PUBLIC NOTICE

In accordance with the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, the U.S. Environmental Protection Agency ("EPA") is issuing a Construction General Permit ("CGP") to replace its 2022 CGP that will expire February 16, 2027. The 2027 CGP would continue to authorize storm-water discharges from large and small construction activity as defined in EPA regulations codified at 40 C.F.R. §§ 122.26(b)(14)(x) and 122.26(b)(15).

The Grand Portage Band of Lake Superior Chippewa (the "Band") is a federally recognized Indian tribe and has Treatment-As-a-State for purposes of enforcement of federal water quality standards on the Band's Reservation in northern Minnesota. Therefore, in accordance with Section 401 of the Clean Water Act, the Grand Portage Water Quality Standards ("Water Quality Standards"), and the Grand Portage Water Resources Ordinance (as amended, the "Water Resources Ordinance"), the Grand Portage Environmental Resources Board ("Board") has examined the 2027 CGP and determined that there is reasonable assurance that it will not violate applicable water quality standards.

The Board has also determined that certain additional conditions are necessary to protect (a) the public health and welfare of the Band, its members, and others living on the Band's Reservation; and (b) the present and future use of Reservation waters for public and private water supplies; propagation of fish, aquatic life, and wildlife; domestic and recreational purposes; and for agricultural, cultural, religious, commercial, industrial, and other legitimate uses. Grand Portage is responsible for interpretation of the requirements of these conditions as defined in the Water Resources Ordinance.[1] Accordingly, the following conditions will apply to discharges made under the 2027 CGP into Waters of the Grand Portage Reservation (as defined in the Water Resources Ordinance):

1. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").

2. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance). [2]

3. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.[3]

[1] Grand Portage Water Resources Ordinance, as amended, 2004, section 1.02 Authority.
[2] *Id.*, Section 3.03(A).
[3] Grand Portage Water Quality Standards, section XI. General Standards. Grand Portage Water Resources Ordinance as amended, Section 3.04 General Orders, and section 3.05 Special/Emergency Orders.

4. The 2027 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2027 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. [4] The SWPP should be sent to:

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

   Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA. [5]

5. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.[6]

6. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.[7]

7. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 *et seq.*[8]

8. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.[9]

The 30-day public comment period will begin October 26th, and end November 24th, 2026. As provided by the Water Resources Ordinance, any interested party may request that a public hearing be scheduled regarding the Board's decision to grant conditional certification to the 2027 CGP. Such a request must be directed to the following address within 30 days of this notice:

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[4] Grand Portage Water Resources Ordinance, as amended, 2004, Section 3.03.
[5] *Id.*
[6] Grand Portage Water Quality Standards, section XIV. Enforcement, Grand Portage Water Resources Ordinance, sections 4.01 and 5.01.
[7] Grand Portage Water Quality Standards, section XI. General Standards.
[8] Grand Portage Water Resources Ordinance as amended, 2004, section 1.02.
[9] *Id.,* section 5.01.

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Electronic versions of the proposed 2027 CGP and CGP Factsheet can be found at the following link:
https://www.epa.gov/system/files/documents/2026-07/fact-sheet-proposed-2027-cgp.pdf

Proposed 2027 Construction General Permit (CGP) and Related Documents | US EPA

The US EPA Region 5 contact for the 2027 CGP is Luca Cherubini at telephone number (312) 886-2440 or e-mail at <cherubini.luca@epa.gov>