



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

May 26, 2016

Mr. JR Richardson
L'Anse Warden Electric Company LLC
A Subsidiary of Traxys North America LLC
P.O. Box 695
White Pine, Michigan 49971

CC-000251

Dear Mr. Richardson:

SUBJECT: National Pollutant Discharge Elimination System (NPDES)
Compliance Communication – CC-000251
Evaluation: Industrial Storm Water file review
NPDES Permit No.: MIS310650
Designated Name: LAnse Warden Electric-Fuel Agg

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), conducted a review of the Storm Water Pollution Prevention Plan (SWPPP) for the L'Anse Warden Electric Company- Fuel Aggregation facility located at 17696 US Highway 41. The purpose of the review was to evaluate the facility's compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* and the Administrative Rules promulgated there under being 2006 AACRS R 323.2101 *et seq.*, as amended, and NPDES Permit No. MIS310650 (Permit). Due to concerns with the inventory control of railroad ties, the WRD is requesting implementation of the chemical storm water monitoring specified in section XII. C. of the SWPPP. Please address the following conditions in the Permit:

1. **Condition I.D.2 of the Permit requires compliance with water quality standards at the time of discharge (below).** Please submit a work plan for a Short Term Storm Water Characterization Study as detailed below. The work plan shall account for pentachlorophenol and phenol derivatives using analytical method 625 of 40 CFR Part 136.

Water Quality Standards

At the time of discharge, there shall be no violation of the Water Quality Standards in the receiving waters as a result of the storm water discharge. This requirement includes, but is not limited to, the following conditions:

- a. In accordance with Rule 323.1050 of the Water Quality Standards, the receiving waters shall not have any of the following unnatural physical

properties as a result of this discharge in quantities which are, or may become, injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.

- b. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) shall be reported within 24 hours to the Department, followed by a written report within five days detailing the findings of the investigation and the steps taken to correct the condition.
- c. Any pollutant for which a level of control is specified to meet a TMDL established by the Department shall be controlled at the facility so that its discharge is reduced by/to the amount specified in the TMDL.

Short-Term Storm Water Characterization Study

The permittee shall submit an approvable short-term monitoring plan in accordance with the following:

Monitoring plan submittal: By **June 30, 2016**, the permittee shall submit to the Department an approvable plan for monitoring and analysis of the storm water discharges authorized by the certificate of coverage and the general permit. The plan shall include a proposed list of pollutants to be monitored to adequately characterize the discharge. At a minimum, the proposed list of pollutants shall include significant materials that the permittee knows or has reason to believe are present in the scrap railroad tie use areas. The plan shall describe the monitoring frequency and duration, the total number of sampling events (each discharge is one event), the monitoring and analysis methods to be used, and a date for submittal of the summarized analytical results. Samples shall be collected, preserved, handled, and analyzed using EPA approved methods (see 40 CFR part 136) and quantification levels.

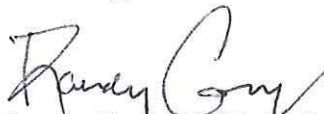
Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch of rainfall and causes a discharge; and at least 72 hours from the previous measurable (greater than 0.1 inch) storm event. Quantitative data shall be reported for a grab sample taken during the **first thirty minutes** of the discharge. Additional samples shall be collected during a discharge event as necessary to be representative of the pollutants discharged from the site. Date and duration of the storm event, the rainfall measurement or estimate, duration between the storm event sampled and the end date of the previous measurable storm event, pollutant concentration(s), visual observations, and estimated total volume of the discharge shall be reported.

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Monitoring startup: Upon approval of the monitoring plan, the permittee shall begin monitoring the authorized discharge as specified in the plan. Nothing in the general permit shall prevent additional sampling, in addition to that specified in the monitoring plan, from being conducted. The analytical results of all representative discharge samples collected must be reported to the Department. If, upon review of the analysis, it is determined that any of the materials or constituents require limiting to protect the receiving waters in accordance with applicable Water Quality Standards, the Department may determine that an individual permit is needed for the discharge in accordance with Part I.D.10. of the general permit.

Please provide a written response by **June 30, 2016**, and attach the written response to the form in your MiWaters accounts under Compliance Communication Report to address the Short Term Storm Water Characterization Study. If you have any questions, please feel free to contact me at the number listed below.

Sincerely,



Randy Conroy, District Geologist
Water Resources Division
Upper Peninsula District Office
906-236-1362

RC:TC

File: Mr. John Polkky, LWEC
LANse Warden Electric-Fuel Agg - MiWaters electronic file