

SUMMARY OF PUBLIC COMMENTS AND WDNR RESPONSES

2012 Impaired Waters List

A third public comment period on the Draft 2012 Impaired Waters List, specifically addressing the new draft 2014 WisCALM Methodology and reassessed 5P Category waters, was held from May 31, 2013 to June 31, 2013. A total of 127 different entities commented on the changes to the 2012 Impaired Waters List made after the second comment period. The following is a summary of comments and WDNR responses indicating any changes to Wisconsin's Consolidated Assessment and Listing Methodology (WisCALM) and Impaired Waters List. This attachment is submitted to USEPA as part of the Integrated Report. After US EPA staff have reviewed the 2012 Impaired Waters List and this document, additional changes may be made to ensure compliance with state and federal requirements.

This attachment contains:

- Public Notice of the Public Comment Period
- A list of those who submitted comments
- Individual comments and WDNR responses

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PUBLIC NOTICE OF THE PUBLIC COMMENT PERIOD

NEWS RELEASE, May 31, 2013

Revised 2012 impaired waters list open for public comments

News Release Published: May 31, 2013 by the [Central Office](#)

Contact(s): Aaron Larson, DNR, 608-264-6129

MADISON – Wisconsin’s 2012 draft list of impaired waters has been revised and public comments are accepted through June 30 on the proposed changes and the methods the state used to revise the list.

The Department of Natural Resources changed how it identified which phosphorus-impaired waters are proposed to go on the list in response to comments from the U.S. Environmental Protection Agency and to citizen comments about earlier versions of the impaired waters list, according to Aaron Larson, statewide impaired waters coordinator.

As a result, DNR is proposing to add 147 waters to the 2012 Impaired Waters List, as opposed to the 138 additions in the previous draft, and to remove 28. The removals, or “delistings,” reflect recent improved stream habitat and recent bacteria concentrations at beaches and include three streams that have been successfully restored: German Valley Branch in Dane County and Eagle and Joos Valley Creeks in Buffalo County.

Wisconsin and other states are required by the federal Clean Water Act to publish every two years a list of all waters in which the water quality does not support the fish and aquatic life, recreation, public health and welfare, and wildlife the waters should be able to support.

Larson says the proposed 2012 list is the first developed using the state’s new phosphorus standards, which set numeric criteria for acceptable phosphorus levels in different categories of lakes and rivers. Phosphorus is naturally occurring and also comes from a variety of sources including fertilizer, animal and human waste. Phosphorus is a basic nutrient needed for all life, but excessive amounts in lakes and rivers can result in decreased dissolved oxygen levels that can kill fish and other aquatic life. Excessive phosphorus also fuels algae blooms that can be smelly, unsightly, and pose a health threat to people and animals.

The state’s existing Impaired Waters List includes more than 700 rivers segments, streams and lakes.

For water bodies identified as impaired, DNR develops analytical models called Total Maximum Daily Loads, or TMDLs, that set pollution reduction goals, identify sources of pollutants, and recommend best management practices.

When monitoring shows that the waterbody is again meeting water quality standards, the water body is removed from the Impaired Waters List.

People can find the proposed revised impaired waters list and more information about how DNR arrived at the list on the DNR website, dnr.wi.gov, by searching for "[2012 impaired waters.](#)" Comments may be submitted via email through June 2013 to DNRImpairedwaters@wisconsin.gov or by U.S. mail to Aaron Larson, DNR, Water Evaluation Section (WY/3), P.O.Box 7921, Madison, WI 53707.

