

**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.: 24-10-01-A**

**Public Notice Issued On: October 11, 2024**

**Comment period ends: November 11, 2024**

---

**Permit No.: MN-0064637-5 (REISSUANCE)**

**Application No.: MN-0064637-5**

**Name and Address of Applicant:**

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

ML Wastewater Management, Inc.  
Mille Lacs Corporate Ventures  
Mille Lacs Band of Ojibwe  
700 Grand Avenue  
Onamia, Minnesota 56359

ML Wastewater Management, Inc.  
Mille Lacs Indian Reservation  
43282 Timber Trail Road  
Onamia, Minnesota 56359  
Mille Lacs County  
(NE ¼ of the SW ¼ of Sec 30, T43N, R27W)

**Receiving Water:** Wetland to unnamed tributary to Ogechie Lake

**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 permit will be issued by the U.S. Environmental Protection Agency. EPA is the appropriate NPDES permitting authority for the trust parcel upon which the wastewater treatment plant is built and upon which the discharge from this wastewater treatment plant is located. The land which has been placed into trust status land is an L-shaped tract described as follows: The East Half of the Southwest Quarter (E ½ SW ¼) and the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼), Section 30, Township 43, Range 27 W, in Mille Lacs County.

The Supreme Court has held in a variety of contexts that tribal trust lands are reservations whether or not they are part of a formally established reservation. Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Oklahoma, 498 U.S. 505, 511(1991); United States v. John, 437 U.S. 634, 649 ((1978) (finding "no apparent reason" why lands held in trust should not be considered reservations under §1151(a)). This interpretation has been upheld recently in the environmental context in Arizona Pub. Service Co. v. U.S. Environmental Protection Agency,

211 F.3d 1280 (D.C. Cir. 2000) where the court upheld EPA's regulations governing the authority of Indian tribes to carry out certain provisions of the Clean Air Act.

**Treatment Facility Description:**

The applicant's treatment facility consists of primary treatment with static screen and grit removal, followed by biological treatment using sequencing batch reactors. Phosphorus removal is accomplished by chemical addition and equalization. The wastewater goes through ultraviolet disinfection then is discharged to a wetland followed by an unnamed tributary which flows to Ogechie Lake. Sludge is treated by aerobic digestion and gravity thickening. Ultimate sludge use or disposal is by land application or hauling to another POTW.

The facility is to treat an average wet weather flow of 0.625 million gallons per day of mostly domestic wastewater. This facility is a regional facility that treats wastewater from the Vineland Indian Community area and the Garrison Kathio West Mille Lacs Lake Sanitary District. The Sanitary District includes the City of Garrison and the Townships of Garrison and Kathio.

**Proposed Effluent Limitations – Outfall 001:**

Effluent Characteristics	Discharge Limitations			
	Concentration (Specified Units)			
Parameter	Daily Minimum	Monthly Average	Weekly Average	Daily Maximum
Flow (MGD)	-	-	-	-
Dissolved Oxygen (mg/L)	4.0	-	-	-
pH (SU)	6.0	-	-	9.0
Total Suspended Solids (TSS) (mg/L)	-	30	45	-
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) (mg/L)	-	25	40	-
Phosphorus, Total (mg/L)	-	0.8	1.6	-
Nitrogen, ammonia (mg/L)	-	Report	-	-
Nitrite Plus Nitrate, Total (as N) (mg/L)	-	Report	-	-
Nitrogen, Kjeldahl, Total (mg/L)	-	Report	-	-
Nitrogen, Total (as N) (mg/L)	-	Report	-	-
Mercury, Total (ng/L)	-	-	-	Report
Sulfates, Total (mg/L)	-	Report	-	-

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
Chlorides, Total (mg/L)	-	250	500	-
E. coli (#/100ml)	-	126	-	410
CBOD <sub>5</sub> percent removal (%)	-	≥85	-	-
TSS percent removal (%)	-	≥85	-	-
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 Minnesota 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(a)(1) of the CWA within the Mille Lacs Indian Reservation and will be unless and until the Mille Lacs Band of Ojibwe is approved for Treatment as a State for CWA Sections 303 and 401. EPA is in the process of certifying pursuant to Section 401. The 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. The EPA will act on this certification request prior to issuance of the permit. We have discussed our reissuance of the permit with the Mille Lacs Band of Ojibwe, the MPCA and the permittee.

**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 ML Wastewater Management, Inc. 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 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 **November 11, 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 **November 11, 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 postmarked after **November 11, 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 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

Permit No.: MN-0064637-5

Page - 5

Public Notice No.: 24-10-01-A

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/ml-wastewater-management-inc-mpdes-permit-mn-0064637-5>. 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](mailto:colletti.john@epa.gov).