

TMDL: Cedar Creek and Milwaukee River (Thiensville Segment)
Ozaukee County, Wisconsin
Effective Date: September 23, 2008

Decision Document for Approval of Cedar Creek and Milwaukee River (Thiensville Segment) TMDL

Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations at 40 C.F.R. Part 130 describe the statutory and regulatory requirements for approvable TMDLs. Additional information is generally necessary for EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and EPA regulations, and should be included in the submittal package. Use of the verb "must" below denotes information that is required to be submitted because it relates to elements of the TMDL required by the CWA and by regulation. Use of the term "should" below denotes information that is generally necessary for EPA to determine if a submitted TMDL is approvable. These TMDL review guidelines are not themselves regulations. They are an attempt to summarize and provide guidance regarding currently effective statutory and regulatory requirements relating to TMDLs. Any differences between these guidelines and EPA's TMDL regulations should be resolved in favor of the regulations themselves.

6944. Identification of Water body, Pollutant of Concern, Pollutant Sources, and Priority Ranking

The TMDL submittal should identify the water body as it appears on the State's/Tribe's 303(d) list. The water body should be identified/georeferenced using the National Hydrography Dataset (NHD), and the TMDL should clearly identify the pollutant for which the TMDL is being established. In addition, the TMDL should identify the priority ranking of the water body and specify the link between the pollutant of concern and the water quality standard (see section 2 below).

The TMDL submittal should include an identification of the point and nonpoint sources of the pollutant of concern, including location of the source(s) and the quantity of the loading, e.g., lbs/per day. The TMDL should provide the identification numbers of the NPDES permits within the water body. Where it is possible to separate natural background from nonpoint sources, the TMDL should include a description of the natural background. This information is necessary for EPA's review of the load and wasteload allocations, which are required by regulation.

The TMDL submittal should also contain a description of any important assumptions made in developing the TMDL, such as:

- (1) the spatial extent of the watershed in which the impaired water body is located;
- (2) the assumed distribution of land use in the watershed (e.g., urban, forested, agriculture);
- (3) population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources;
- (4) present and future growth trends, if taken into consideration in preparing the TMDL (e.g., the TMDL could include the design capacity of a wastewater treatment facility); and
- (5) an explanation and analytical basis for expressing the TMDL through *surrogate*

measures, if applicable. *Surrogate measures* are parameters such as percent fines and turbidity for sediment impairments; chlorophyll *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comments:

Location/Description/Spatial Extent: The Cedar Creek and Milwaukee River watershed is located in Ozaukee County, in southeastern Wisconsin. The Problem Statement of the TMDL submittal identifies the listed reaches for the watershed as including Cedar Creek (WBIC 21300, stream miles 0-5), and the Milwaukee River (WBIC 15000, stream miles 3-28). During the development of the TMDL, WDNR resegmented the Milwaukee River into two segments, and addressed the upper portion of the Milwaukee River in this TMDL submittal (Table 1 below).

Figure 1 of the TMDL submittal illustrates the location of the TMDL reaches. The Cedar Creek segment includes open stretches of the creek as well as several ponded portions, including Ruck Pond, Columbia Pond, and Wire and Nail Pond. These are formed behind dams on the creek. The Milwaukee River segment includes the open stretch of the river as well as the Thiensville impoundment, a 700-acre impoundment formed behind the Thiensville Dam (Page 5 of the TMDL).

Land Use: The land use is described in the Problem Statement Section of the TMDL submittal. For the entire Cedar Creek watershed, the land use is mainly agricultural (49%), wetlands (16%), grasslands and forest (26%) and urban about 3.5% (Page 3 of the TMDL). The Cedar Creek segment addressed by the TMDL flows through the City of Cedarburg, and is therefore more urbanized. The Milwaukee River watershed is more mixed, with 33% urban, 25% agricultural, 21% grasslands, 12% forest, and 6% wetlands. The Milwaukee River segment begins in the village of Grafton, and ends in the village of Thiensville (Figure 1 of the TMDL).

