

PUBLIC NOTICE

Pursuant to the Clean Water Act, 33 U.S.C. 1251 *et seq*, the US Environmental Protection Agency (EPA) is proposing to reissue the EPA National Pollution Discharge Elimination System (NPDES) Multi-Sector General Permit for Storm Water Associated with Industrial Activity (MSGP). This MSGP 2020 will replace the MSGP 2015, which expires on June 4, 2020. In accordance with the CWA section 401, the Grand Portage Water Quality Standards and Water Resources Ordinance, the Grand Portage Environmental Resources Board (“Board”) has examined the application of the MSGP 2020 and determined that there is reasonable assurance with the conditions listed below that the activities associated with this general permit will not violate applicable WQS.

The following conditions apply to industrial storm water discharges into Waters of the Grand Portage Reservation:

The definitions set forth in the Grand Portage Water Resources Ordinance, as amended, (“Water Resources Ordinance”) govern these certification conditions.

All industrial storm water discharges authorized by this permit must comply with the Grand Portage Water Quality Standards, Applicable Federal Standards, and the Water Resources Ordinance.

Grand Portage reserves the right to require additional monitoring of storm water discharges as determined on a case-by-case basis. If the Board determines that additional monitoring is necessary, the monitoring plan must be supplemented and incorporated into the Storm Water Pollution Prevention Plan (“SWPPP”) before the SWPPP is submitted to the USEPA. Accordingly, the Board must be contacted, at the address listed below, at the onset of writing the SWPPP.

In addition, a copy of the SWPPP, Notice of Intent (“NOI”), and Notice of Termination (NOT) (collectively the “application”) must be submitted to the Board at least 30 days before submitting the NOI to USEPA. Applications should be sent to the following address:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

Upon receipt of the application, the Board shall order the Grand Portage Environmental Department (Department) to conduct a technical review of the application materials. If necessary, Department staff will send a request for additional information to the applicant within 30 days of receipt of the application.

After considering the application and such other information and data as the Department staff deems relevant, the Department Director will evaluate whether there is a reasonable probability that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards and recommend one of the following preliminary determinations:

- (a) Unconditionally grant coverage under the MSGP;
- (b) Grant coverage under the MSGP subject to certain conditions; or
- (c) Deny coverage under the MSGP.

Within 30 days of the Department Director's recommendation, the Board will provide public notice of the application for coverage under the MSGP and the Department Director's recommendations. Upon request, the Department will schedule a hearing as provided in 40 CFR Part 25. If, after considering the evidence provided at the hearing and the entire record, the Board determines by a preponderance of the evidence that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, the Board shall deny eligibility for coverage under the MSGP, unless there is a reasonable certainty that compliance can be achieved by the applicant's adherence to reasonable conditions. If the Board finds insufficient evidence to show that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, it shall approve coverage under the MSGP.

Appeals related to water quality certification decisions or permits will be heard by the Grand Portage Tribal Court.

The applicant is prohibited from discharging into the Waters of the Reservation pursuant to the MSGP unless the Board has granted coverage under the MSGP, or until the applicant has adhered to conditions required by the Board's conditional grant of coverage.

The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and enforce the provisions of the Water Resource Ordinance, the Grand Portage Water Quality Standards, Applicable Federal Standards, and these certification conditions."