of such notice, any interested person who has submitted timely written comments may file a notice of appeal and petition for review to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for review only to the extent of the changes from the draft to the final permit decision. Any such request must meet the requirements of 40 CFR §124.19. All pleadings filed by mail must be addressed to U.S. EPA, Clerk of the Board, Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001. Documents that are hand-carried must be delivered to the Board at: U.S. EPA, Clerk of the Board, Environmental Appeals Board, Colorado Building, 1341 G Street, N.W., Suite 600, Washington, D.C. 20005. Documents may be filed with the Clerk of the Environmental Appeals Board only between the hours of 8:30 a.m. and 4:30 p.m. eastern time Monday through Friday (excluding federal holidays).

Jeffrey F. Gratz, Chief
Clean Water Regulatory Branch