



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 18 2013

Mr. Mark Klotz
Director
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York, 12233-3500

Dear Mr. Klotz:

On August 16, 2012, the U.S. Environmental Protection Agency partially approved and partially disapproved the New York State 2012 Clean Water Act Section 303(d) List of Impaired Waters Requiring a Total Maximum Daily Load. On September 6, 2012, the EPA published a notice in the Federal Register (Federal Register, Vol. 77, No. 173, pp. 54909-54910) announcing the partial approval/partial disapproval of New York's 2012 303(d) List and opening a public comment period on the EPA's proposed addition of the Lower Esopus Creek to New York's 2012 303(d) List. After considering all submissions and in accordance with the Clean Water Act and EPA regulations and guidance, the EPA has concluded that current and available information indicate that New York State's narrative water quality standard for turbidity is exceeded in the Lower Esopus Creek and that 303(d) listing for this portion of the creek is therefore necessary.

The EPA is now taking final action to add the lower portion of the Esopus Creek (New York State Waterbody ID Numbers 1307-0003 and 1307-0010) to New York's 2012 303(d) List. For additional details on the EPA's rationale for this listing, please see the enclosed Response Summary, which addresses comments submitted by New York State Department of Environmental Conservation and other stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Gratz".

Jeff Gratz, Deputy Director
Clean Water Division

Enclosure