



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

REPLY TO THE ATTENTION OF:
WG-15J

January 29, 2010

Representative Kenneth Kurtz
Michigan House of Representatives, 58th District
P.O. Box 30014
Lansing, MI 48909

Dear Representative Kurtz:

Thank you for your letter, dated January 13, 2010, expressing concerns that the people of communities in Michigan be given an adequate opportunity to study and comment on the proposed sole source aquifer designation of the Michindoh aquifer. Your letter reflected concerns you had heard from those in your district that they either had not been properly notified or that there was inadequate time remaining in the public comment period for people to adequately study the proposal and respond to the U.S. Environmental Protection Agency (EPA). You indicated that EPA did not include Michigan townships in the notification process. For these reasons, you requested that the comment period be extended at least 180 days to alleviate the situation.

EPA began this public notification process in late September 2009. On October 5, 2009 EPA mailed fact sheets to all cities and towns, known public interest groups and known local, state, and federal officials in the affected area asking those receiving the fact sheets to post them or otherwise include them in local public meetings. We also issued a press release, posted the fact sheet on the EPA website, and placed ads in the newspapers in Fort Wayne, Indiana, Hillsdale, Michigan, and Bryan, Ohio. The initial comment period was open for 30 days and requested that those wishing to comment or request a public hearing do so.

We received several comments, which included requests for public meetings and/or a public hearing. In response, we issued a revised fact sheet in November 2009, and extended the comment period for an additional 84 days. We also held meetings in Hudson, Michigan and Bryan, Ohio which included a hearing in Bryan. We revised our fact sheet and mailed it to an expanded list, placed copies of the Michindoh Sole Source Aquifer Petition in public libraries for public review in Butler, Indiana; Hillsdale, Michigan; Adrian, Michigan; and Bryan, Ohio. We placed additional ads in papers in Hillsdale and Adrian, Michigan, and posted updated information on the EPA website. Some area newspapers conducted interviews and printed stories on this proposed designation.

Efforts to notify area governments, interest groups and residents have already

generated much interest and provided additional information, which will very helpful to us in reaching a decision as to whether to approve, ask for more justification, or deny the Petition. Numerous letters and emails have been received representing a wide variety of opinions. We also received valuable input from questions and comments submitted from the approximately 250 people that attended the two public meetings and one public hearing.

EPA recognizes the need to ensure that every voice be heard, but at the same time we also acknowledge the need to ensure that a decision is made in an expeditious manner and with equal respect for those who wish to see action be taken. Given the concerns expressed, EPA has decided to extend the comment period until April 16, 2010, which is 76 days after the current comment deadline of January 29, 2010. Also, in response to requests heard so far, we are issuing a revised fact sheet (copy enclosed) containing more information to an expanded list of addresses, which includes a list of township contacts supplied by your office. In addition, we will issue a press release, post our fact sheet and post the transcript from the hearing in Bryan, Ohio on the EPA web site, run ads in newspapers in Angola, Indiana; Hillsdale, Michigan; Adrian, Michigan, and Bryan, Ohio, extend the time for libraries to hold reference copies of the petition, and post an additional copy of the petition in the Hudson, Michigan library.

We believe that these efforts to make the petition available to everyone fully satisfy and exceed public notice requirements and ensure full and equal access to all documents. We also believe that providing another 2 ½ months for public review gives ample time for those recently finding out about the proposed SSA designation.

We are confident that measures taken will satisfy the needs of your constituents, as well as those who have worked to offer this Petition to us for review. If you have any questions or would like to discuss our decision, please feel free to call me at (312) 886-5991.

Sincerely,

Thomas Poy, Chief
Ground Water and Drinking Water Branch

Enclosure

cc: William Spaulding
Steven Casebere, City of Bryan, Ohio
Senator Cameron Brown, Michigan 16th District

bcc: Mary Canavan
Jennifer Ostermeier
Tinka Hyde