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

JUN 1 1 2015

REPLY TO THE ATTENTION OF:
WQ-16J

Russell A. Rasmussen, Administrator
Water Division
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707-7921

Dear Mr. Rasmussen:

Thank you for your letter of April 2, 2015, submitting Wisconsin's proposed variance from the water quality standard for mercury for a discharge by the City of Beloit, Wisconsin, WPDES Permit No. WI 0023370-09, to the U.S. Environmental Protection Agency for review under section 303(c) of the Clean Water Act (CWA). The proposed action would grant the Beloit wastewater treatment facility a variance from Wisconsin's 1.3 ng/L water quality criteria for mercury, and would establish a variance-based effluent limit of 3.3 ng/L, expressed as a daily maximum, for Beloit's discharge to the Rock River in Rock County, Wisconsin.

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 subject to completion of section 7 consultation under the Endangered Species Act (ESA), as described below, pursuant to section 303(c) of the CWA and federal regulations at 40 CFR 131.21.

As required under section 7 of the ESA and federal regulations at 50 CFR Part 402, EPA evaluated whether approval of this variance would affect federally-listed threatened or endangered species or designated critical habitat. As described in the biological evaluation, EPA determined that the action may affect, but is not likely to adversely affect, one or more listed aquatic, aquatic-dependent, or wetland species. Further, EPA determined that the action will not destroy or adversely modify designated critical habitat.

To date, EPA has initiated, but not completed, consultation with U.S. Fish and Wildlife Service on the approved variance. 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. EPA concluded, as described in the record, that there are not impacts of concern during the interim period until consultation is completed.

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If your staff has any questions regarding this approval, please contact Peter Jackson of my staff at (312) 886-3894.

Sincerely,

Tinka G. Hyde
Director, Water Division