



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

JUN 29 2004

REPLY TO THE ATTENTION OF: WQ-16J

Richard A. Powers, Chief
Water Division
Michigan Department of Environmental Quality
P.O. Box 30273
Lansing, Michigan 48909-7773

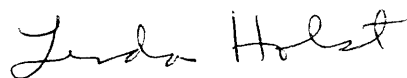
Dear Mr. Powers:


On May 18, 2004, the United States Environmental Protection Agency (USEPA) received your request for review and approval of a revision to Michigan's multiple discharger variance from Michigan's wildlife criteria for mercury previously approved by USEPA. Multiple discharger variances are authorized by Michigan's water quality standards at R 323.1103(9) when the Michigan Department of Environmental Quality determines that such a variance is necessary to address pollutants that are ubiquitous or where there are naturally high background levels of a pollutant. In this case, mercury is ubiquitous in waste water effluents, and there are no demonstrated treatment technologies that remove mercury from waste water to levels needed to comply with the 1.3 ng/L wildlife criterion once it is introduced into the waste stream. The variance applies to all existing permitted discharges in Michigan that cannot comply with water quality-based effluent limits based on the wildlife mercury criterion. Rather than having each of these individual facilities apply for and receive an individual variance, the multiple discharger variance allows Michigan to respond to this issue in a consistent and efficient manner, to get in place permits that impose limits that reflect the levels of mercury removal currently achievable, and to require pollutant minimization plans that will produce reductions in mercury effluent concentrations.

As specified in the Federal regulations at 40 CFR 131.21, USEPA is required to review and approve new and revised State water quality standards. USEPA has reviewed the information submitted in support of the multiple discharger variance and determined that it complies with the requirements of Section 303(c) of the Clean Water Act (CWA) and Federal regulations at 40 CFR 132. Therefore, USEPA hereby approves Michigan's multiple discharger variance from the wildlife criterion for mercury pursuant to Section 303 of the CWA and Federal regulations at 40 CFR 131.21.

If you have any questions regarding this action, please contact David Pfeifer of my staff. Mr. Pfeifer may be reached at (312) 353-9024.

Very truly yours,

Handwritten signature of J. Lynn Traub in cursive.

 Jo Lynn Traub
Director, Water Division

cc: USFWS, Lansing, Michigan Field Office
Diana Klemans, Michigan Department of Environmental Quality
Brenda Sayles, Michigan Department of Environmental Quality