Problem Identification/Pollutant of Concern: As stated in the Problem Statement section of the TMDL, the Cedar Creek and Milwaukee River watershed was listed on the 2006 Section 303(d) list due to fish consumption advisories due to polychlorinated biphenyls (PCBs). In the 1970's, WDNR detected PCBs in sediments and fish in Cedar Creek. Investigation and remediation has been underway by WDNR and the USEPA Superfund program to address the PCB contamination. Fish tissue monitoring has been conducted for many years in the watershed. A fish consumption advisory (FCA) has been placed on Cedar Creek for all fish species. This FCA states that no fish of any species should be consumed from Cedar Creek (Appendix A of the TMDL). For the Milwaukee River, numerous species are under either a "no more than 1 meal per month" or a more restrictive FCA due to PCBs.

Source Identification: The Source Assessment Section of the TMDL submittal discusses how PCBs entered Cedar Creek and Milwaukee River through industrial discharge at two facilities in Cedarburg, Wisconsin. The PCBs were discharged from the facilities via stormwater and industrial discharge. PCBs still exist on the sites, and significant amounts of PCBs are present in the sediments in the waterbodies. Stormwater runoff from the contaminated facilities is the only current source of PCBs other than the instream sediments (Page 11 of the TMDL). These contaminated sediments are transported downstream by scouring and resuspension of sediments during higher-flow events.

WDNR identified two National Pollutant Discharge Elimination System (NPDES) permitted point

source discharges in the Cedar Creek segment, the Cedarburg Wastewater Treatment Facility (ID #0020222) and the Wilshire stormwater retention basin (WI-S049972-2). WDNR does not believe that the WWTP facility is an active source of PCBs, based upon effluent sampling (Page 11 of the TMDL), but did determine a WLA (Section 5 below). Wilshire Basin is considered a minor source by WDNR, as the basin receives stormwater run-off from the contaminated sites. This run-off contains PCB-contaminated sediments, and under significant run-off conditions, could discharge to Cedar Creek (Page 11 of the TMDL).

WDNR believes that the source of PCBs in the Milwaukee River is sediment transported from Cedar Creek (Page 12 of the TMDL). WDNR did not identify any active sources of PCBs on this segment, other than from contaminated sediments being transported downstream through normal river processes, although further investigation is on-going.

Priority Ranking: Cedar Creek and Milwaukee River are considered high priority on the Wisconsin 303(d) list of impaired waters.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this first element.

2. Description of the Applicable Water Quality Standards and Numeric Water Quality Target

The TMDL submittal must include a description of the applicable State/Tribal water quality standard, including the designated use(s) of the water body, the applicable numeric or narrative water quality criterion, and the antidegradation policy. (40 C.F.R. §130.7(c)(1)). EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

The TMDL submittal must identify a numeric water quality target(s) – a quantitative value used to measure whether or not the applicable water quality standard is attained. Generally, the pollutant of concern and the numeric water quality target are, respectively, the chemical causing the impairment and the numeric criteria for that chemical (e.g., chromium) contained in the water quality standard. The TMDL expresses the relationship between any necessary reduction of the pollutant of concern and the attainment of the numeric water quality target. Occasionally, the pollutant of concern is different from the pollutant that is the subject of the numeric water quality target (e.g., when the pollutant of concern is phosphorus and the numeric water quality target is expressed as Dissolved Oxygen (DO) criteria). In such cases, the TMDL submittal should explain the linkage between the pollutant of concern and the chosen numeric water quality target.

Comments:

Designated Use of Water body: As stated in the Water Quality Standards Section of the TMDL submittal, the designated use of the waterbody is for fish consumption. NR 102.04 (1)(a) and (d) states in part:

“(a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state”; and

“(d) Substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life”;...