http://dnr.wi.gov/news/BreakingNews_Lookup.asp?id=2826

LIST OF COMMENTERS

ID #	Commenter Name	Affiliation	Topic	Topic Details
1	Chris Erickson	Citizen	Lakes	Musky Bay
2	Chris Gould	Citizen	Lakes	Musky Bay
3	Dennis Johnson	Citizen	Lakes	Musky Bay
4	Hugh J Zimmer	Citizen	Lakes	Musky Bay
5	Jim Breen	Citizen	Lakes	Musky Bay
6	John A Berg	Citizen	Lakes	Musky Bay
7	John Bihun III	Citizen	Lakes	Musky Bay
8	Robert A Brown, Jr	Citizen	Lakes	Musky Bay
9	William Hise	Citizen	Lakes	Musky Bay
10	Adam Faitek	Citizen	Lakes	Musky Bay, Sissabagama
11	Ann Borowski Denney	Citizen	Lakes	Musky Bay, Sissabagama
12	Barbara L Seaberg	Citizen	Lakes	Musky Bay, Sissabagama
13	Barbara Murray	Citizen	Lakes	Musky Bay, Sissabagama
14	Barbara O'Neill	Citizen	Lakes	Musky Bay, Sissabagama
15	Beverly Lamb	Citizen	Lakes	Musky Bay, Sissabagama
16	Bill Beard	Citizen	Lakes	Musky Bay, Sissabagama
17	Bill Zimmer	Citizen	Lakes	Musky Bay, Sissabagama
18	Bob and Ann Tellander	Citizen	Lakes	Musky Bay, Sissabagama
19	Bret Corrick	Citizen	Lakes	Musky Bay, Sissabagama
20	Bridget Grigsby	Citizen	Lakes	Musky Bay, Sissabagama
21	Bruce Anderson	Citizen	Lakes	Musky Bay, Sissabagama
22	Carmody Sime	Citizen	Lakes	Musky Bay, Sissabagama
23	Chris Williams	Citizen	Lakes	Musky Bay, Sissabagama
24	Chuck Buth	Citizen	Lakes	Musky Bay, Sissabagama
25	Cindy Cahill	Citizen	Lakes	Musky Bay, Sissabagama
26	Curt Kaczmarek	Citizen	Lakes	Musky Bay, Sissabagama
27	Dan Mackin	Citizen	Lakes	Musky Bay, Sissabagama
28	David Ford	Citizen	Lakes	Musky Bay, Sissabagama
29	David Kalies	Citizen	Lakes	Musky Bay, Sissabagama
30	David Nathanson	Citizen	Lakes	Musky Bay, Sissabagama
31	David R Bradley	Citizen	Lakes	Musky Bay, Sissabagama
32	DeAnn Spencer	Citizen	Lakes	Musky Bay, Sissabagama
33	Dick Armstrong	Citizen	Lakes	Musky Bay, Sissabagama
34	Douglas R. Nelson	Citizen	Lakes	Musky Bay, Sissabagama
35	Eric Lillyblad	Citizen	Lakes	Musky Bay, Sissabagama
36	Eric Wheeler	Citizen	Lakes	Musky Bay, Sissabagama
37	Erica Faitek	Citizen	Lakes	Musky Bay, Sissabagama
38	Fred Quiggle	Citizen	Lakes	Musky Bay, Sissabagama
39	Jac Coverdale	Citizen	Lakes	Musky Bay, Sissabagama
40	James O'Neill	Citizen	Lakes	Musky Bay, Sissabagama
41	James P Klabough	Citizen	Lakes	Musky Bay, Sissabagama
42	James R Jarvinen	Citizen	Lakes	Musky Bay, Sissabagama
43	Jan Schomber	Citizen	Lakes	Musky Bay, Sissabagama
44	Jeannette Richter	Citizen	Lakes	Musky Bay, Sissabagama
45	Jerry Murray	Citizen	Lakes	Musky Bay, Sissabagama
46	John Humphries	Citizen	Lakes	Musky Bay, Sissabagama
47	John J. Berglund	Citizen	Lakes	Musky Bay, Sissabagama
48	John Nash	Citizen	Lakes	Musky Bay, Sissabagama
49	John Schomber	Citizen	Lakes	Musky Bay, Sissabagama
50	John Seaberg	Citizen	Lakes	Musky Bay, Sissabagama

