

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 18 2012

REPLY TO THE ATTENTION OF:

WN-16J

CERTIFIED MAIL 7009168000076725507
RETURN RECEIPT REQUESTED

Mr. Charles Leonard
Vice President - Navigation
Lake Michigan Carferry Service, Inc.
Post Office Box 708
701 Maritime Drive
Ludington, Michigan 49431

Subject: Permit Application for the S.S. Badger

Dear Mr. Leonard:

On May 23, 2012, the U.S. Environmental Protection Agency received a National Pollutant Discharge Elimination System permit application for coal ash discharges from the S.S. Badger (Badger). Your counsel, Mr. Barry Hartman, notified EPA on May 24, 2012 that Lake Michigan Car Ferry, Inc. (LMC) considered this submittal to be a complete application. LMC has provided additional information to further support the application. EPA received the complete data package for two coal ash effluent samples on July 10, 2012. EPA received complete data packages for three additional coal ash effluent samples and the complete data package for two ambient lake water samples yesterday.

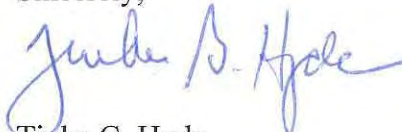
40 C.F.R. § 124.3 provides that EPA should determine whether the permit application is complete within sixty days of receipt of a permit application. This sixty day period concludes on July 22, 2012. The additional information that has been submitted cannot be fully reviewed prior to July 22, 2012 and EPA believes a determination should be made prior to that date consistent with the regulations. As such, I have determined that the application as received on May 23, 2012 is incomplete.

In accordance with 40 C.F.R. § 124.3, I am notifying you of the information necessary to complete the application. The application submitted on May 23, 2012 did not contain the five coal ash effluent samples and two ambient lake water samples required by EPA in its letter dated February 24, 2012. The additional information submitted in support of the May 23, 2012 application on its face may address the identified deficiency but this determination cannot be made until a complete review is conducted. After the review of the additional information has been concluded, I will notify you as to whether your permit application is complete.

Once your application is deemed complete, EPA will begin processing your permit application consistent with 40 C.F.R. § 124.3 and will issue a draft permitting decision consistent with 40 C.F.R. § 124.6. EPA reserves the right to request additional information to clarify, modify or supplement previously submitted material even after determining the application to be complete.

If you have any questions concerning this matter, please contact Sean Ramach of my staff, at (312) 886-5284, or your counsel may contact Nicole Cantello, in the Office of Regional Counsel, at (312) 886-2870.

Sincerely,



Tinka G. Hyde
Director, Water Division

cc: William Creal, MDEQ (email)
Kenneth Johnson, WDNR (email)
Barry Hartman, K&L Gates (email)