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

REPLY TO THE ATTENTION OF:

WQ-16J

DEC 18 2014

Russell 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 November 26, 2014, submitting Wisconsin's proposed variance from the water quality standard for mercury for the City of Burlington Water Pollution Control (WPC), WPDES Permit Number WI-0022926-09, to the U.S. Environmental Protection Agency for review under section 303(c) of the Clean Water Act (CWA). The proposed action would grant Burlington WPC a variance from Wisconsin's mercury criterion, and would establish a variance-based effluent limit of 3.1 ng/L, expressed as daily maximum, for Burlington WPC's discharge to the Fox River in Racine 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 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, nor will it adversely modify critical habitat in Wisconsin.

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If your staff has any questions regarding this approval, please contact Christine Wagener of my staff at (312) 886-0887.

Sincerely,

Tinka G. Hyde
Director, Water Division

cc: Brian Weigel, WDNR (electronic)
Lynn Morrison, WDNR (electronic)
Timothy Thompson, WDNR (electronic)
Laura Dietrich, WDNR (electronic)
Peter Fasbender, USFWS