



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

OCT 3 2005

REPLY TO THE ATTENTION OF:

WQ-16J  
OCT 7 12 55 PM '05  
IDEM  
OFFICE OF  
WATER QUALITY

Thomas W. Easterly, Commissioner  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Dear Mr. Easterly:

The United States Environmental Protection Agency (USEPA) has completed review of the revisions to Indiana Department of Environmental Management's (IDEM) "Fast Track" rules, submitted by IDEM as part of its Triennial Review. These rules became effective March 16, 2005, and received certification by the Attorney General on June 7, 2005. These revisions amend IDEM's rules at: 327 IAC 1-1, 327 IAC 2-1, 327 IAC 2-1.5, 327 IAC 2-4, 327 IAC 5-1.5, and 327 IAC 5-2.

Consistent with Section 303(c)(3) of the Clean Water Act (CWA) and Federal regulations at 40 CFR 131.21, USEPA is required to review and approve State water quality standards. USEPA has reviewed the revised rules and the supporting information submitted in support of the revised rules. Based on our review, we have determined that some of the provisions included in the submission fall under other USEPA authorities and, are therefore, not addressed by this letter. These provisions are IDEM's rules at: 327 IAC 2-4-3, 327 IAC 5-1.5-72, 327 IAC 5-2-1.5, 327 IAC 5-2-11.1, 327 IAC 5-2-11.2, 327 IAC 5-2-11.5, 327 IAC 5-2-11.6, 327 IAC 5-2-13, and 327 IAC 5-2-15. To the extent that review and approval of these provisions by USEPA is needed, it will be provided under separate cover. With the two exceptions noted below, USEPA, by this letter, approves all of the remaining revisions to Indiana's water quality standards under the authority of Section 303(c)(3) of the CWA and Federal regulations at 40 CFR 131.21 subject to the results of the national Section 304(a) consultations under Section 7 of the Endangered Species Act (ESA).

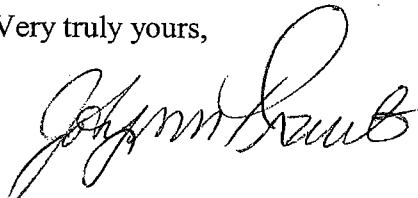
USEPA is not taking action at this time on the revised sulfate criterion (327 IAC 2-1-6). USEPA is also not taking action at this time on the site-specific criterion for cadmium for the West Fork of the White River (RM 227 to RM 220) (327-IAC 2-1-8.9(g), Table 8.9-1). USEPA's final action on these water quality standards revisions will be provided at a later date.

Consistent with Section 7 of the ESA and Federal Regulations at 50 CFR Part 402, USEPA is required to consult with the United States Fish and Wildlife Service (USFWS) on any action that may affect federally-listed threatened and endangered species. Pursuant to the "Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act

and Endangered Species Act” (the MOA) governing consultation with USFWS, the approval of new and revised State water quality criteria under Section 303 of the CWA is an action requiring consultation. To date, USEPA has initiated, but not completed, consultation with USFWS on the revised rules approved above. USEPA 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 the consultation is completed.

If you have any questions regarding this letter, please contact me, Holly Wirick, or Dave Pfeifer of my staff. Ms. Wirick may be reached at (312) 353-6704 and Mr. Pfeifer may be reached at (312) 353-9024.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jo Lynn Traub". The signature is written in a cursive, flowing style.

Jo Lynn Traub  
Director, Water Division

cc: John Elliott, Indiana Department of Environmental Management  
Scott Pruitt, USFWS, Bloomington Ecological Services Offices, Bloomington, IN