REPLY TO THE ATTENTION OF: WW-16J

Ms. Martha Clark Mettler
Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Management
Mail Code IGCN 1315
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Re: Indiana 2020 List of Impaired Waters under Clear Water Act, Section 303(d)

Dear Ms. Clark Mettler:

The U.S. Environmental Protection Agency appreciates the Indiana Department of
Environmental Management's (IDEM) 303(d) List of Impaired Waters still requiring Total
Maximum Daily Loads, which was submitted as part of Indiana's 2020 Integrated Report on
January 19, 2021. EPA has carefully reviewed Indiana's submittal, including the listing
decisions, the assessment methodology, and supporting data and information to determine
whether the State reasonably identified waters to be listed as impaired. EPA is partially
approving and partially disapproving the State's 2020 list.

Based on this analysis, EPA approves Indiana's 2020 Section 303(d) list (Table 1 of Enclosure 3)
as the State's decision is consistent with Clean Water Act Section 303(d) and EPA's
implementing regulations. EPA reviewed Indiana's decisions not to list water quality-limited
segments (WQLSs) based on the State's conclusion that the readily available data and
information do not require the identification of those water bodies as impaired. With the
exceptions noted in the following paragraph, the state's decision not to list these water
bodies is reasonable.

EPA disapproves the State's decision not to list a series of WQLSs for certain metal
impairments because the existing and readily available data and information for those
WQLSs indicate impairments of either the numeric water quality criterion for lead or the
narrative water quality criterion for iron. The State's decision is inconsistent with CWA
Section 303(d) and EPA's implementing regulations. EPA is identifying for inclusion on the
list a series of WQLSs (Table 12 of Enclosure 3) still requiring TMDLs under Section 303(d) of
the CWA and the implementing regulations pursuant to 40 C.F.R. § 130.7. The details of EPA's
action, based on the review of Indiana's compliance with the statutory and regulatory
requirements, are provided in Enclosure 1. Additional details on EPA's analysis of Indiana's
assessment methodology for developing its 2020 Section 303(d) list, and other State relevant
information submitted, are provided in Enclosure 2 and Enclosure 3.

EPA will issue a public notice providing for a 30-day public comment period on these additions to Indiana's CWA Section 303(d) List. After considering any comments received, EPA may make revisions, as appropriate, and will transmit its listings to Indiana.

EPA's approval/disapproval authority extends only to the waterbodies and causes of impairment listed in Category 5 of the IR (State's Section 303(d) list), with the exception of any waters that are within Indian Country as defined in 18 U.S.C. § 1151. EPA is taking no action to approve or disapprove the State's list with respect to any waters that are within Indian Country. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under Section 303(d) for those waters.

I appreciate the continuing dialogue on these issues and look forward to our continued partnership in addressing the challenges of water quality in Indiana. EPA will share any comments received on the public notice of the additions to Indiana's CWA Section 303(d) List, and I and my staff will continue to collaborate with you and your staff as you prepare your 2022 list. Thank you for your attention to this matter. If you have any questions, please contact Mr. David Pfeifer, Chief, Watersheds and Wetlands Branch, at (312) 353-9024.

Sincerely,

Digitally signed by TERA FONG
Date: 2021.02.19 14:44:45 -06'00'

Tera L. Fong
Division Director, Water Division

cc: Martha Clark Mettler, IDEM
    Marylou Poppa Renshaw, IDEM
    Jody Arthur, IDEM