



## *Proposed Withdrawal of Certain Federal Aquatic Life Water Quality Criteria Applicable to Wisconsin*

### Summary

EPA is proposing to withdraw federal aquatic life water quality criteria for chronic and acute copper and nickel, and chronic endrin and selenium applicable to waters in Wisconsin designated for aquatic life use. Wisconsin's revised and EPA-approved criteria adequately protect waters of the state designated for aquatic life use at a level consistent with the federal requirements. Once finalized, the withdrawal will enable Wisconsin to implement its EPA-approved aquatic life criteria.

### Background

In 1995, EPA promulgated a final rule known as the Water Quality Guidance for the Great Lakes System, or the Great Lakes Initiative. As part of a comprehensive plan to restore the health of the Great Lakes System, the Guidance identified minimal water quality standards to protect aquatic life. Under the Clean Water Act (CWA), Great Lakes States are required to adopt provisions, consistent with the Guidance, into their water quality standards and National Pollutant Discharge Elimination System (NPDES) permit programs. The CWA authorizes EPA to promulgate water quality standards for a state when EPA disapproves the state's new or revised water quality standards. Further, when EPA approves state-adopted water quality standards that meet the requirements of the CWA, EPA may withdraw any previously applicable federal standards.

In 1997, Wisconsin adopted revised water quality standards to comply with the Guidance requirements (40 CFR Part 132). In October 2000, EPA disapproved six of Wisconsin's revised aquatic life criteria, including chronic and acute copper and nickel, and chronic endrin and selenium. As a result of the disapproval, EPA promulgated federal aquatic life criteria for

chronic and acute copper and nickel and chronic endrin (40 CFR 132.6(f)) as well as chronic aquatic life criteria for selenium (40 CFR 132.6(g)) for Wisconsin's five aquatic life designated uses.

In December 2008, Wisconsin revised its water quality standards to address EPA's disapproval. In July 2009, EPA determined that Wisconsin's revised criteria adequately protect all waters of the state designated for aquatic life uses at a level consistent with the CWA requirements, with the exception of the chronic aquatic life criterion for selenium in waters designated as Limited Forage Fish aquatic life use. While EPA approved Wisconsin's revised chronic aquatic life criteria for endrin, due to a transcription error the number published in Wisconsin's regulations at NR 105.06 (0.05 µg/L) for Warm Water Sportfish and Warm Water Forage Fish is not identical to the revised and EPA-approved criterion (0.036 µg/L). Therefore, EPA is not proposing to withdraw the chronic endrin aquatic life use criterion for these designated uses until after Wisconsin concludes rulemaking to correct the criterion published in the state's regulations.

### About this Action

EPA's approval of Wisconsin's revised aquatic life criteria makes the federal criteria no longer necessary for compliance with the CWA. Therefore EPA proposes to withdraw the federal criteria for chronic and acute copper and nickel, chronic endrin (with the exception of the aquatic life criteria for waters designated as Warm Water Forage Fish and Warm Water Sportfish), and chronic selenium (with the exception of the aquatic life criteria for waters designated as Limited Forage Fish). Once finalized, the withdrawal of federal criteria will enable Wisconsin to implement its EPA-approved aquatic life criteria.

---

## For More Information

For more information about this action, contact Claudia Fabiano ([fabiano.claudia@epa.gov](mailto:fabiano.claudia@epa.gov)) at 202-566-0446 or Francine Norling ([norling.francine@epa.gov](mailto:norling.francine@epa.gov)) at 312-886-0271.

Read the full text of the Federal Register notice, which provides information about how to review the complete administrative record. The docket is available online at [www.regulations.gov](http://www.regulations.gov) (EPA-HQ-OW-2010-0492).