51	Kent Rudeen	Citizen	Lakes	Musky Bay, Sissabagama
52	Kristin E McMahon	Citizen	Lakes	Musky Bay, Sissabagama
53	Kristine Drew	Citizen	Lakes	Musky Bay, Sissabagama
54	Kurt Schroeder	Citizen	Lakes	Musky Bay, Sissabagama
55	Larry G Murray	Citizen	Lakes	Musky Bay, Sissabagama
56	Laura Evans	Citizen	Lakes	Musky Bay, Sissabagama
57	Lera Beauchane	Citizen	Lakes	Musky Bay, Sissabagama
58	Liza Humphries	Citizen	Lakes	Musky Bay, Sissabagama
59	Mark E. Berglund	Citizen	Lakes	Musky Bay, Sissabagama
60	Mark Laustrup	Citizen	Lakes	Musky Bay, Sissabagama
61	Mark Patterson	Citizen	Lakes	Musky Bay, Sissabagama
62	Mark R Dean	Citizen	Lakes	Musky Bay, Sissabagama
63	Marty Malinowski	Citizen	Lakes	Musky Bay, Sissabagama
64	Mary Borowski	Citizen	Lakes	Musky Bay, Sissabagama
65	Mary M Austin	Citizen	Lakes	Musky Bay, Sissabagama
66	Melissa Taylor	Citizen	Lakes	Musky Bay, Sissabagama
67	Michael T Wright	Citizen	Lakes	Musky Bay, Sissabagama
68	Mickey Odawa	Citizen	Lakes	Musky Bay, Sissabagama
69	Molly McMahon	Citizen	Lakes	Musky Bay, Sissabagama
70	Nancy Emerick	Citizen	Lakes	Musky Bay, Sissabagama
71	Nicole Ricci	Citizen	Lakes	Musky Bay, Sissabagama
72	Paul Martinson	Citizen	Lakes	Musky Bay, Sissabagama
73	Randy Herzog	Citizen	Lakes	Musky Bay, Sissabagama
74	Renato Carani Jr	Citizen	Lakes	Musky Bay, Sissabagama
75	Richard Ford	Citizen	Lakes	Musky Bay, Sissabagama
76	Richard Polsky	Citizen	Lakes	Musky Bay, Sissabagama
77	Richard R Land	Citizen	Lakes	Musky Bay, Sissabagama
78	Rob Gramlich	Citizen	Lakes	Musky Bay, Sissabagama
79	Robert Bean	Citizen	Lakes	Musky Bay, Sissabagama
80	Robert E McMahon III	Citizen	Lakes	Musky Bay, Sissabagama
81	Robert E McMahon, Jr	Citizen	Lakes	Musky Bay, Sissabagama
82	Robert J Tracy	Citizen	Lakes	Musky Bay, Sissabagama
83	Ruth Gramlich	Citizen	Lakes	Musky Bay, Sissabagama
84	Ruth Pechacek	Citizen	Lakes	Musky Bay, Sissabagama
85	Sara Terwilliger Cyr	Citizen	Lakes	Musky Bay, Sissabagama
86	Scott G Murray	Citizen	Lakes	Musky Bay, Sissabagama
87	Susan Austin	Citizen	Lakes	Musky Bay, Sissabagama
88	Susan Horrocks	Citizen	Lakes	Musky Bay, Sissabagama
89	Susie Berglund	Citizen	Lakes	Musky Bay, Sissabagama
90	Thomas Terwilliger	Citizen	Lakes	Musky Bay, Sissabagama
91	Tim Berglund	Citizen	Lakes	Musky Bay, Sissabagama
92	Tim Frojd	Citizen	Lakes	Musky Bay, Sissabagama
93	Tom Austin	Citizen	Lakes	Musky Bay, Sissabagama
94	Tom Kamrath	Citizen	Lakes	Musky Bay, Sissabagama
95	Tony Nelson	Citizen	Lakes	Musky Bay, Sissabagama
96	William Ferris	Citizen	Lakes	Musky Bay, Sissabagama
97	Art Malin	Citizen, Fishing Guide	Lakes	Musky Bay, Sissabagama
98	Ann Pollock, Jim Coors	Citizens	Lakes	Musky Bay, Sissabagama
99	Clifford and Diane Boxleitner	Citizens	Lakes	Musky Bay, Sissabagama
100	David and Kerstin Schultz	Citizens	Lakes	Musky Bay, Sissabagama
101	David and Peggy Rollins	Citizens	Lakes	Musky Bay, Sissabagama
102	Lee and Carolyn Vickers	Citizens	Lakes	Musky Bay, Sissabagama
103	Mr. & Mrs. Elbridge Bean	Citizens	Lakes	Musky Bay, Sissabagama

104	Phil and Judy Nies	Citizens	Lakes	Musky Bay, Sissabagama
105	Robert and Debbie Matusiak	Citizens	Lakes	Musky Bay, Sissabagama
106	Vicky and Andrew Duoss	Citizens	Lakes	Musky Bay, Sissabagama
107	Warren and Julie McNeil	Citizens	Lakes	Musky Bay, Sissabagama
108	Rob Engelstad	President, Courte Oreilles Lakes Association	Lakes	Musky Bay
109	Mike Persson	President, Hayward Lakes Chapter Muskies Inc.	Lakes	Musky Bay, Sissabagama
110	Walter A Strong	Citizen	Lakes	Musky Bay, Sissabagama
111	Timm P Speerschneider	DeWitt Ross & Stevens S.C.	Lakes, Streams	Musky Bay, Sissabagama, Yellow River
112	Mark Larson	Citizen	Lakes	Chetek Chain, Pokegama Creek
113	David S Liebl	University of Wisconsin- Madison: UW Cooperative Extension, SHWEC	Lakes	Lake Wingra
114	Donna Keclik	EPA	Lakes	Yahara Lakes, Freiss Lake
115	Thomas G Wilson	Attorney, Town of Westport	Streams	Badfish Creek
116	Edmond P Minihan	Chairman, Town of Dunn	Streams	Badfish Creek
117	D Michael Mucha	Chief Engineer and Director, Madison Metropolitan Sewerage District	Streams	Badfish Creek
118	Robert F Phillips, P.E.	City Engineer, Madison Department of Public Works, City Engineering Division	Streams	Badfish Creek
119	Joe Parisi	Dane County Executive	Streams	Badfish Creek
120	Kamran Mesbah	Deputy Directory and Director of Environmental Resources Planning, Capital Area Regional Planning Commission	Streams	Badfish Creek
121	Jeffery M Jaeckels	Director - Safety and Environmental Affairs Madison Gas & Electric Company	Streams	Badfish Creek
122	Denny Caneff	Excutive Director, River Alliance of Wisconsin	Streams	Badfish Creek
123	Don Heilman	President, Clean Lakes Alliance	Streams	Badfish Creek
124	Yahara Pride Farms Conservation Board	Yahara Pride Farms	Streams	Badfish Creek
125	Paul Kent	Stafford Rosenbaum LLP on behalf of Municipal Environmental Group	Streams	Badfish Creek
126	Paul R. Soglin	City of Madison Mayor	Streams	Badfish Creek
127	Mike Kakuska	Citizen	Streams	Brewery Creek (WBIC 1250200)

