



## Office of Water Protection PUBLIC NOTICE

**APPLICANT: Great Lakes Gas Transmission, Limited Partnership**    **ISSUED: 22 March 2019**

**401 Water Quality Certification**

**EXPIRES: 20 May 2019**

An application for Clean Water Act (CWA) Section 401 Tribal Water Quality Certification has been received from Great Lakes Gas Transmission, Limited Partnership (Great Lakes) and the United States Environmental Protection Agency (EPA) Region 5 for the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) an existing permit (Permit Number MN-0052540) to discharge storm water, trench water, and hydrostatic test water related to operation and maintenance of its natural gas pipeline system within the exterior boundaries of the Fond du Lac Reservation in both Carlton County and St. Louis County in Minnesota.

**LOCATION:** Discharges would occur along the existing Great lakes natural gas pipeline Right-of-Way (ROW) within the exterior boundaries of the Reservation as follows:

Township 48 North, Range 17 West, Sections 5 and 6

Township 48 North, Range 18 West, Section 1

Township 49 North, Range 18 West, Sections 6, 7, 8, 15, 16, 16, 22, 23, 36, 35, and 36

Township 49 North, Range 19 West, Section 1

All in Carlton County, Minnesota; and

Township 50 North, Range 19 West, Sections 22, 25, 26, 27, and 36

All in St. Louis County, Minnesota

**DESCRIPTION:** Great Lakes conducts routine maintenance and inspection of their pipeline on a regular basis. Periodically, this results in the need to repair and/or replace portions of the pipeline. During the inspection, repair and/or replacement, water from saturated soil conditions, groundwater seepage and/or surface water runoff may accumulate in the excavated pipeline trench. In addition, on occasion, storm water may enter an open trench during maintenance, inspection and/or repair operations. When the accumulation hampers such work, the trench is dewatered by placing the intake end of a hose attached to a pump into the trench and pumping the water out.

To evaluate pipeline integrity consistent with U.S. Department of Transportation safety requirements, Great Lakes commonly employs hydrostatic testing. Surface water is pumped from a nearby source (usually a lake) to use in the test. After testing, the water is returned to the source or other nearby receiving water via a direct discharge or via overland flow, utilizing Best Management Practices to protect water quality at the discharge location.

**PRECAUTIONS TO PROTECT WATER QUALITY:** The applicant states that standard Best Management Practices (BMPs) would be implemented throughout the duration of trench water discharge activities in a manner that does not cause nuisance conditions, prevents erosion and sedimentation in receiving waters or on down slope properties, and prevents inundation of wetlands. BMPs are devices used in order to meet or exceed water quality standards of the Clean Water Act. All trench dewatering discharges would be generally directed to well-vegetated upland areas using filtration/energy dissipation devices (e.g. geotextile filter bags, straw bale dewatering structures, splash pup, etc.) in order to remove solids/sediments from discharges and prevent erosion.

**POTENTIAL GRANTING OF CERTIFICATION AND CONDITIONS:** Should Fond du Lac Resource Management grant a Certification With Conditions, it should be known that we will DENY certification to any new discharge to Outstanding Reservation Resource Waters (ORRW) and the Certification with Conditions, the following conditions may be utilized as conditions of such certification:

1. Use of Best Management Practices to prevent degradation of water quality in all potentially affected lakes, streams, rivers, and wetlands.
2. Prevention of violations of water quality criteria.
3. Prevention of petroleum products from entering into Waters of the Reservation.
4. Prevention of impacts to endangered, threatened, or special concern species.
5. No authorization for impacts to cultural, historical, or archeological features or sites.
6. Project notification required at least 30 days prior to commencement of activity.
7. Copies of all correspondence with EPA must also be submitted to Fond du Lac.

It should be noted that the above list of potential conditions is not intended to be exhaustive, but rather a brief summary of conditions contained in the Certification With Conditions issued on 16 January 2014 for Great Lake's previous NPDES permit renewal.

**COMMENTS:** Interested parties are invited to submit to the Office of Water Protection written facts, arguments, or objections within 60 days of this notice. These statements should address the protections of water quality on the Fond du Lac Reservation in regards to Great Lakes' trench dewatering or hydrostatic testing water discharge activities, including potential conditions placed upon such certification. Comments received may be forwarded to the applicant for their response.

Comments on this Public Notice or other replies concerning the 401 Water Quality Certification for the EPA NPDES permit may be sent to the following:

Richard Gitar  
Office of Water Protection  
Fond du Lac Reservation  
1720 Big Lake Road  
Cloquet, Minnesota 55720

Or, if you have questions about the proposed NPDES permitting or the 401 Water Quality Certification process, please contact Richard Gitar, Water Regulatory Specialist by phone at 218-878-7122, by Fax at 218-878-7168, or by email at [richardgitar@FDLREZ.com](mailto:richardgitar@FDLREZ.com)

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**AUTHORITY:** The application for 401 Water Quality Certification will be reviewed according to the provisions of Section 401 of the Clean Water Act (33 U.S.C. 1251 et seq.), Fond du Lac Band of Lake Superior Chippewa Ordinance # 01/06 Water Quality Certification Standards (adopted by Resolution # 1033/06, as amended, of the Fond du Lac Business Committee on March 28, 2006), and Fond du Lac Band of Lake Superior Chippewa Water Quality Standards of the Fond du Lac Reservation Ordinance # 12/98, as amended (adopted by Resolution # 1286/01 of the Fond du Lac Reservation Business Committee on September 11, 2001).

**NOTICE TO EDITORS:** This Public Notice is provided as background information and is not a request or contract for publication.

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