

September 29, 2008

MEMORANDUM

SUBJECT: Elements of Mercury TMDLs Where Mercury Loadings are Predominantly from Air Deposition

FROM: Craig E. Hooks, Director /s/
Office of Wetlands, Oceans and Watersheds

TO: Water Division Directors Regions 1-10

I am pleased to provide the attached document entitled “Elements of Mercury TMDLs Where Mercury Loadings Are Predominantly from Air Deposition.” The document describes considerations when developing mercury TMDLs under Clean Water Act section 303(d) in order to address the required and recommended TMDL elements discussed in existing guidance. The document (also referred to as a “checklist”) includes considerations when addressing TMDL elements on different geographic scales, such as waterbody, regional, and multi-state.

The document on mercury TMDL elements is part of EPA’s multi-pronged effort to assist states in listing mercury-impaired waters under Clean Water Act section 303(d), and developing TMDLs to address those impairments. Recent efforts included revising strategic planning reporting targets in 2006 to more specifically track waterbody restoration relative to mercury-impaired waters. In March of 2007, we issued a memorandum on the “5m” listing subcategory, in which a state may defer the development of mercury TMDLs where the state has a comprehensive mercury reduction program in place. We have also been working with Regions and states to provide information on atmospheric deposition from sources identified by states, as well as tools for displaying such information, and we have already begun to share those results.

In developing the attached document, we have built on the approaches and lessons learned in the mercury TMDLs approved to date. Some of the recent examples include the “statewide” mercury TMDL in Minnesota approved in early 2007 (revised in 2008), and the multi-state mercury TMDL for the Northeast approved in December 2007. Many TMDLs for specific waterbodies and watersheds have also been approved. In considering approaches to mercury TMDLs, we encourage the Regions and states to work with one another early in the process to determine the most appropriate approach.

We thank those who provided assistance in the development of this information and provided comments, including those from state, industry, and environmental groups. If you have further questions, please do not hesitate to contact me, or have your staff contact either Ruth Chemerys at 202-566-1216, or John Goodin at 202-566-1373.

Attachment