COMMENTS AND RESPONSES

Specific Waterbodies

1) MUSKY BAY, LAC COURTE OREILLES AND SISSABAGAMA LAKE – (WBIC 2390800, 2393500) The WDNR received 109 letters and emails supporting the listing of Musky Bay of Lac Courte Oreilles and Sissabagama Lake. The majority, 99, addressed both waterbodies while 10 addressed just Musky Bay. A number of the letters included the following language: “[We] support the Wisconsin Department of Natural Resources' proposal to list Musky Bay of Lac Courte Oreilles on the Wisconsin 2012 list of Impaired Waters for phosphorus. The water quality and use of Musky Bay has been degraded by dense, excessive weed growth, thick stands of invasive curly leaf pondweed, algae blooms, floating algal mats, poor water clarity, and reduced fish numbers, due to low oxygen levels and occasional winter fish kills. Because Musky Bay is an integral part of the of the Lac Courte Oreilles lakes system, these problems are spreading into the rest of big LCO and into little LCO. We no longer boat, swim, sail, and can only occasionally fish in Musky Bay. The same poor water quality exists in Sissabagama Lake, and because water flowing from Sissabagama eventually enters the LCO lakes, we believe it is imperative that Sissabagama Lake also be listed as impaired for phosphorus. Please list Musky Bay and Sissabagama Lake as impaired so we can work to prevent further damage to our Wisconsin lake resources.”
(Commenters 1 - 109 listed in Index of Commenters)

RESPONSE: Your comments in support of these proposed listings have been noted and were considered in WNDNR’s decision to maintain the inclusion of these waters on the Impaired Waters List.

2) MUSKY BAY, LAC COURTE OREILLES – (WBIC 2390800) Musky Bay was listed as 5P in the second 2012 303(d) Impaired Waters List draft, and now is 5A in the third draft. The listing category for this water should not be switched from Category 5P to Category 5A, because no data has changed. **(Timm P. Speerschneider of DeWitt Ross & Stevens S.C.)**

RESPONSE: The decision to list the bay as impaired was based on all available information, representative data and best professional judgment. Three of the ten average annual phosphorus concentrations exceeded the listing threshold applicable to Musky Bay (shallow lowland lake threshold). Lacking impairment thresholds in the 2012 WisCALM guidance for aquatic macrophyte data, WDNR staff used professional judgment in assessing the observed macrophyte density in Musky Bay and based on this assessment, in conjunction with the phosphorus data assessment, have determined the recreational use of the bay is impaired. The listing category was revised from 5P to 5A because the recreation use was determined to be impaired based on observed macrophyte densities.

3) MUSKY BAY, LAC COURTE OREILLES – (WBIC 2390800) “It is important for you to recognize that this country is a free-market capitalist society dependent on economic activity for its survival. To that end, it is essential that restrictions be avoided that could impair economic activity. Declaring Musky Bay of Lac Courte Oreilles impaired by phosphorus would cause great harm to shareholders of corporations that produce cranberries and sell household detergents. Please be aware that your superiors are totally dependent on contributions from these same corporations and imposing restrictions will create hardship for your entire department as well as upon the thousands of innocent workers who depend on paychecks from the corporations that produce cranberries and sell household detergents throughout the country. As a matter of national security, imposing restriction on these corporations is playing into the hands of our enemies. Stand up for freedom.” **(Walter A Strong III, Citizen)**

RESPONSE: Your comments have been noted.

4) SISSABAGAMA LAKE – (WBIC 2393500) A quantitative rationalization has not been provided as to why Sissabagama was changed from a 5P to a 5A Category water. Montgomery Associates have reviewed the data using 2012 and 2014 methodology and the biology does not exceed the threshold for a majority of the years. The Total Phosphorus thresholds for Deep Seepage should not be used for this lake according to the WDNR’s “Sissabagama Lake Phosphorus Assessment – 2010” report. Also, the Secchi disk and chlorophyll TSI values showed good conditions for the past five years.
(Timm P. Speerschneider of DeWitt Ross & Stevens S.C.)

RESPONSE: Sissabagama Lake was assessed during the 2012 listing cycle and was incorrectly categorized as a 5P water in the previous draft Impaired Waters List. The lake should have been placed in Category 5A, as both phosphorus and chlorophyll sample data exceeded 2012 WisCALM listing thresholds for the recreation use. Chlorophyll-*a* annual averages exceeded numerical criteria two out of three years in the 2006-2010 assessment period.

The analyses conducted by Montgomery Associates do not follow the correct assessment period for the 2012 assessment cycle or correctly use the minimum data requirements/data selection guidelines as outlined in the 2012 WisCALM document (pages 28-29). Because this listing should have been a 5A listing, it was not reassessed with the draft 2014 WisCALM methodology.

