

# **ATTACHMENT C**



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

DEC 18 2008

REPLY TO THE ATTENTION OF:

WQ-16J

Marcia T. Willhite, Chief  
Bureau of Water  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62974-9276

RECEIVED  
DEC 22 2008  
BUREAU OF WATER  
BUREAU CHIEF'S OFF.

Dear Ms. Willhite:

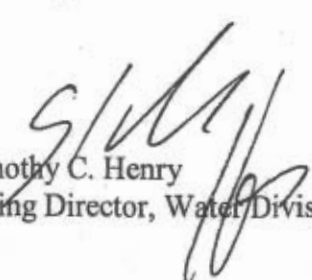
On October 20, 2008, U.S. Environmental Protection Agency received legal certification from Illinois' Attorney's General Office regarding the adoption of revised water quality standards for dissolved oxygen at 35 Ill. Adm. Code 302.206. Receipt of this certification, in addition to the previously submitted documentation received on May 12, 2008, completed the requirements of 40 CFR 131.6 (Minimum requirements for water quality standards submissions).

EPA is required to review and approve new and revised state water quality standards under section 303(c)(3) of the Clean Water Act (CWA) and federal regulations at 40 CFR 131.21 prior to becoming effective. EPA has reviewed the information submitted in support of the revised rules and hereby approves Illinois' revised dissolved oxygen water quality standards at 35 Ill. Adm. Code 302.206.

Consistent with section 7 of the Endangered Species Act (ESA) and federal regulations at 50 CFR Part 402, EPA is required to consult with U.S. Fish and Wildlife Service (FWS) on any action that may affect federally-listed threatened and endangered species. Pursuant to the "Memorandum of Agreement between the EPA and the Services regarding enhanced coordination under the Clean Water Act and Endangered Species Act" (the MOA) governing consultation with FWS, EPA is deferring consultation on Illinois's revised dissolved oxygen criteria to the national ESA consultation. 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, and has included in the record the basis for the conclusion that there are not expected to be any impacts of concern during the interim period until the national consultation is completed.

If you have any questions, please contact me at (312) 353-2147 or Eric Brossman of my staff at (312) 886-0233, or [brossman.eric@epa.gov](mailto:brossman.eric@epa.gov).

Sincerely,



Timothy C. Henry  
Acting Director, Water Division

cc: Richard Nelson, USFWS, Rock Island Field Office  
Sanjay Sofat, Illinois EPA  
Bob Mosher, Illinois EPA