NR 102.01(2) defines “public rights” as *“the protection of public health and welfare and the present and prospective uses of all waters of the state for public and private water supplies, propagation of fish and other aquatic life and wild and domestic animals, domestic and recreational purposes and agricultural, commercial, industrial, and other legitimate uses.”*

Water Quality Standards: WDNR has determined that a waterbody is impaired if it has a FCA of “no more than 1 meal per month”, or more restrictive (Page 7 of the TMDL). To achieve a less-restrictive FCA, the WDNR has determined that a fish tissue PCB concentration of 0.21 mg/kg is required. Once this fish tissue target is met, then the waterbody specific FCA would not be necessary, and the waterbodies would no longer be considered impaired for FCA due to PCBs. More detailed discussion of how the fish tissue target was set is in Appendices B and C of the TMDL.

Targets: WDNR explained that PCBs enter the fish from either direct contact (ingestion of or contact with contaminated sediments) or indirect contact (bioaccumulation from contaminated food sources). WDNR believes that reducing the PCB concentration in sediments will eventually reduce PCB concentrations in the fish tissue. A more detailed explanation of how the Sediment Concentration Threshold (SCT) was determined is in the Linkage Analysis section of the TMDL.

To achieve the fish tissue concentration of 0.21 mg/kg, WDNR determined a SCT for PCB in the sediments of 0.11 mg/kg (Pages 12 and 13 of the TMDL). The SCT is based upon modeling work done in the Lower Fox River, and included bioaccumulation model work, and risk assessment work. Studies cited by WDNR indicate that a SCT of 0.11 mg/kg would result in a fish tissue concentration of 0.14 mg/kg in carp in the Lower Fox River (Page 13 of the TMDL). WDNR believes that the similarities between the Lower Fox River and Cedar Creek outweigh the differences, and therefore SCT target is acceptable for the Cedar Creek watershed (Appendix D of the TMDL).

USEPA believes this analysis is sufficient given the available data. The SCT can be revised as additional study and data are gathered by the various Federal and State programs involved in the remediation. WDNR also points out on Page 13 of the TMDL that the SCT of 0.11 mg/kg is not meant as a clean-up criterion, but rather as the long-term goal of sediment PCB concentration to eliminate the specific FCA for PCBs for Cedar Creek and the Milwaukee river segment

The target for this TMDL is the PCB fish tissue concentration ration of **0.21 mg/kg**, and a target of **0.11 mg/kg** of PCB in sediment.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this second element.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a water body for the applicable pollutant.

EPA regulations define loading capacity as the greatest amount of a pollutant that a water can receive without violating water quality standards (40 C.F.R. §130.2(f)).

The pollutant loadings may be expressed as either mass-per-time, toxicity or other appropriate measure (40 C.F.R. §130.2(i)). If the TMDL is expressed in terms other than a daily load, e.g., an annual load, the submittal should explain why it is appropriate to express the TMDL in the unit of measurement chosen. The TMDL submittal should describe the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. In many instances, this method will be a water quality model.

The TMDL submittal should contain documentation supporting the TMDL analysis, including the basis for any assumptions; a discussion of strengths and weaknesses in the analytical process; and results from any water quality modeling. EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

TMDLs must take into account *critical conditions* for stream flow, loading, and water quality parameters as part of the analysis of loading capacity. (40 C.F.R. §130.7(c)(1)). TMDLs should define applicable *critical conditions* and describe their approach to estimating both point and nonpoint source loadings under such *critical conditions*. In particular, the TMDL should discuss the approach used to compute and allocate nonpoint source loadings, e.g., meteorological conditions and land use distribution.

Comments:

Loading Capacity: The load capacity for PCBs is **0.17 g/d** (Page 14 of the TMDL; Table 2 below).

Method for cause-and-effect relationship: The Linkage Analysis Section (Step 2) of the TMDL submittal explains how WDNR determined the loading capacity. A simple mass-balance approach was used for the entire watershed, as the main source of PCBs is in the legacy sediments.