The 2012 303(d) phosphorus assessment of Sissabagama was based on representative data as defined in the 2012 WisCALM using the following criteria:

- Period of Record: 2001 – 2010 (for lakes, time period of 2006 – 2010 is used first, but data from the full 10-year period may be used if deemed representative)
- Date Range (total phosphorus): June 1st to September 15th
- Date Range (chlorophyll-*a*): July 15th to September 15th
- Sampling Depth: less than 2 meters
- Number of Samples: at least six samples with two monthly values from each of three years or three monthly values from each of two years
- Impairment threshold: annual average exceeds for at least 2 years

These criteria ensure that all data that is quality controlled and representative. The only change in these criteria for the 2014 WisCALM is the year range: 2003-2012. A comparison of Montgomery Associates Memorandum Total Phosphorus graph and a graph corrected for data selection are provided in figures 1 and 2. The same is provided for Chlorophyll-*a* in figures 3 and 4. Though the 90% confidence interval was not used in the 2012 assessment methodology it was used here to compare with the Montgomery Associates figures.

The “Sissabagama Lake Phosphorus Assessment” report does identify high natural background phosphorus concentrations, but neither a Use Attainability Analysis (UAA) nor a site-specific criterion (SSC) have been completed in order to assess Sissabagama Lake separately from the applicable statewide phosphorus criteria. WDNR is in the process of requesting to update our Designated Uses process in Wis. Adm. Code, which would include completion of guidance on conducting a UAA to change a designated use. Also, WDNR is currently developing a procedure for deriving phosphorus site-specific criteria for a specific waterbody. In the interim, Sissabagama Lake will remain in Category 5, until the applicable use designations or phosphorus criteria are updated or a TMDL is completed. WDNR notes that this waterbody may be a future candidate for a UAA or SSC.

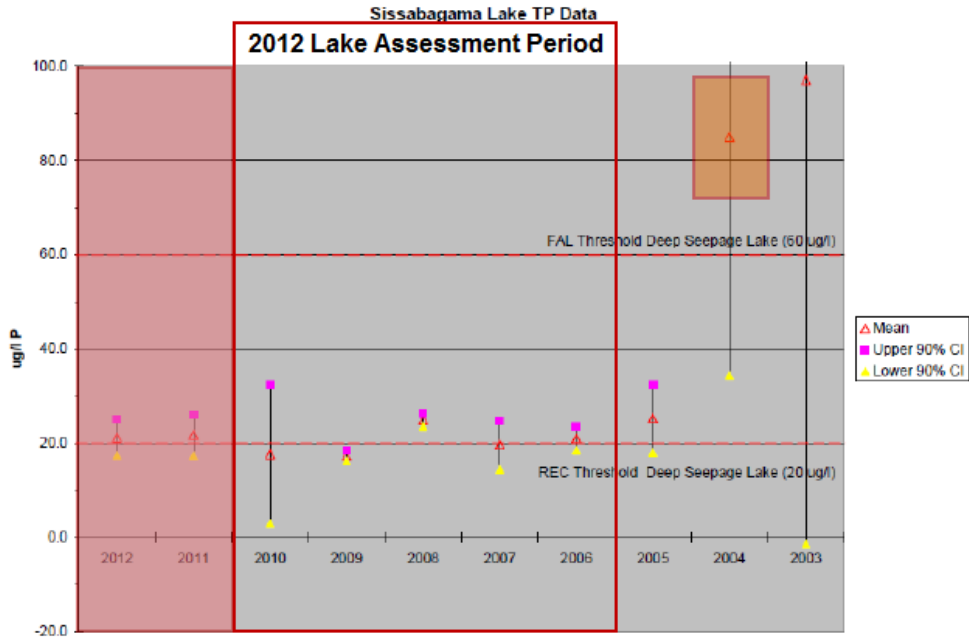


Figure 1: Sissabagama Lake Total Phosphorus graph from the Montgomery Associates Memorandum sent to the DNR by Timm Speerschneider. Shaded pink area indicates years not used in the 2012 assessment cycle. Orange shaded areas indicate years with calculations that used unrepresentative data (outside date range, no depth value, volume of water filtered unknown). The red outline indicates the 5 year assessment period.

