



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

JUN 14 2006

Ms. Elizabeth Whitaker
Deputy Assistant Secretary
U.S. Department of State
WHA/Room 6262
2201 C Street, NW
Washington, DC 20520

Re: Delisting the Oswego River, New York Area of Concern under the Great Lakes Water Quality Agreement between the U.S. and Canada

Dear Ms. Whitaker:

The U.S. Environmental Protection Agency (EPA) has received a written request from New York State Department of Environmental Conservation (DEC), dated May 4, 2006, that the U.S. Government take the steps required to formally delist the Oswego River as an Area of Concern (AOC) under the Great Lakes Water Quality Agreement (GLWQA) between the U.S. and Canada. The Oswego River AOC is one of 31 AOCs in the U.S. portion of the Great Lakes Basin and one of six AOCs in New York State. The Oswego River AOC is the first AOC in the U.S. for which a Great Lakes State is requesting delisting under the GLWQA.

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 GLWQA regarding the development of Remedial Action Plans for the Great Lakes AOCs. EPA and DEC are in agreement that the four beneficial use impairments (BUIs) 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 and 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 Delisting 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."

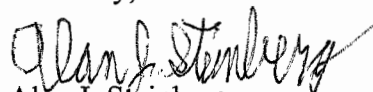
We are pleased with the progress made on this AOC. When the Oswego River was listed, the AOC had been impacted by a number of environmental problems. The Remedial Action Committee (RAC) was formed in 1987, and it identified four use impairments, as well as other possible impairments that required study. Since its listing, a significant number of studies were conducted and remedial actions taken. For example, nutrient control in the 5100 square miles of watershed was improved, and the City of Oswego made substantial improvements to its municipal waste water treatment system. The RAC worked in conjunction with DEC on the U.S. Federal Energy Regulatory Commission (FERC) license agreement to ensure that the license includes conditions to restore fish habitat and fish population in the area below the Varick Dam which was designated impaired. These conditions were incorporated in FERC license #2474 issued Nov. 30, 2004.

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, please consider this letter a formal request for U.S. Department of State action to formally delist the Oswego River, AOC. In addition, we request that you send formal notice of this action, along with the attached copy of the final Stage 3 Delisting document, to the U.S. and Canadian Co-chairs of the IJC.

This AOC delisting, as the first in the United States, will be cause for celebration during the summer of this year.

Sincerely,



Alan J. Steinberg
Regional Administrator

Enclosures:

Oswego River Remedial Action Plan, Stage 3 - Delisting, April 2006

Letter to Walter E. Mugdan, Director, USEPA Region 2 and Gary Gulezian, Director, USEPA GLNPO, from Sandra Allen, Director, NYSDEC, dated May 4, 2006

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:

Judith Ayres, AA, EPA-OIA

Ben Grumbles, AA, EPA-OW

Ann Klee, General Counsel, EPA-OGC

Bharat Mathur, Acting Great Lakes National Program Manager, EPA Region 5

Gary Gulezian, Director, EPA GLNPO

Elizabeth C. Bourget, Secretary, IJC/U.S. Section

Murray Clamen, Secretary, IJC/Canadian Section

Bruce Kirchner, IJC

Karen Vigmostad, Director, IJC

Kay Austin, IJC

Nancy J. Nelson, Canadian Affairs, DOS

Sandra Allen, Director, Division of Water, NYSDEC

Don Zelazny, Great Lakes Manager, NYSDEC

Robert Townsend, DOW, NYSDEC