To determine the loading capacity, WDNR determined the amount of sediment moving through the two waterbodies. Since several dams exist on the waterbodies, the system alternates between scouring and resuspension of sediments in the free-flowing portions of the rivers, and deposition of sediments in the impoundments behind the dams. WDNR explained this would be the pattern during normal flow; during times of high flows, scouring and resuspension would dominate, and sediments would be transported downstream. WDNR determined the annual total suspended solids (TSS) load just downstream of Colombia Pond to be 630 tons/yr (Page 14 of the TMDL). Multiplying the SCT of 0.11 mg/kg by 630 tons/yr results in a 0.17 g/d load capacity.

$$630 \text{ tons/yr} \times 0.11 \text{ mg/kg} = 0.17 \text{ g/d}$$

Critical Conditions: WDNR determined that there is no specific critical condition applicable to this TMDL (Page 16 of the TMDL). Although loadings may increase under higher flows due to stormwater run-off, PCBs take a significant amount of time to move through the food chain, and therefore WDNR determined there is no critical condition for this TMDL.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this third element.

4. Load Allocations (LAs)

EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity attributed to existing and future non-point sources and to natural background. Load allocations may range from reasonably accurate estimates to gross allotments (40 C.F.R. §130.2(g)). Where possible, load allocations should be described separately for natural background and non-point sources.

Comments:

The load allocation for PCBs in the Cedar Creek and Milwaukee River watershed is **0.17 g/day** (Table 4 of the TMDL; Table 2 below). This represents the PCBs in the sediments in the river.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this fourth element.

5. Wasteload Allocations (WLAs)

EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to individual existing and future point source(s) (40 C.F.R. §130.2(h), 40 C.F.R. §130.2(i)). In some cases, WLAs may cover more than one discharger, e.g., if the source is contained within a general permit.

The individual WLAs may take the form of uniform percentage reductions or individual mass based limitations for dischargers where it can be shown that this solution meets WQSs and does not result in localized impairments. These individual WLAs may be adjusted during the NPDES permitting process. If the WLAs are adjusted, the individual effluent limits for each permit issued to a discharger on the impaired water must be consistent with the assumptions and requirements of the adjusted WLAs in the TMDL. If the WLAs are not adjusted, effluent limits contained in the permit must be consistent with the individual WLAs specified in the TMDL. If a draft permit provides for a higher load for a discharger than the corresponding individual WLA in the TMDL, the State/Tribe must demonstrate that the total WLA in the TMDL will be achieved through reductions in the remaining individual WLAs and that localized impairments will not result. All permittees should be notified of any deviations from the initial individual WLAs contained in the TMDL. EPA does not require the establishment of a new TMDL to reflect these revised allocations as long as the total WLA, as expressed in the TMDL, remains the same or decreases, and there is no reallocation between the total WLA and the total LA.

Comments:

The WLA for PCBs in the Cedar River and Milwaukee River segments is **0 g/day**. (Table 4 of the TMDL, Table 2 below). The individual WLAs are 0 g/day for both sites. WDNR defined 0 g/day at the outfall as the concentration below the limit of detection (LOD) using the most recent recommended analytical method for effluent monitoring pursuant to NR 106.06(6) (Page 15 of the TMDL). No point sources were identified as discharging directly to the Milwaukee River.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this fifth

element.

6. Margin of Safety (MOS)

The statute and regulations require that a TMDL include a margin of safety (MOS) to account for any lack of knowledge concerning the relationship between load and wasteload allocations and water quality (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)). EPA's 1991 TMDL Guidance explains that the MOS may be implicit, i.e., incorporated into the TMDL through conservative assumptions in the analysis, or explicit, i.e., expressed in the TMDL as loadings set aside for the MOS. If the MOS is implicit, the conservative assumptions in the analysis that account for the MOS must be described. If the MOS is explicit, the loading set aside for the MOS must be identified.

Comments:

WDNR used an implicit MOS for the Cedar Creek and Milwaukee River PCB TMDL (Page 15 of the TMDL). The PCB SCT selected by WDNR was calculated to achieve a fish tissue concentration of 0.14 mg/kg, below the fish tissue target of 0.21 mg/kg that was determined to be needed to eliminate the specific FCA for PCBs.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this sixth element.

7. Seasonal Variation

The statute and regulations require that a TMDL be established with consideration of seasonal variations. The TMDL must describe the method chosen for including seasonal variations. (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)).

