

US EPA ARCHIVE DOCUMENT



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

FEB 06 2012

REPLY TO THE ATTENTION OF

WN-16J

CERTIFIED MAIL 70091680000076725293
RETURN RECEIPT REQUESTED

Mr. Robert A. Manglitz
President/CEO
Lake Michigan Trans-Lake Shortcut, Inc.
A/K/A Lake Michigan Carferry Service
701 Maritime Drive
Ludington, Michigan 49431

Subject: National Pollutant Discharge Elimination System Individual Permit for
the S.S. Badger

Dear Mr. Manglitz:

By this letter, the U.S. Environmental Protection Agency is exercising its authority under 40 C.F.R. § 122.28(b)(3)(ii) to require the Lake Michigan Carferry Service (LMC), currently authorized to discharge by the 2008 Vessel General Permit (VGP), to apply for a National Pollutant Discharge Elimination System (NPDES) individual permit for coal ash discharges from the S.S. Badger. Please complete and submit the enclosed permit application forms no later than June 29, 2012. By February 24, 2012, EPA will provide you with a detailed description of additional information required to complete your application as required under 40 C.F.R. § 122.21. On the effective date of the NPDES individual permit, the 2008 VGP as it applies to the coal ash discharges shall automatically terminate.

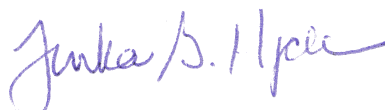
EPA has decided to require LMC to apply for an individual permit because LMC anticipates that the discharge of coal ash from the S.S. Badger will continue beyond December 19, 2012, when authorization for that discharge under the VGP ceases. Given the time constraints present here, we believe the best way to assess whether further authorization is appropriate is through the submission of an NPDES permit application containing the information necessary to make that determination.

Note that we have reviewed your November 2, 2011, petition under 40 C.F.R. § 122.28(b)(3)(i) requesting that the EPA require LMC to apply for a NPDES individual permit for coal ash discharges from the S.S. Badger. Although we are requiring you to apply for an individual permit for your post-December 19, 2012, coal ash discharges, we are not doing so for the reasons advanced in your petition. In particular, we are not in agreement with the positions taken in that petition regarding the availability or feasibility of options to address the coal ash discharges in

the future. It is our view that the petition did not contain adequate support (i.e. technical and/or economic information) for its conclusions. We expect a much more robust record to be developed during the permit application process.

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

Enclosures

cc: William Creal, MDEQ w/enclosure
Russ Rasmussen, WDNR w/enclosure
Barry Hartman, K&L Gates w/enclosure