



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

December 5, 2008

Ms. Lynn Buhl, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3507

Dear Ms. Buhl:

The Michigan Department of Environmental Quality (MDEQ) certifies that discharges from vessels covered by the United States Environmental Protection Agency's (USEPA's) General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP) will comply with the Michigan Water Quality Standards (MWQS), provided the conditions set forth in the VGP and this Certification are met. This Certification is issued under Section 401(a) of the federal Clean Water Act (CWA) in response to the July 8, 2008, letter from Ms. Tinka Hyde, Acting Director, Water Division, Region 5, USEPA, to Ms. Diana Klemans, Chief, Surface Water Assessment Section, Water Bureau, MDEQ, and is based on the information and materials included in Docket ID No. EPA-HQ-OW-2008-0055, available at <http://www.regulations.gov>.

Certification Conditions:

1. Discharges of blackwater and graywater from vessels covered by the USEPA's VGP are prohibited in Michigan waters. (Part 95, Watercraft Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, [NREPA])
2. Oceangoing vessels covered by the USEPA's VGP are prohibited from discharging ballast water in Michigan waters, unless the vessel has obtained a Certificate of Coverage under the Ballast Water Control General Permit (Permit No. MIG140000) or an Individual Permit from the MDEQ and is in full compliance with the discharge limitations, monitoring requirements, and other conditions set forth in that General Permit or Individual Permit. (Section 3112[6] of Part 31, Water Resources Protection, of the NREPA)
3. Non-oceangoing vessels covered by the USEPA's VGP that operate experimental ballast water treatment systems are prohibited from discharging ballast water in Michigan waters with total residual chlorine concentrations above 38 micrograms per liter (ug/l) when the ballast water discharge duration exceeds 160 minutes, or above 200 ug/l when the ballast water discharge duration is less than or equal to 160 minutes. Non-oceangoing vessels covered by the USEPA's VGP that operate experimental ballast water treatment systems are prohibited from discharging ballast water in Michigan waters with chlorite concentrations above 13 ug/l. (R 323.1057 of the MWQS)
4. Each vessel required to operate a ballast water treatment system pursuant to Condition No. 2 of this Certification shall allow the MDEQ reasonable entry onto the

vessel for inspection, access to records, and collection of a ballast water discharge sample(s) for determining compliance with this Certification and applicable laws. In the event ballast water monitoring results indicate the discharge of aquatic nuisance species to Michigan waters is not being effectively prevented as determined by the MDEQ, the vessel operator shall cease any further discharges of ballast water until an aquatic nuisance species discharge prevention plan, submitted to, and approved by the MDEQ, is implemented. (R 323.2149 of the Part 21 rules, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA)

5. All vessels covered by the USEPA's VGP are prohibited from lowering the water quality of Michigan's Outstanding State Resource Waters or their tributaries. The following water bodies in Michigan are designated as Outstanding State Resource Waters: (R 323.1098 of the MWQS)

- The Carp River (Mackinac County) – the 7.5-mile segment from Michigan State Highway 123, T42N, R5W, Section 2, to one-quarter mile upstream from Forest Development Road 3119, T42N, R4W, Section 4.
- The Carp River (Mackinac County) – the 4.9-mile segment from one-quarter mile downstream of Forest Development Road 3119, T42N, R4W, Section 3, to McDonald Rapids.
- The east branch of the Ontonagon River (Houghton and Ontonagon Counties) – the 25.5-mile segment from the east branch of the Ontonagon River's confluence with an unnamed stream in T48N, R37W, Section 30, to the Ottawa National Forest boundary, T50W, R38W, Section 33.
- The middle branch of the Ontonagon River (Ontonagon County) – the 17.4-mile segment from Trout Creek, T48N, R38W, Section 20, to the northern boundary of the Ottawa National Forest, T50N, R39W, Section 12.
- The Sturgeon River (Baraga and Houghton Counties) – the 16.5-mile segment from the Sturgeon River's entry into the Ottawa National Forest, T48N, R35W, Section 12, to Prickett Lake.
- The east branch of the Tahquamenon River (Chippewa County) – the 3.2-mile segment from the center of T46N, R6W, Section 20, to the boundary of the Hiawatha National Forest, T46N, R6W, Section 19.
- The Yellow Dog River (Marquette County) – the 4-mile segment from the Yellow Dog River's origin at the outlet of Bulldog Lake Dam, T50N, R29W, Section 31, to the boundary of the Ottawa National Forest, T50N, R29W, Section 17.
- The main, north, south, east, and west branches of the Two Hearted River and Dawson Creek from their headwaters to the mouth of the river at Lake Superior.
- Water bodies within the designated boundaries of the following national parks or lakeshores: Sleeping Bear Dunes National Lakeshore, Pictured Rocks National Lakeshore, and Isle Royale National Park.

6. All discharges in Michigan waters from vessels covered by the USEPA's VGP are prohibited from causing or contributing to exceedances of the MWQS. (Part 4 rules)
7. No condition in the USEPA's VGP may be made less restrictive because such action may violate the requirements of Michigan state law, including the MWQS.
8. Nothing in this Certification diminishes, negates, or precludes the state of Michigan from bringing civil and/or criminal actions for violations of state law and/or state issued permits. (Part 31 of the NREPA)
9. If the MDEQ determines that vessel discharges covered by this Certification can no longer comply with this Certification, the MDEQ may revoke or modify the Certification after appropriate public notice. (CWA, Section 401)
10. The MDEQ reserves the right to modify this Certification, after appropriate public notice, to require non-oceangoing vessels covered by the USEPA's VGP to install and operate ballast water treatment systems to prevent the discharge of aquatic nuisance species to Michigan waters, if a determination is made by the MDEQ's Director that such ballast water treatment systems are necessary, available, and cost effective.
11. All conditions of this Certification apply in all Michigan waters regardless of their distance from shore. (Part 4 rules)
12. The issuance of this Certification does not authorize violation of any federal, state, or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other MDEQ permits, or approvals from other units of government as may be required by law. (Part 31 of the NREPA)
13. The contact point for consultation, submittals, and approvals as referred to in this Certification is:

MDEQ Chief, Surface Water Assessment Section
 P.O. Box 30273
 Lansing, Michigan 48909-7773
 Phone: 517-335-4121

This Certification shall expire on December 19, 2013.

The MDEQ reserves the right to challenge the USEPA's VGP.

Should you require further information regarding this Certification, please contact Ms. Diana Klemans, Chief, Surface Water Assessment Section, Water Bureau, at 517-335-4121, or you may contact me.

Sincerely,



Steven E. Chester
Director
517-373-7917

cc: Mr. Tim Henry, USEPA
Mr. Ken DeBeaussaert, Director, Office of the Great Lakes
Mr. Jim Sygo, Deputy Director, MDEQ
Ms. JoAnn Merrick, Chief of Staff, MDEQ
Mr. Frank J. Ruswick, Jr., Senior Policy Advisor, MDEQ
Mr. William Creal, MDEQ
Mr. James K. Cleland, MDEQ
Ms. Diana Klemans, MDEQ
Mr. Gerald Saalfeld, MDEQ