



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

MAY 10 2018

Tiffani Kavalec, Chief
Division of Surface Water
Ohio Environmental Protection Agency
50 West Town Street
Columbus, Ohio 43215

Dear Ms. Kavalec:

This letter follows up on the January 12, 2018 letter from U.S. Environmental Protection Agency (EPA) Assistant Administrator David Ross. In that letter, EPA withdrew its May 19, 2017 approval of Ohio's Clean Water Act (CWA) Section 303(d) list with respect to the open waters of Lake Erie and requested that the Ohio Environmental Protection Agency (Ohio EPA) assemble and evaluate all existing and readily available water quality-related data and information regarding nutrients in the open waters. EPA requested that Ohio EPA submit the results of its evaluation including, if appropriate, an assessment of whether the waters are meeting applicable water quality standards.

In a May 4, 2018 letter, Ohio EPA amended its 2016 Section 303(d) list submission to include algal-related listings for the open waters of Lake Erie. Ohio EPA also provided revisions to its 2016 Integrated Water Quality Monitoring and Assessment Report (IR) that reflect those amendments. For the reasons set forth below, and based on Ohio EPA's recent amendments, EPA hereby supplements its May 2017 decision. This supplemental decision and the May 2017 decision together complete EPA's review and approval of Ohio EPA's 2016 CWA Section 303(d) list.¹

With its supplement to its 2016 IR submission, Ohio EPA has amended its 2016 303(d) list to add a recreational use algal impairment for the open waters of Lake Erie's Western Basin. Further, Ohio EPA has added public drinking water supply use impairments due to microcystin for open water assessment units in the Western Basin, Sandusky Bay, and Central Basin to more accurately reflect assessments conducted there.

Ohio EPA's May 4, 2018 amendment to its 2016 IR included an updated priority ranking of Ohio's impaired waters. In addition, the amendment noted that the Western Basin is one of the highest priorities for Ohio to address. The amendment also discusses how Ohio will continue to

¹ Except as specifically set forth herein, EPA's May 2017 *Decision Document Approving Ohio's Submission of the State's 2016 Integrated Report with respect to Section 303(d) of the Clean Water Act (Category 5 Waters)* constitutes EPA's rationale for approving all parts of Ohio EPA's 2016 303(d) list addressed in that May 2017 decision document.

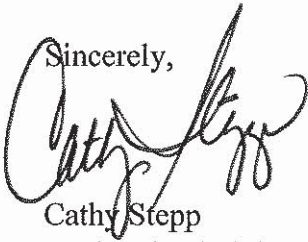
address nutrient loadings to Lake Erie. EPA finds that Ohio EPA's discussion of its prioritization of Lake Erie satisfies the requirement to submit a priority ranking. *See* 40 C.F.R. § 130.7(b)(4).

Based on Ohio EPA's May 4, 2018 letter and its revised 2016 IR, EPA finds that Ohio has met the requirements of Section 303(d) of the CWA and 40 C.F.R. § 130.7(b). In particular, Ohio EPA has satisfied its obligation to assemble and evaluate the existing and readily available data. *See* 40 C.F.R. § 130.7(b)(5). Ohio EPA has relied on two lines of evidence in particular to determine whether the open waters of Lake Erie are impaired: 1) the extent of algal blooms as determined by the frequency, duration and magnitude of cyanobacteria cell counts in the Western Lake Erie Basin; and 2) microcystin levels from drinking water intakes within Ohio's portion of Lake Erie.²

This supplemental decision constitutes EPA's rationale for approving the remainder of Ohio EPA's 2016 Section 303(d) list, which was the subject of EPA's January 2018 withdrawal letter. Specifically, EPA is approving the listing of the open water assessment units of Lake Erie as impaired for the recreational use due to presence of algae and/or the public drinking water supply use due to microcystin. Consequently, EPA has now approved Ohio's 2016 Section 303(d) list in its entirety.

If you have any questions, please contact Mr. Peter Swenson, Chief, Watersheds and Wetlands Branch, at 312-886-0236.

Sincerely,



Cathy Stepp
Regional Administrator

cc: Cathy Alexander, Ohio EPA

² Ohio Administrative Code 3745-01-07(B)(3).