

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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August 26, 2013

Ms. Tinka Hyde, Director
Water Division - W-15J
US Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3507

Subject: State of Wisconsin submittal of revised 2012 impaired waters list

Dear Ms. Hyde:

Enclosed for your review and approval is Wisconsin's revised 2012 impaired waters list (Attachment A) and supporting documentation (Attachment B), in fulfillment of federal reporting requirements under Sections 303(d) of the Clean Water Act. We are providing the attached 303(d) listing materials as an addendum to the Integrated Report package submitted to you on April 20, 2012.

In response to comments on our initial draft 303(d) list, Wisconsin Department of Natural Resources (WDNR) created a new impaired waters category, 5P, for waters that exceed applicable total phosphorus criteria only. Due to the number of listing changes with the addition of Category 5P waters, WDNR started a second public comment period on April 17, 2012. During this comment period, we received comments on the use of Category 5P and methods used to determine whether or not phosphorus data were collected during representative conditions for use in assessing against applicable water quality criteria. The 2012 Wisconsin's Consolidate Assessment and Listing Methods (WisCALM) guidance (Attachment C) was revised to address these concerns, and the revised version (Draft 2014 WisCALM; Attachment D) was used to reassess waters originally placed in Category 5P in the April 2012 draft list.

The enclosed impaired waters list was vetted by the public during a third comment period in June 2013. One waterbody listing was changed to address comments – Badfish Creek was placed in a new category of impaired waters, Category 5W, which includes waters that are a low priority for development of a TMDL because the water is included in a watershed area addressed by at least one of the following WDNR-approved watershed plans: adaptive management plan, adaptive management pilot project, lake management plan, or Clean Water Act Section 319-funded watershed plan (i.e. nine key elements plan). We anticipate using this category for more impaired waters listings in the future as additional watershed plans are developed and approved.

We would like to thank USEPA's Region 5 staff for your continued support and collaboration with WDNR in developing our assessment methodology and 303(d) list. If you have any questions or concerns after reviewing any of the information contained in the final 2012 impaired waters list submittal, please feel free to contact Aaron Larson of my staff at (608) 264-6129.

Sincerely,



Ken Johnson, Administrator
Division of Water

Attachments (on disk): **Attachment A:** Wisconsin's Final Draft 2012 Impaired Waters List
Attachment B: Documentation reports for 303(d) listing modifications
Attachment C: Final 2012 Wisconsin Consolidated Assessment & Listing Methodology (WisCALM)
Attachment D: Draft 2014 WisCALM (Dated May, 2013) used in the reassessment of waters proposed for impaired waters listing category 5P
Attachment E: Materials from second and third public comment periods, including: a) public notice and website content, b) list of commenters, c) public comments and WDNR's responses

cc (w/o attachments): Russ Rasmussen – Water Division/3
Susan Sylvester – WQ/3
Kristi Minahan – WQ/3
Aaron Larson – WQ/3
Lisa Helmuth – WQ/3
Peter Swenson – USEPA Region 5
Matt Gluckman – USEPA Region 5
Marcy Kamerath – USEPA Region 5