



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

REPLY TO THE ATTENTION OF:
WW-16J

April 29, 2022

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 2022 List of Impaired Waters under Clean Water Act, Section 303(d)

Dear Ms. Clark Mettler:

The U.S. Environmental Protection Agency appreciates receiving the Indiana Department of Environmental Management's (IDEM) Clean Water Act (CWA) Section 303(d) List of Impaired Waters, i.e., those still requiring Total Maximum Daily Loads (TMDLs), which was submitted as part of Indiana's 2022 Integrated Report (IR) on April 1, 2022. 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 2022 Section 303(d) list.

Based on this analysis, EPA approves Indiana's 2022 Section 303(d) list (Table 1 of Enclosure 3) as the State's decision is consistent with Section 303(d) of the CWA and EPA's implementing regulations at 40 C.F.R. § 130.7. 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 Section 303(d) of the CWA and EPA's implementing regulations. EPA is identifying for inclusion on the list a series of WQLSs (Table 10 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 2022 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 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 to only 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) of the CWA 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 Section 303(d) list, and I and my staff will continue to collaborate with you and your staff as you prepare your 2024 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,

Tera L. Fong
Division Director, Water Division

cc: Martha Clark Mettler, IDEM
Kristen Arnold, IDEM
Paul McMurry, IDEM