CARL LEVIN
MICHIGAN

United States Senate

WASHINGTON, DC 20510–2202

December 21, 2012

Dr. Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency, Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Dr. Hedman:

I am writing with an urgent request. I understand the Michigan Department of Environmental Quality (MDEQ) has until January 3, 2013 to issue a permit for the proposed Marquette County Road 595 that includes revised minimization and mitigation plans responsive to concerns raised in the U.S. Environmental Protection Agency's (EPA) December 4 letter.

I understand the MDEQ and the Marquette County Road Commission (MCRC) have been working diligently to address the issues raised by EPA. However, the MCRC informed me that they need more cooperation from EPA in working to address these issues, especially given the very tight timeframe. Attached is a letter from Mr. James Iwaicki, the MCRC Road Manager, which discusses his concerns regarding this matter. I also was informed that EPA's objections are not entirely clear and seem to have become moving targets. EPA's objections need to be clearly defined in order for the MDEQ to be responsive to them; I urge you to provide clarity and specificity as you hopefully work through these issues.

There is a great need for cooperation from all those involved in working this out, especially given the very tight timeframe. I understand there was a constructive conference call with EPA, MDEQ, and the MCRC on December 19, and I hope that you will continue to work together in a cooperative manner.

Thank you for your prompt attention to these concerns. Please let me know what plans EPA has to work with the MDEQ and MCRC in addressing the permit concerns. If you have any questions, please do not hesitate to contact me or have your staff contact Amy Berglund of my staff at 906-789-0052.

Sincerely,

Carl Levin

Carl Levin

cc: Mr. Dan Wyant, Director, Michigan Department of Environmental Quality
Mr. Jim Iwanicki, Road Manager, Marquette County Road Commission

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Board of County Road Commissioners
COUNTY OF MARQUETTE
LARGEST IN MICHIGAN
1610 N. Second Street
Ishpeming, MI 49849
906-486-4491
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Russell Williams
Chairperson, Negaunee
David E. Hall
Vice Chair, Ewing
Darryll Sundberg
Member, Ishpeming
Joseph Valente
Member, Marquette
Neil W. Anderson
Member, Ishpeming

James M. Iwanicki, P.E.
Engineer-Manager

December 17, 2012

The Honorable Carl Levin
269 Russell Office Building
United States Senate
Washington, DC 20510-2202

By EMAIL ONLY in Care of Amy Berglund.

RE: EPA objections to CR 595.

Dear Senator Levin:

Could you please assist us in creating an open, honest and helpful line of communication between the EPA, the Marquette County Road Commission (MCRC), the Michigan Department of Environmental Quality MDEQ) so that we can overcome the remaining objections that the EPA has on our CR 595 permit by January 3, 2013?

On December 4, 2012 we received a copy of a letter from the EPA to MDEQ stating that EPA has removed some objections to our County Road 595 permit application but EPA objections to the project still remain. The remaining objections must be resolved within 30 days (Jan. 3, 2013) or the permit will not be issued and the permit authority on this project would become the Army Corps of Engineers. That process would take another couple of years and it would essentially kill our project.

With a 30-day time limit to resolve the remaining objections and the holidays approaching I thought it would be essential to have direct contact with all decision makers on the project. Therefore, I made contact with Tinka Hyde, Director of the Water Division, Region 5 EPA but she was unable to directly address my questions.

We feel we are being stone walled by the EPA and if this continues, we will never be able to overcome their objections by January 3, 2013. The MCRC and our consultants have technical questions and specific ideas we would like to discuss and get feedback from the EPA prior to submitting our final revisions to our permit application to the MDEQ. So could you please assist us in creating an open, honest and helpful line of communication between EPA, the MCRC and MDEQ so that we can overcome the remaining objections that the EPA has on our CR 595 permit by January 3, 2013?

If you have any questions, please call me at (906) 486-4491 ext. 200 or my cell phone at (906) 361-9807.

Sincerely,

James M. Iwanicki, P.E.
Engineer Manager