



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

APR 22 2009

REPLY TO THE ATTENTION OF:  
WQ-16J

Todd L. Ambs, Administrator  
Division of Water  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, Wisconsin 53707-7921

Dear Mr. Ambs:

Thank you for your letter of March 10, 2009, submitting Wisconsin's proposed variance from the water quality standards for mercury for the Whitewater Treatment Plant (WPDES Permit Number WI-0020001-08) to U.S. Environmental Protection Agency for review under section 303(c) of the Clean Water Act (CWA). The proposed action would grant a variance from Wisconsin's water quality criteria for mercury and establish a variance-based effluent limit for the discharge to Whitewater Creek of the Lower Rock River Basin of 3.89 ng/L.

Consistent with section 303(c) of the CWA and federal regulations at 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 proposed variance and hereby approves the proposed variance pursuant to section 303(c) of the CWA and federal regulations at 40 CFR 131.21.

As required under section 7 of the Endangered Species Act, EPA evaluated whether approval of this variance would affect federally-listed threatened or endangered species or designated critical habitat. Based on this evaluation, EPA concluded that approval of this variance will have no effect on listed species or critical habitat because there are no listed species or designated critical habitat in the affected area.

If you or your staff has any questions regarding this approval, please contact Eric Brossman of my staff at (312) 886-6097 or [brossman.eric@epa.gov](mailto:brossman.eric@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde".

Tinka G. Hyde  
Director, Water Division

cc: Tom Mugan, WDNR  
Robert Masnado, WDNR  
Louise Clemency, USFWS