



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

NOV 06 2008

REPLY TO THE ATTENTION OF:

Bruno Pigott, Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Quality
Mail Code IGCN 1315
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

WO-16J
2008 NOV 10 P 3:42
OFFICE OF
WATER QUALITY

Dear Mr. Pigott:

Thank you for the letter of August 27, 2008, submitting Indiana's revised water quality standards to U.S. Environmental Protection Agency. The revisions to the rules include the amendments to the sulfate criterion at 327 IAC 2-1-6, which became effective on June 21, 2008.

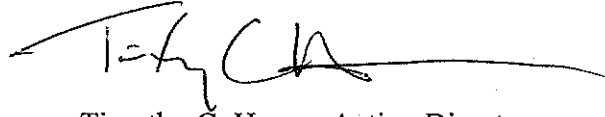
As specified in 40 CFR 131.21, EPA is required to review and approve State water quality standards. EPA has reviewed the information submitted in support of the revised rules and hereby approves the revised sulfate rulemaking which provides surface water quality criteria for sulfate in mg/L for the specified ranges of hardness (in mg/L as CaCO₃) or chloride (in mg/L), or both for all surface waters outside the mixing zone. These rules are pursuant to section 303 of the Clean Water Act (CWA) and federal regulations at 40 CFR 131.21.

Consistent with section 7 of the Endangered Species Act (ESA), in a letter dated November 5, 2008, EPA provided U.S. Fish and Wildlife Service (FWS) its evaluation that approval of Indiana's revised rules for sulfate may affect, but is not like to adversely affect certain threatened or endangered species in Indiana.

Consistent with section 7 of the ESA and federal regulations at 50 CFR Part 402, EPA is required to consult with FWS on any action that may affect federally-listed threatened or endangered species. Approval of new and revised State water quality standards under section 303 of the CWA is an action requiring consultation. To date, EPA has initiated, but not completed, consultation with FWS on the revised rules approved above. EPA has determined that this approval action does not violate section 7(d) of the ESA, which prohibits irreversible or irretrievable commitments of resources that have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives, and has included in the record the basis for the conclusion that there are not impacts of concern during the interim period until consultation is completed.

If you have any questions, please contact me at (312) 353-2147, or Eric Brossman of my staff at (312) 886-0233 or brossman.eric@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy C. Henry". The signature is fluid and cursive, with a long horizontal line extending to the right.

Timothy C. Henry, Acting Director
Water Division

cc: John Elliot, IDEM
Shivi Selvaratnam, IDEM

5/15