Comments:

The TMDL submittal addresses the seasonal variation in the Seasonality Section. By using fish tissue values, seasonal variation is accounted for in both flow in the system and impacts on the fish community. By collecting fish in the summer, when feeding habits of the fish involve more benthic activity, and the impacts of spring and summer storm events cause more sediment to be resuspended and available for inclusion in the food chain, WDNR will be ensuring that seasonal variations are taken into account. (Page 17 of the TMDL).

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this seventh element.

8. Reasonable Assurances

When a TMDL is developed for waters impaired by point sources only, the issuance of a National Pollutant Discharge Elimination System (NPDES) permit(s) provides the reasonable assurance that the wasteload allocations contained in the TMDL will be achieved. This is because 40 C.F.R. 122.44(d)(1)(vii)(B) requires that effluent limits in permits be consistent with "the assumptions and requirements of any available wasteload allocation" in an approved TMDL.

When a TMDL is developed for waters impaired by both point and nonpoint sources, and

the WLA is based on an assumption that nonpoint source load reductions will occur, EPA's 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that nonpoint source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.

EPA's August 1997 TMDL Guidance also directs Regions to work with States to achieve TMDL load allocations in waters impaired only by nonpoint sources. However, EPA cannot disapprove a TMDL for nonpoint source-only impaired waters, which do not have a demonstration of reasonable assurance that LAs will be achieved, because such a showing is not required by current regulations.

Comments:

Numerous Federal laws regulate PCBs. These include the Resource Conservation and Recovery Act, Clean Water Act, and the Toxic Substances Control Act (Page 17 of the TMDL). Under these programs, the EPA and WDNR regulate activities that may involve PCBs. Other programs indirectly control PCB discharge, such as the Stormwater program, and the NPDES program, which require additional efforts if PCBs are detected.

Cedar Creek has been designated a Superfund alternative site. This includes the sources of PCB, and the pathways by which the PCBs enter Cedar Creek and the Milwaukee River. Some remediation has already occurred, and efforts are underway to continue to remediate the area (Superfund Fact Sheet for Cedar Creek, April 2008)

EPA finds that the TMDL document submitted by WDNR adequately addresses this eighth element.

9. Monitoring Plan to Track TMDL Effectiveness

EPA's 1991 document, *Guidance for Water Quality-Based Decisions: The TMDL Process* (EPA 440/4-91-001), recommends a monitoring plan to track the effectiveness of a TMDL, particularly when a TMDL involves both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur. Such a TMDL should provide assurances that nonpoint source controls will achieve expected load reductions and, such TMDL should include a monitoring plan that describes the additional data to be collected to determine if the load reductions provided for in the TMDL are occurring and leading to attainment of water quality standards.

Comments:

Monitoring will be ongoing as part of the fish consumption advisory process in Wisconsin. Monitoring is also expected as part of the Superfund investigation process.

EPA finds that the TMDL document submitted by WDNR adequately addresses this ninth element.

10. Implementation

EPA policy encourages Regions to work in partnership with States/Tribes to achieve nonpoint source load allocations established for 303(d)-listed waters impaired by nonpoint sources. Regions may assist States/Tribes in developing implementation plans that include reasonable assurances that nonpoint source LAs established in TMDLs for waters impaired solely or primarily by nonpoint sources will in fact be achieved. In addition, EPA policy recognizes that other relevant watershed management processes may be used in the TMDL process. EPA is not required to and does not approve TMDL implementation plans.

Comment:

This TMDL does not contain a formal implementation plan. EPA is not required to and does not approve TMDL implementation plans. The Superfund program is in the process of developing the Remedial Investigation/Feasibility Study for several locations on the site, which will include review of Cedar Creek. Several parties are engaged in this effort, including the USEPA, WDNR, and the potentially responsible parties. As discussed by WDNR on page 13 of the TMDL, the reduction of PCBs can be attained by various processes, including sediment remediation, volatilization, microbial degradation, and dilution by clean sediment.

EPA notes that TMDLs may not be considered ARARs (Applicable or Relevant and Appropriate Requirements) for purposes of a CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) investigation. This is addressed in an EPA document at <http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/ch3.pdf>, page 3-8. Determination of what constitutes an “ARAR” is done by the Superfund program.