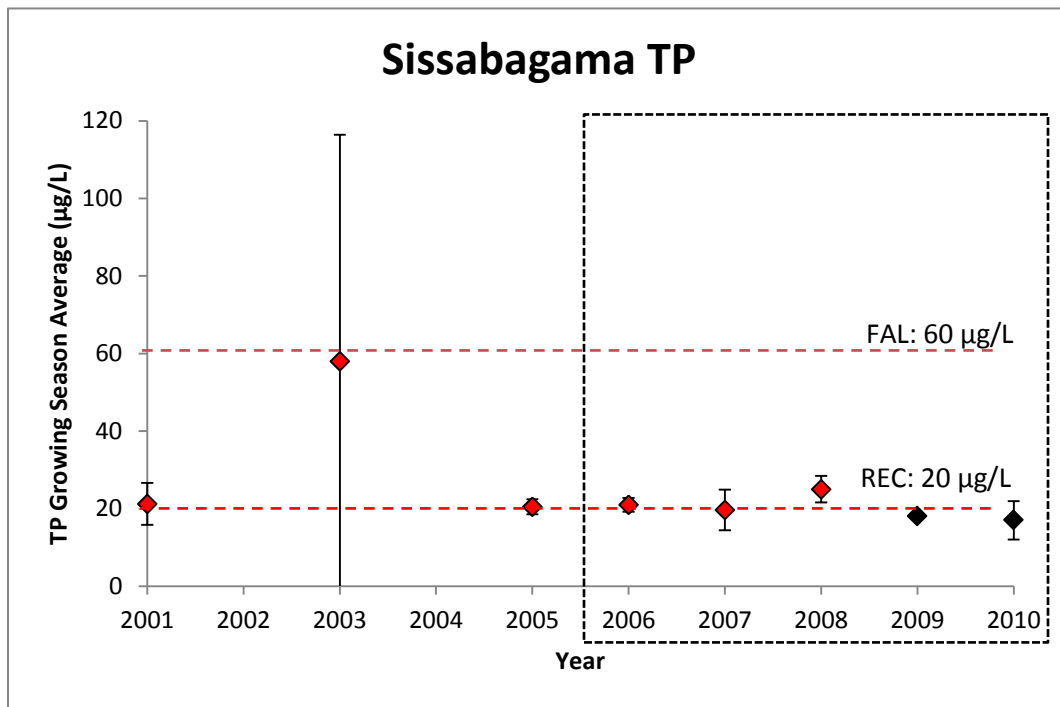


Figure 2: Sissabagama Lake Total Phosphorus yearly growing season averages (µg/L) for the 2012 303(d) assessment cycle. The red dashed lines show the Recreational Use (REC) and Fish and Aquatic Life Use (FAL) impairment thresholds for a Deep Seepage lake. Red data points exceed the threshold. Black dashed box shows the 5 year assessment period used.

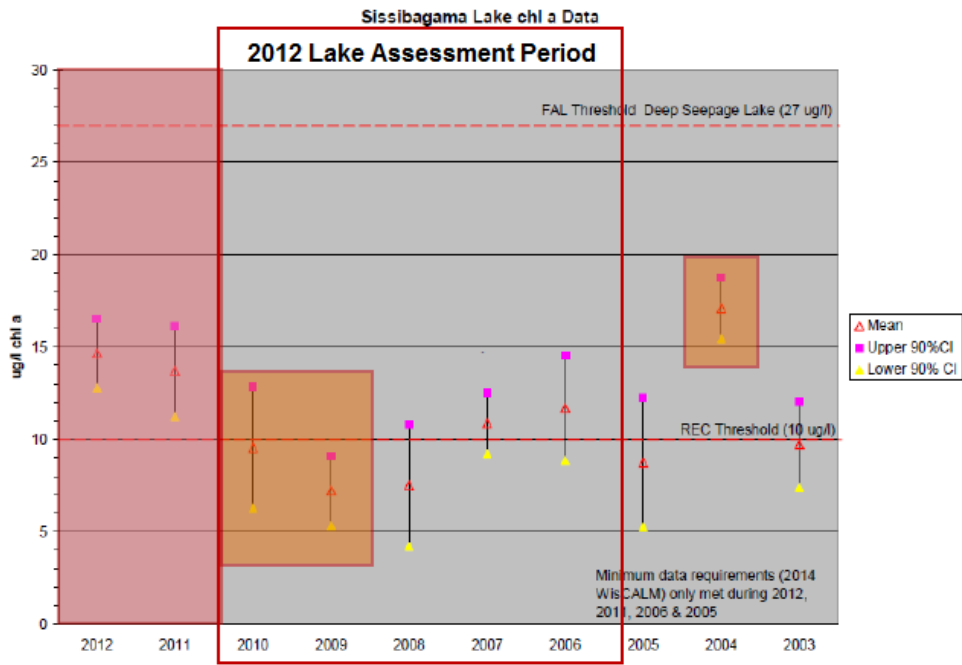


Figure 3: Sissabagama Lake Chlorophyll-*a* graph from the Montgomery Associates Memorandum sent to the DNR by Timm Speerschneider. Shaded pink area indicates years not used in the 2012 assessment cycle. Orange shaded areas indicate years with calculations that used unrepresentative data (outside date range, no depth value, volume of water filtered unknown). The red outline indicates the 5 year assessment period.

