

## 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.: 23-12-01-A**

**Public Notice Issued On: December 4, 2023**

**Comment period ends: January 3, 2024**

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**Permit No.:** MN-0059447-6 (REISSUANCE)

**Application No.:** MN-0059447-6

**Name and Address of Applicant:**

Bois Forte Band of Chippewa  
P.O. Box 16  
Nett Lake, Minnesota 55772

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

Nett Lake Wastewater  
Stabilization Lagoon  
S ½ of Section 18, T65N, R21W  
St. Louis County  
Nett Lake, Minnesota  
Bois Forte Indian Reservation

**Receiving Water:** a wetland area which drains to Nett Lake

**DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE**

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

The application and plans indicate that the treatment system consists of a 3-cell wastewater stabilization pond system. The two primary cells equal approximately 5.5 acres and the final cell is 5 acres at the average operating level. The facility has a controlled discharge {Outfall 001} to a wetland area which drains to Nett Lake. The pond system is designed to treat an average influent flow of 40,000 gallons per day (gpd). Wastewater is from domestic sources only.

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

<b><u>Limitations and Monitoring Requirements</u></b>		
<b><u>Parameter</u></b>	<b><u>30-Day Average</u></b>	<b><u>7-Day Average</u></b>
CBOD <sub>5</sub>	25 mg/L	40 mg/L
TSS	45 mg/L	65 mg/L
Phosphorus	1.0 mg/L	2.0 mg/L
Sulfates, Total (mg/L)	Report	---
Ammonia Nitrogen, Total (as N) (mg/L)	Report	---
nitrite Plus Nitrate, Total (as N) (mg/L)	Report	---
Nitrogen, Kjeldahl, Total	Report	---
Nitrogen, Total (as N) (mg/L)	Report	---
E. coli	126 E. coli/100ml	410 E. coli/100ml (daily maximum)
pH	6 S.U. (Minimum)	9 S.U.(Maximum)

The permit also requires monitoring for 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. These limits are consistent with federal regulations and are also intended to be protective of Minnesota water quality requirements where they are applicable. Clean Water Act Section 401 certification is not needed from the state nor the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

**SECTION 401 WATER QUALITY CERTIFICATION**

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the CWA within the Bois Forte Nett Lake Indian Reservation and will be unless and until the Bois Forte Band of Chippewa is approved for Treatment as a State (TAS) for CWA Sections 303 and 401. EPA is in the process of certifying pursuant to Section 401. EPA 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. We have discussed our reissuance of the permit with the Bois Forte Band of Chippewa, the Minnesota Pollution Control Agency (MPCA) and the permittee.

**TENTATIVE DETERMINATION**

Based on 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 Nett Lake Wastewater Stabilization Lagoon subject to certain effluent limitations and special conditions.

**COMMENT PROCEDURES and PUBLIC HEARING**

The determination to issue the NPDES permits 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 January 3, 2024.
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 3, 2024. 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 3, 2024 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](mailto:colletti.john@epa.gov) and [R5NPDES@epa.gov](mailto: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 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 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. Please contact John Colletti at (312) 886-6106 or by e-mail at [colletti.john@epa.gov](mailto: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, draft permit, and the draft Section 401 Water Quality Certification on Region 5's website at <https://www.epa.gov/npdes-permits/nett-lake-wastewater-stabilization-lagoon-npdes-permit-mn-0059447-6>. 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 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 Mr. Colletti at the above email address. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.