



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

DEC 08 2015

REPLY TO THE ATTENTION OF:

WQ-16J

William Creal, Chief
Water Resources Division
Michigan Department of Environmental Quality
P.O. Box 304473
Lansing, MI 48909-7973

Dear Mr. Creal:

Thank you for your letter of March 5, 2015, submitting Michigan's adopted multiple-discharger variance for mercury. Consistent with section 303(c) of the Clean Water Act (CWA) and federal regulations at 40 CFR 131.21, EPA is required to review and approve state water quality standards. Pursuant to section 303(c) of the CWA and federal regulations at 40 CFR 131.21, EPA has reviewed the information submitted in support of the new or revised standards and hereby approves the standards subject to completion of section 7 consultation under the Endangered Species Act (ESA), as described below.

As required under section 7 of the ESA and federal regulations at 50 CFR Part 402, EPA evaluated whether approval of these standards 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 new or revised standards. 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.

If your staff has any questions regarding this approval, please contact Robie Anson of my staff at (312) 886-1502.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde", with a long horizontal flourish extending to the right.

for Tinka G. Hyde
Director, Water Division