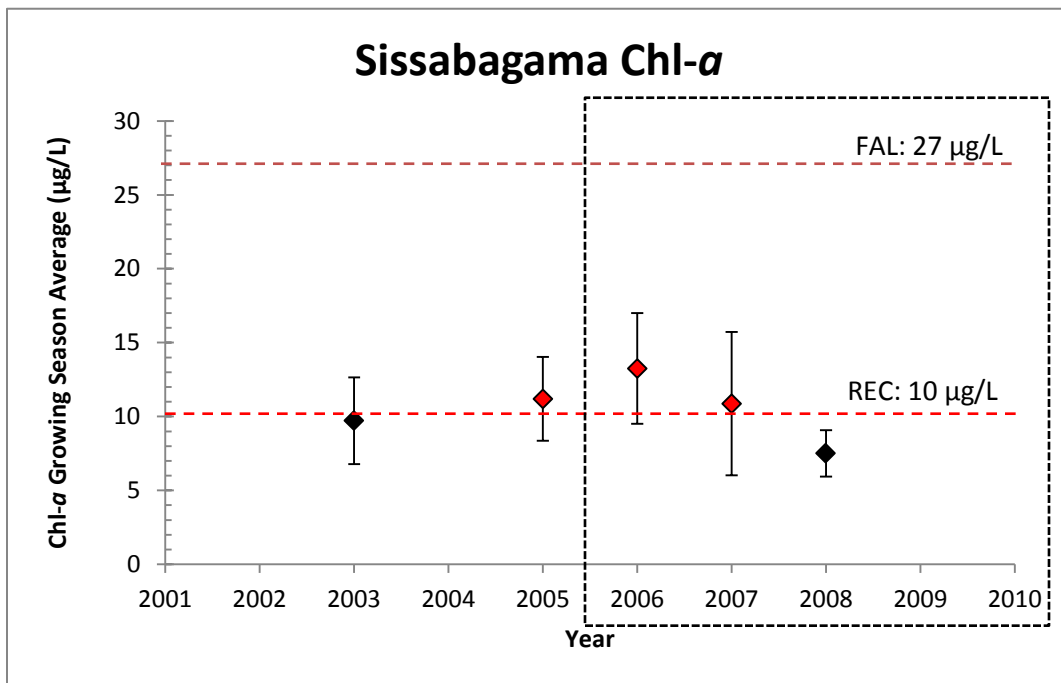


Figure 4: Sissabagama Lake Chlorophyll-*a* yearly growing season averages ($\mu\text{g/L}$) for the 2012 303(d) assessment cycle. The red dashed lines show the Recreational Use (REC) and Fish and Aquatic Life Use (FAL) impairment thresholds for a Deep Seepage lake. Red data points exceed the threshold. Black dashed box shows the 5 year assessment period used.

5) COMMENTS: BADFISH CREEK – (WBIC 799500) WDNR received 12 comments regarding this waterbody.

A) “Badfish Creek is the discharge point for wastewater collected throughout the much larger Yahara River Watershed basin (410 mi²). The purpose of the wastewater diversions is to protect the water quality of the entire Yahara Lake Chain System. The burden or load being placed on Badfish Creek is disproportionate to the water quality benefits being realized beyond its immediate borders (67 mi²). As such, these important and much larger (some would argue irreversible) socio-economic factors need to be taken into account in this particular situation.” (**Capital Area Regional Planning Commission**)

B) Badfish Creek is an effluent-dominated stream and this should be taken into consideration when assessing this stream. (**Capital Area Regional Planning Commission, Madison Metropolitan Sewerage District, River Alliance of Wisconsin, Madison Department of Public Works – City Engineering Division**)

C) Badfish Creek should not be listed on the 303(d) Impaired Waters list for phosphorus at this time. The Madison Metropolitan Sewerage District (MMSD) is currently leading an adaptive management plan pilot project in the Yahara watershed that is working to reduce phosphorus levels as required under the Rock River TMDL. MMSD is working with cities, towns, villages, wastewater treatment plants, conservation/environmental groups, agricultural interests and other stakeholders to fully implement adaptive management in the Yahara watershed in the future, which is likely the only method that will achieve the phosphorus reductions required under the Rock River TMDL for the Yahara watershed. If Badfish Creek is placed on the impaired waters list for phosphorus the new mandatory TMDL would require an expensive expansion of MMSD treatment facilities. This could result in MMSD abandoning leadership of the adaptive management pilot that addresses the Yahara watershed to focus on one small, effluent-dominated stream. It is believed that an adaptive management project offers a potential greater overall phosphorus reduction than an MMSD plant upgrade for Badfish Creek.

(**Madison Metropolitan Sewerage District, Municipal Environmental Group Wastewater Division, River Alliance of Wisconsin, Capital Area Regional Planning Commission, Town of Westport, Madison Gas & Electric Company, Yahara Pride Farms, Town of Dunn, Clean Lakes Alliance, Dane County, Madison Department of Public Works – City Engineering Division, City of Madison**)

RESPONSE: In response to comments received on the proposed Badfish Creek phosphorus impairment listing, WDNR has developed a new category for impaired waters within areas addressed by watershed management plans, including adaptive management plans. Below is the definition for this new listing category, 5W:

Available information indicates that water quality standards are not met; however, the development of a TMDL for the pollutant of concern is a low priority because the impaired 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).

