



EPA Issues Record of Decision and NPDES Permit for the MHA Nation Refinery

The U.S. Environmental Protection Agency (EPA) has issued the final NPDES permit for the Mandan, Hidatsa and Arikara (MHA) Nation Refinery located on the Fort Berthold Indian Reservation near Makoti in North Dakota. The decision is documented in an August 3, 2011 Record of Decision. The permit will allow the proposed refinery to discharge treated wastewater into a tributary of the East Fork of Shell Creek. The NPDES permit, issued under the Clean Water Act, details the required conditions and limitations of discharges from the facility.

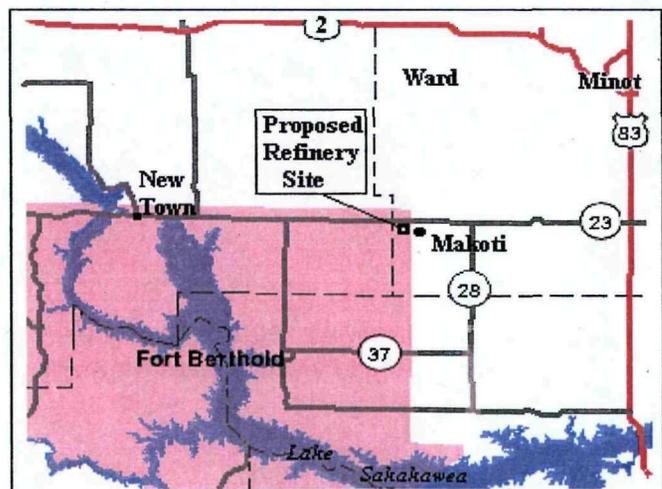
- MHA Nation Government Offices, 404 Frontage Road, New Town, ND
- Each of the MHA Nation Segment Offices:
 - Four Bears (Tribal Government Center)
 - Mandaree
 - Shell Creek (New Town)
 - Lucky Mound (Parshall)
 - Twin Buttes
 - White Shield
- Rensch Garage in Makoti.

The following documents are available online at: <http://www.epa.gov/region8/compliance/nepa/mharefinery.html> or by request:

- Record of Decision (ROD)
- Final NPDES Permit and Fact Sheet,
- Supplemental Information Report (SIR) and appendices, and
- 2009 Final Environmental Impact Statement (FEIS)

Printed copies of the documents are available at:

- EPA Region 8 Library, 1595 Wynkoop Street, Denver, CO



The refinery site is located in the northeast corner of the Fort Berthold Indian Reservation along the south side of North Dakota Highway 23, about 2 miles west of the turnoff to Makoti, North Dakota. (Sections 19 and 20 of Township 152 North, Range 87 West)

About the Proposed Refinery:

The MHA Nation proposes to build a new 13,000 barrels-per-day petroleum refinery on the Fort Berthold Indian Reservation located near Makoti, North Dakota.

The MHA Nation would own and operate the refinery. The proposed facility would refine Bakken formation crude oil into diesel fuel, gasoline, and propane.

Decision:

The decision to issue the permit is based on the Environmental Impact Statement (EIS) prepared by the EPA and the Bureau of Indian Affairs (BIA). The final EIS was issued in August 2009. Since that time, the MHA Nation decided to change crude feedstocks to the local Bakken formation crude. The EPA prepared a SIR to assess the potential changes in impact resulting from the change in feedstock.

Permit Appeal:

The NPDES permit shall become effective upon October 1, 2011 unless, within thirty (30) days following the date of the Federal Register Notice of the Availability of the ROD, a petition is received by the Environmental Appeals Board to review any condition of the permit pursuant to the provisions of 40 CFR §124.19 (NPDES Permit regulations). If you

decide to file a petition for review with the Environmental Appeals Board (EAB), the petition must contain all information required by 40 CFR §124.19(a). Additional information about EAB requirements is available at: <http://epa.gov/eab/>.

The Federal Register notice is anticipated to be published on August 12, 2011. The corresponding appeal period would end September 12, 2011 in accordance with 40 CFR §124.19.

A petition submitted through the U. S. Postal Service (except by Express Mail) must be addressed to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

All documents that you hand-carry in person or that you arrange to have delivered by courier, Express Mail, or a non-U.S. Postal Service carrier (such as Federal Express), must be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

<p>Questions?</p> <p>If you have any questions regarding any of the documents or if you want copies please contact:</p> <ul style="list-style-type: none"> Dana Allen, EPA, (303) 312-6870 or 1-800-227-8917, Ext. 6870; Allen.dana@epa.gov <p>EPA Region 8 (EPR-N) 1595 Wynkoop Street Denver, CO 80202-1129</p>	<p>Questions on the NPDES permit may be directed to:</p> <ul style="list-style-type: none"> Bob Brobst, EPA, (303) 312-6129 or 1-800-227-8917, Ext. 6129; Brobst.bob@epa.gov.
---	--