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

MAR 09 2012

REPLY TO THE ATTENTION OF:
WQ-16J

Thomas W. Easterly, Commissioner
Indiana Department of Environmental Management
100 North Senate Ave., MC65-41
Indianapolis, Indiana 46204-2251

Dear Commissioner Easterly:

On March 14, 2012, the Indiana Water Pollution Control Board (IWPCB) is scheduled to consider final adoption of antidegradation standards and implementation procedures. Federal regulations at 40 CFR 131.6 require states to adopt as part of their water quality standards an antidegradation policy consistent with the requirements of the Federal regulations at 40 CFR 131.12. This requirement derives from section 101(a) of the Clean Water Act (CWA), which states that the purpose of the CWA is to "… restore and maintain the chemical, physical and biological integrity of the Nation's waters."

Adoption of antidegradation implementation procedures has been a priority for both the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management (IDEM) since at least the 2003 – 2005 Environmental Performance Partnership agreement with IDEM. EPA has participated in the current rulemaking effort since its inception in 2008. IDEM has demonstrated commendable perseverance in getting to this point.

EPA has reviewed the proposed antidegradation rules that are before the IWPCB. As currently written the proposed rules are consistent with the requirements of the CWA, federal regulations, and EPA guidance on antidegradation and EPA has no further comments or recommendations. Should these rules be adopted by the IWPCB and submitted to EPA as required by section 303(c) of the CWA, EPA sees no barriers to approval. Adoption of these rules by the IWPCB will address a long-standing deficiency in Indiana's water quality standards. EPA urges the IWPCB to adopt these rules as proposed.

If you have any questions, please contact me or have your staff contact David Pfeifer of my staff. Mr. Pfeifer may be reached at 312-886-9024.

Sincerely yours,

Tinka G. Hyde
Director, Water Division

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