



Fact Sheet

Direct Final Rule Withdrawing Federal Human Health and Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Michigan

Summary

EPA is asking for comment on its action to withdraw federal human health and aquatic life water quality criteria for toxic pollutants applicable to Michigan. EPA is taking this action because Michigan has adopted criteria and methodologies that meet the requirements of the CWA. This rule will become a final rule if EPA does not receive adverse comment. If EPA receives adverse comment, the Agency will withdraw the direct final rule and leave in place a companion proposed rule. EPA will then respond to comments and finalize the rule.

Background

EPA is taking direct final action to amend the Federal regulations to withdraw water quality criteria applicable to Michigan. In 1992, EPA promulgated Federal regulations establishing water quality criteria for priority toxic pollutants for 12 states, including Michigan, and two territories that had not fully complied with the Clean Water Act (CWA). These regulations are known as the "National Toxics Rule" or "NTR". Thereafter, EPA published regulations to establish consistent enforceable protections for the Great Lakes system (Water Quality Guidance for the Great Lakes System).

Complying with the Water Quality Guidance for the Great Lakes System, Michigan adopted water quality standards in July, 1997, which included numeric water quality criteria and methodologies for deriving numeric criteria for the same priority toxic pollutants included in the NTR. EPA approved these standards in August, 2000. In this direct final rule, EPA is withdrawing Michigan from the NTR without proposal because the procedures used to review Michigan's standards provided ample opportunity for the public to comment on the standards and the concomitant withdrawal of Michigan from the NTR.

About this Action

The federal criteria for the pollutants identified in the NTR are redundant now that Michigan has adopted criteria that comply with the Clean Water Act. The final rule will impose no costs. Michigan's criteria are comparable with the level of protection provided by the National Toxics Rule and may even provide a higher level of protection in some cases. This action will not affect industry and municipalities discharging toxic pollutants to surface waters in Michigan.

Additional Information

For general information about this proposal, please contact Manjali Gupta Vlcan, Office of Water (4305T), U.S. EPA, 1200 Pennsylvania Ave NW, Washington DC, 20460 (telephone 202-

566-0373, or email vlcan.manjali@epa.gov). For specific information about Michigan's Water Quality Standards, please contact Dave Pfeifer in EPA Region 5 (telephone 312-353-9024 or e-mail at pfeifer.david@epa.gov).

EPA will accept public comments on its proposed withdrawal until 30 days after it is published in the *Federal Register*. Comments postmarked after this date may not be considered. Please send an original and three copies of comments and enclosures (including references) to W-01-15, WQCR Comment Clerk; Water Docket, US EPA, EPA West, 1200 Pennsylvania Ave NW, Room B135, MC-4101T, Washington, DC 20460. You may also submit comments electronically in ASCII or Word Perfect formats, avoiding the use of special characters and any form of encryption, to OW-Docket@epa.gov. Identify electronic comments by the docket number W-01-15. Submit hand delivered comments to W-01-15, EPA's Water Docket, US EPA, EPA West, 1301 Constitution Ave NW, Room B135, Washington DC 20460. No facsimiles (faxes) will be accepted.