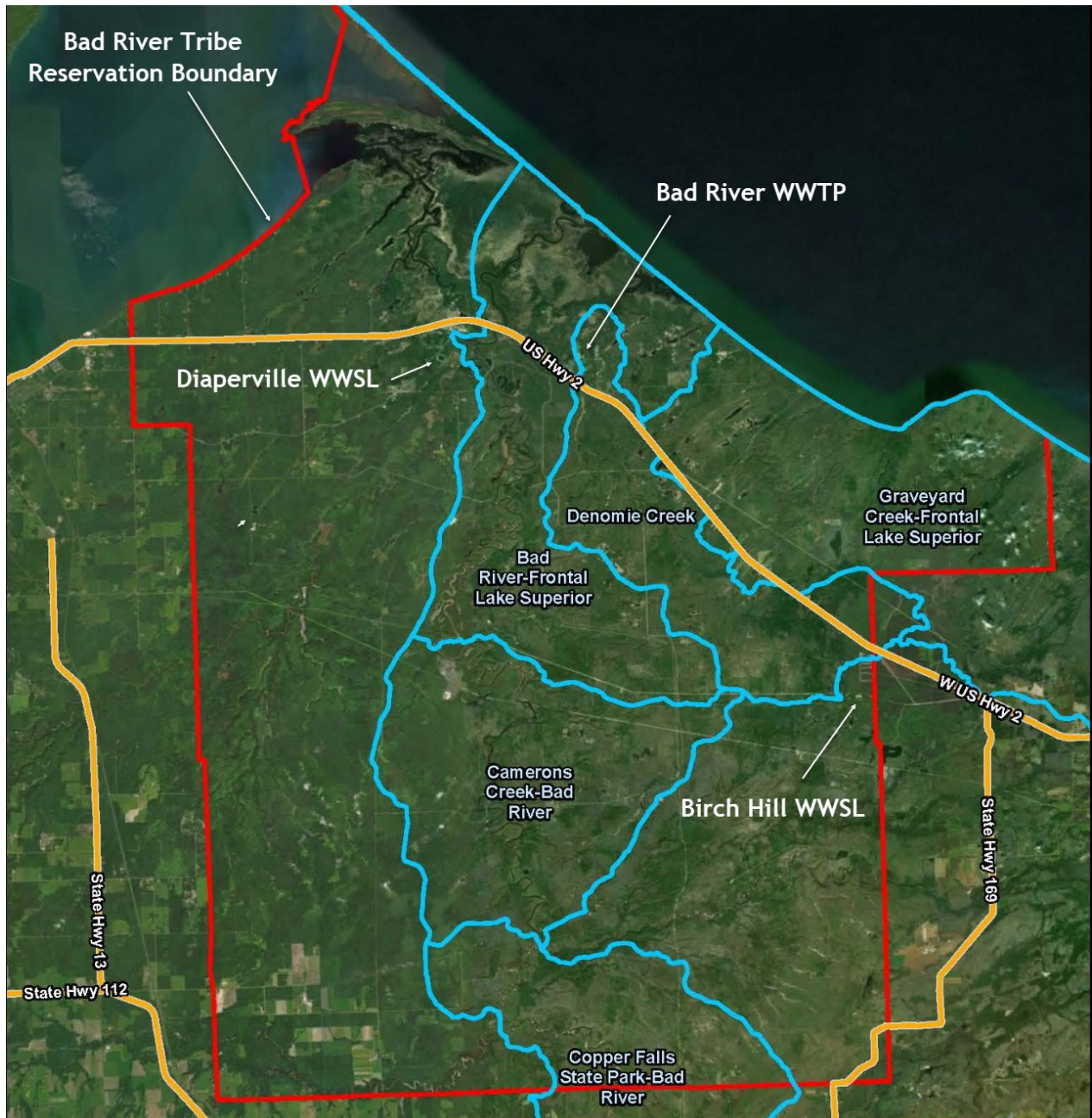


BAD RIVER MERCURY VARIANCE PUBLIC NOTICE

The Bad River Band of Lake Superior Tribe of Chippewa Indians (Band) is a federally recognized Indian tribe with water quality standards (WQS) approved by the U.S. Environmental Protection Agency (EPA) under Section 303 of the federal Clean Water Act. In accordance with Band's WQS, the Clean Water Act, and 40 CFR parts 131.14 and 132, the Band is requesting approval of WQS variances from mercury criteria derived to protect wildlife and cultural designated uses for the three community wastewater discharges including: (1) Diaperville Wastewater Sewage Lagoon (DWWSL), (2) Birch Hill Wastewater Sewage Lagoon (BHWWSL), and (3) Bad River Wastewater Treatment Plant (BRWWTP).



Bad River Mercury Variance Public Notice (cont.)