One reason for creating the new subcategory 5W is to identify these waters as a lower priority for TMDL development, allowing for time to evaluate the effectiveness of a watershed management plan before embarking on a TMDL study.

6) YELLOW RIVER – (WBIC 1352800) Yellow River should not be switched from Category 5P to Category 5A because no data has changed. **(Timm Speerschneider, DeWitt Ross & Stevens S.C.)**

RESPONSE: The second segment of the Yellow River was changed to Category 5A because the lower 90th percentile value was two times the total phosphorus impairment threshold.

7) LAKE WINGRA – (WBIC 805000) Lake Wingra should be listed for PCBs based on the special fish consumption advisory, but the proposed source category should not be sediment. There are no sediment samples from Lake Wingra that tested for PCB levels and testing of sediment in three stormwater detention ponds that drain into the lake do not show significant levels of PCBs. It is possible there were some spill that resulted in contaminated sediment based on the PCB isomers identified in the fish, but it is equally possible that contamination is the result of long-term consumption of background PCBs (air deposition). It is also equally possible that the fish became contaminated in nearby lakes and streams that contain PCB contaminated sediment. Until there is solid data on sediment PCB levels in Lake Wingra the source category should be changed to “unknown”. **(David S Liebl, University of Wisconsin-Madison: UW Cooperative Extension, SHWEC)**

RESPONSE: Due to the lack of information on Lake Wingra sediment, the source category was changed to “unknown.”

8) CHETEK CHAIN OF LAKES – (Barron County) “I would like to comment on the Chetek chain of lakes. My family has owned property on this chain for 10 years. In that 10 years the water quality has really diminished. I am not alone in my opinion. On the attached survey results see page 4, Characteristic C. This “Green Scum” that coats the top of the water has been an occurrence in the past, but now seems to be a constant state from July through September. In the last three years, the back bays on Pokegama now glow with bright blue mats of algae. This concerns me the most...The Chetek chain has a long history of being a green, shallow water chain of lakes, but in my ten years never like this. I hope in the 2013 impaired waters list that the Chetek Chain and Pokegama Creek feeding into Ojaski Lake (Which isn't on the list) are given a high priority in the DNR's overall plan. Thanks for your time.” **(Mark Larson, Citizen)**

RESPONSE: Lakes in the Chetek Chain (Prairie, Ojaski (Mud), Pokegama, Chetek, and Tenmile) were all listed for total phosphorus on the WDNR's 2006 Impaired Waters List and remain on the list. There was insufficient data in the 2012 listing cycle to assess Pokegama Creek, but there was sufficient data for the 2014 cycle. Pokegama Creek will be assessed in the 2014 assessment cycle.

9) FREISS LAKE – (WBIC 853200) In the second list draft Freiss Lake was a Category 5P water, but does not appear on the third draft. Please identify where this water is on the list. **(EPA)**

RESPONSE: Friess Lake was reassessed for the 2012 listing cycle using the 2014 assessment method. Based on the assessment results that the lake “may exceed” the TP criteria (i.e. the mean is above the criterion, but the lower 90% confidence interval around the mean does not exceed), the lake was placed in category 3 (insufficient information to make a final assessment decision).

10) YAHARA CHAIN OF LAKES – (Kegonsa-802600, Waubesa-803700, Wingra-805000, Mendota-805400, Monona-804600) Indicate which category the Yahara Chain of Lakes are proposed for in the current 303(d) list. **(EPA)**

RESPONSE: Data collected from the Yahara Chain of Lakes for the purposes of the Yahara CLEAN report were evaluated by WDNR's Science Services and Water Evaluation Section staff to determine whether the lakes would meet applicable total phosphorus standards if the load allocations from the Rock River TMDL are met. Based on the assessment, it is reasonable to

expect that Lakes Mendota, Monona, Waubesa and Kegonsa would meet criteria; therefore, we are proposing to place those lakes in Category 4A. Documents providing supporting justification for this reporting category change will be provided to EPA with the final draft list submittal. Rock River TMDL load allocations to sources contributing to Lake Wingra will not achieve water quality standards in the lake. Therefore, we are proposing to place Lake Wingra in Category 5P for the pollutant total phosphorus, as the total phosphorus criteria are exceeded, but chlorophyll listing thresholds are not.

11) BREWERY CREEK – (WBIC 1250200) This water was previously listed at a Category 5P, but now is no longer listed. **(Mike Kakuska - Citizen)**

RESPONSE: Brewery Creek was reassessed for the 2012 listing cycle using the 2014 assessment method. Based on the assessment results that the stream “may exceed” the TP criteria (i.e. the mean is above the criterion, but the lower 90% confidence interval around the mean does not exceed), the creek was placed in Category 3 (insufficient information to make a final assessment decision).