

~~K. F. ...~~ T. Henry

NOV 29 1993

R-19J

Honorable John Engler
Governor of Michigan
Lansing, Michigan 48933

Dear Governor Engler:

It is with great pleasure that I am today approving the State of Michigan's National Pollutant Discharge Elimination System (NPDES) General Permits Program in accordance with the NPDES General Permits Program, 40 CFR 122.28.

I congratulate you and your staff for moving to request and receive approval for the administration of this important environmental program. I am confident that the general permit program will be very helpful in the administration of the storm water permitting program, as well as other NPDES permitting efforts in Michigan.

We look forward to working with you and the Michigan Department of Natural Resources in continued efforts toward the prevention and control of water pollution in the State of Michigan.

Sincerely yours,

ORIGINAL SIGNED BY
DAVID A. ULLRICH
Valdas V. Adamkus
Regional Administrator

1/29/83

AMENDMENT
TO THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5

The Memorandum of Agreement between the United States Environmental Protection Agency, Region 5 (EPA) and the Michigan Department of Natural Resources¹ (State) is hereby amended to include State and EPA responsibilities for the development, issuance and enforcement of National Pollutant Discharge Elimination System (NPDES) general permits as follows:

The State has the responsibility for developing and issuing NPDES general permits. After identifying dischargers appropriately regulated by a general permit, the State will collect sufficient effluent data to develop effluent limitations and prepare the draft general permit.

Each draft general permit will be accompanied by a fact sheet setting forth the principal facts and methodologies considered during permit development and will be transmitted to the following EPA offices:

Water Management Division Director
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604-3590

Director, Office of Wastewater Enforcement and Compliance²
U.S. EPA (WH-546)
401 M Street, SW
Washington, D.C. 20460

¹Michigan Water Resources Commission responsibilities defined in the Michigan Administrative Code citations covered by this Amendment to the Memorandum of Agreement were transferred to the Michigan Department of Natural Resources pursuant to Executive Orders 1973-2, 1976-8 and 1991-31.

²General permits for discharges from separate storm sewers need not be sent to EPA Headquarters for review (40 C.F.R. 123.44(a)(2)).

EPA will have up to ninety (90) days to review draft general permits and provide comments, recommendations and objections to the State. In the event EPA does object to a general permit it will provide, in writing, the reasons for its objection and the actions necessary to eliminate the objection. The State has the right to a public hearing on the objection in accordance with 40 C.F.R. § 123.44. Upon receipt of EPA's objection, the State may request a public hearing. If EPA's concerns are not satisfied and the State has not requested a public hearing within 90 days of the objection, exclusive authority to issue the general permit passes to EPA.

If EPA raises no objections to a general permit it will be public noticed in accordance with Michigan Administrative Code, R 323.2117-2119, 2124, 2130-2131 and 40 C.F.R. § 124.10, including publication in a daily or weekly newspaper circulated in the area to be covered by the permit. The State will issue and administer NPDES general permits in accordance with Michigan Administrative Code, R 323.2189-2192 and 40 C.F.R. § 122.28.

The State also has the primary responsibility for conducting compliance monitoring activities and enforcing conditions and requirements of general permits.

All specific State commitments regarding the issuance and enforcement of general permits will be determined through the State's annual program plan submitted to EPA pursuant to Section 106 of the Clean Water Act.

This Amendment to the Memorandum of Agreement will be effective upon approval of the State's general permit program application by the Regional Administrator of EPA Region 5.

FOR MICHIGAN DEPARTMENT OF NATURAL RESOURCES:

Director

Date

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

David A. Allard

Regional Administrator
U.S. EPA, Region 5

11/24/43

Date

at