The Bad River Reservation is adjacent to Lake Superior in Ashland and Iron Counties, Wisconsin, and is located entirely within the Great Lakes Basin. The three facilities are follows:

1. Diaperville WWSL

The Diaperville WWSL is an aerobic wastewater stabilization system consisting of two cells. It is located south of US-2 and west of the Bad River (Figure 1-1). The facility discharges 2.3 MG/year to Hanson Swamp under NPDES permit WI-0036544. It serves a population of 80 people with no industrial contributors. The designated uses for Hanson Swamp are: Cultural (C1), Commercial (C2), Navigation (N), Wildlife (W2), Aquatic Life and Fish (A), Recreational (R), and Wetland (W3).

2. Birch Hill WWSL

The Birch Hill WWSL is an aerobic wastewater stabilization system consisting of two cells. It is located south of US-2 and ~18 miles west of Hurley, WI (Figure 1-1). The facility discharges 5.5 MG/year to Birch Hill Swamp under NPDES permit WI-0036579-5. It serves a population of 290 people with no industrial contributors. The designated uses for Birch Hill Swamp are: Cultural (C1), Commercial (C2), Navigation (N), Wildlife (W2), Aquatic Life and Fish (A), Recreational (R), and Wetland (W3).

3. Bad River WWTP

The Bad River Wastewater Treatment Plant is a Sequencing Batch Reactor located north of US-2 near Odanah, WI (Figure 1-1). The facility currently discharges approximately 0.077 MGD. Treatment consists of mechanical fine screening, equalization, activated sludge with biological phosphorus removal supplemented by chemical precipitation and ultra-violet disinfection prior to discharge to the Bad River. It serves a population of 650 people with no significant industrial contributors. Discharges to the Bad River are permitted by NPDES Permit WI-0036587-5. The designated uses for the Bad River are: Cultural (C1), Commercial (C2), Navigation (N), Wildlife (W2), Aquatic Life and Fish (A), Recreation (R), Wild Rice (W1), and Cool Water Fishery (F2).

Consistent with the Band's WQS at provision (C)(3), 40 CFR 131, and 40 CFR Part 132, the Band seeks public comments on a preliminary decision to grant mercury variances from human health and wildlife criteria for the three facilities. The permittee (the Band) has met EPA regulatory requirements at 40 CFR Part 132, Appendix F, Procedure 2 by demonstrating that attainment of the Band's human health and wildlife WQS is not feasible because of human-caused conditions, or sources of pollution, due to atmospheric deposition of mercury that prevent the attainment of the mercury WQS and cannot be remedied by the Band. The Band's water quality criteria for human health (and the cultural designated use) is 0.194 ng/L and the Band's water quality criteria for wildlife is 1.3 ng/L. The limits are, however, much lower than existing mercury concentrations in surface water in and around the Bad River Reservation. This is the first 5-year variance from Band's WQS requested for the municipal wastewater discharges and would apply to the receiving waters downstream from each source. This 5-year request for a variance from WQS proposes the following effluent limits or Highest Attainable Conditions: (1) Diaperville WWSL: 21 ng/L as a monthly average; (2) Birch Hill WWSL: 9.8 ng/L as a monthly average; and (3) Bad River WWTP: 51 ng/L as a monthly average. As part of a Pollutant Minimization Program, the Band developed facility-specific Pollutant Minimization Plans (PMPs) and will implement the PMPs to further reduce mercury discharges during the duration of the variances. The Band is seeking public input on the proposed mercury variances, including the Highest Attainable Conditions.

A 55-day public comment period will begin on August 25, 2026, closing on October 19, 2026. A public hearing has been scheduled for 5 p.m. on October 13, 2026, at the Bad River Lodge and Casino Convention Center. Virtual participation in the public hearing is available via Zoom at the link provided below.

**Join the Public Hearing on October 13, 2026, at 5 pm via Zoom or at the
Bad River Lodge & Casino Convention Center, 73370 U.S. Highway 2, Odanah:**

<https://zoom.us/j/98603822727?pwd=DgT534f28GEgPdmYXK9NzljDXw6jzN.1>

Meeting ID: 986 0382 2727

Passcode: 7121

Bad River Mercury Variance Public Notice (cont.)

Oral and written comments will be accepted and recorded at the public hearing. Written comments can also be sent via email with a subject line of "Mercury Variance" to nrdirector@badriver-nsn.gov , or via post office to:

Naomi Tillison, Natural Resources Director
Mashkiiziibii Natural Resources Department
Attn: Mercury Variance
PO Box 39
Odanah, WI 54861

Written comments must be postmarked or emailed by 11:59 pm on October 19, 2026. A copy of the variance application may be reviewed online at: <http://www.badriver-nsn.gov/news/>. A hard copy is available for review at the Mashkiiziibii Natural Resources Department (MNRD) during business hours; MNRD office is located at 72682 Maple Street, Odanah, WI 54861. If you have any questions, please call MNRD at (715) 682-7123.

Upon consideration of all public comments, final decisions on the variance, including whether any changes should be adopted, will be made by the Tribal Council. If the final mercury variances for the Band's wildlife and human health WQS are granted by the Tribal Council, they must still be approved by EPA before being implemented.