EPA finds that the TMDL document submitted by WDNR adequately addresses this tenth element.

11. Public Participation

EPA policy is that there should be full and meaningful public participation in the TMDL development process. The TMDL regulations require that each State/Tribe must subject calculations to establish TMDLs to public review consistent with its own continuing planning process (40 C.F.R. §130.7(c)(1)(ii)). In guidance, EPA has explained that final TMDLs submitted to EPA for review and approval should describe the State’s/Tribe’s public participation process, including a summary of significant comments and the State’s/Tribe’s responses to those comments. When EPA establishes a TMDL, EPA regulations require EPA to publish a notice seeking public comment (40 C.F.R. §130.7(d)(2)).

Provision of inadequate public participation may be a basis for disapproving a TMDL. If EPA determines that a State/Tribe has not provided adequate public participation, EPA may defer its approval action until adequate public participation has been provided for, either by the State/Tribe or by EPA.

Comments:

A news release regarding the draft TMDL and availability of documents was sent to local newspapers and individuals on May 21, 2008. The draft TMDL was public noticed from June 5, 2008 to July 7, 2008. A public meeting was held on June 5, 2008, at the Cedarburg Police Department, in Cedarburg, Wisconsin. Copies of the draft TMDL were available upon request and posted on WDNR’s website. Copies of the draft TMDL were also available at the public meeting.

Several comment letters were received, and WDNR responded appropriately to each (Appendix C of the TMDL).

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this eleventh element.

12. Submittal Letter

A submittal letter should be included with the TMDL submittal, and should specify whether the TMDL is being submitted for a *technical review* or *final review and approval*. Each final TMDL submitted to EPA should be accompanied by a submittal letter that explicitly states that the submittal is a final TMDL submitted under Section 303(d) of the Clean Water Act for EPA review and approval. This clearly establishes the State’s/Tribe’s intent to submit, and EPA’s duty to review, the TMDL under the statute. The submittal letter, whether for technical review or final review and approval, should contain such identifying information as the name and location of the water body, and the pollutant(s) of concern.

Comments:

EPA received the Cedar Creek and Milwaukee River TMDL on September 8, 2008, accompanied by a submittal letter dated August 29, 2008, from Russ Rasmussen, Director, Bureau of Watershed Management, WDNR, to Kevin Pierard, Watershed and Wetlands Branch Chief, Region 5 EPA. The letter stated clearly that this was a final TMDL submittal under Section 303(d) of the CWA. The letter also contains the name of the TMDL as it appears on the Wisconsin 303(d) list, and the pollutant of concern.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this twelfth element.

13. Conclusion

After a full and complete review, EPA finds that the TMDLs for the Cedar Creek and Milwaukee River watershed satisfy all of the elements of approvable TMDLs. This approval is for 2 TMDLs, addressing 1 impairment each in 2 waterbody segments.

EPA’s approval of this TMDL does not extend to those waters that are within Indian Country, as defined in 18 U.S.C. Section 1151. EPA is taking no action to approve or disapprove TMDLs for those waters at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under the CWA Section 303(d) for those waters.

Table 1 Impaired Segments

Impaired segments	County	Stream Miles	Existing Use	Pollutants	Impairments	Source: Contaminated Sediments
Cedar Creek (WBIC 21300)	Ozaukee	0-5	WWSF	PCBs	FCA	Yes
Milwaukee R. Segment 2 (WIBC 15000)	Ozaukee	20-30	WWSF	PCBs	FCA	Yes

Table 2 PCB allocations for the Cedar Creek and Milwaukee River watershed

Source Category	Existing Load (g/day)	Load Allocation (g/day)
WLA Components		
Cedarburg WWTP (WI-0020222-07-0)	0 (<LOD)*	0*
Wilshire Basin (WI-S049972-2)	0.081	0*
LA Components		
In-stream sediments	10.14	0.17
Overall Total	10.27	0.17

* - concentration must be below the limit of detection (LOD) using the most recent recommended analytical method for effluent monitoring