



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 7 2006

Ms. Sandra Allen
Division Director
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3502

Re: Oswego River Area of Concern Delisting

This is in response to your May 4, 2006 letter requesting that the United States Environmental Protection Agency (EPA) proceed with the necessary steps to formally delist the Oswego River, New York Area of Concern (AOC). The Oswego River AOC is one of six AOCs in New York State of a total of 31 AOCs in the U.S. portion of the Great Lakes Basin. The Oswego River AOC is the first in the U.S. for which a Great Lakes State has requested that a delisting be done by the U.S. Government.

EPA has reviewed the final Stage 3 Delisting document for the Oswego River AOC, and finds that it fulfills the requirements of Annex 2, Section 4 of the Great Lakes Water Quality Agreement (GLWQA) regarding the development of Remedial Action Plans for the Great Lakes AOCs. EPA and the New York State Department of Environmental Conservation (DEC) are in agreement that the four beneficial use impairments (BUIs), originally identified for the AOC, have been resolved in accordance with the GLWQA and the U.S. Policy Committee's Delisting Principles and Guidelines of December 2001. We are also in agreement that all locally-derived delisting targets have been met. Therefore, the Oswego River AOC can be removed from the GLWQA list of AOCs. EPA Region 2 has coordinated with the Great Lakes National Program Office (GLNPO) which also supports the AOC delisting.

The Commissioners of the International Joint Commission (IJC) have reviewed the Stage 3 document. In a letter to Honorable Condoleezza Rice, Secretary of State, U.S. Department of State, dated June 7, 2005, the IJC recommended that the Oswego River AOC be delisted. In a letter to Mario Del Vicario, Chief, Community and Ecosystems Protection Branch, U.S. EPA Region 2, dated June 7, 2005, the IJC stated that the Commission "anticipates the successful delisting of the Oswego River AOC."

EPA notes that the decision to delist an AOC is based on the consistency of the delisting decision with the GLWQA and the U.S. Policy Committee's Delisting Principles and Guidelines under the GLWQA. Although the delisting of Oswego River as an AOC reflects progress toward the achievement of certain goals and objectives of the Clean

Water Act (CWA), it does not necessarily mean that any specific requirements of the CWA have been met. In particular, the delisting of Oswego River as an AOC does not determine whether the River should be listed, or continue to be listed, as an impaired water under section 303(d) of the CWA.

In accordance with the U.S. Policy Committee's Delisting Principles and Guidelines, we are requesting the U.S. Department of State to take action to formally delist the Oswego River, New York AOC. In addition, we are requesting the U.S. Department of State to send formal notice of this action, along with a copy of the final Stage 3 Delisting document, to the U.S. and Canadian Co-chairs of the IJC.

We are pleased with the progress made on this AOC. This AOC delisting, as the first in the United States, will be cause for celebration during the summer of this year.

Sincerely,



Walter E. Mugdan, Director
Division of Environmental Planning and Protection

Enclosures:

Letter to Secretary Conoleezza Rice, USDOS from International Joint Commissioners Schornack, Brooks, Olson, Gray, Gourd and Blaney dated June 7, 2005

Letter to Mario Del Vicario, Chief, USEPA Region 2 from Elizabeth C. Bourget, Secretary, U.S. Section, and Murray Clamen, Secretary, Canadian Section, International Joint Commission, dated June 7, 2005

cc: Ben Grumbles, AA, OW
Judith Ayres, AA, OIA
Ann Klee, EPA GC, OGC
Bharat Mathur, Acting Great Lakes National Program Manager, EPA Region 5
Gary Gulezian, Director, EPA GLNPO
Mark Elster, EPA GLNPO
Pete Christich, EPA, OIA
Elizabeth C. Bourget, Secretary, IJC/U.S. Section
Murray Clamen, Secretary, IJC/Canadian Section
Bruce Kirchner, IJC
Kay Austin, IJC
Karen Vigmostad, Director, IJC
Nancy J. Nelson, Canadian Affairs, DOS



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