

1TMDL: Little Willow Creek, Wisconsin, TMDL

Date:

## **DECISION DOCUMENT FOR THE APPROVAL OF LITTLE WILLOW CREEK, WISCONSIN, 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.

### **1. Identification of Waterbody, Pollutant of Concern, Pollutant Sources, and Priority Ranking**

The TMDL submittal should identify the waterbody as it appears on the State's/Tribe's 303(d) list. The waterbody 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 waterbody 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 waterbody. 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 waterbody 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.

Comment:

Location Description/Spatial Extent: The Introduction Section of the TMDL document submitted by the Wisconsin Department of Natural Resources (WDNR) shows that Little Willow Creek is located in Richland County in southwestern Wisconsin (Figure 1 of the TMDL submittal). Little Willow Creek is approximately 8 miles long and is on the state's impaired waters 303(d) list for impaired habitat, Water Body ID (WBID) 1221300. The Background Section of the TMDL states that the segment is a spring and seepage-fed trout stream in southeastern Richland County that flows south to Willow Creek near Richland Center, Wisconsin, draining 14 square miles. There is medium to high gradient of 40 feet per mile, adding to the potential for excessive erosion. The creek flows through a watershed that is mostly forested but the valley floor and riparian corridor is mostly pasture/non-agricultural. The land use is 62.4% forested, followed by pasture/non-agricultural at 22.05%, agricultural at 10.29%, and urban 4.58%. Shrubland and wetland combined is less than 1% of the land use, and water and barren land is 0%. Not much future growth is expected, due in part to the topography.

Problem identification/pollutant of concern: The TMDL is for excessive sedimentation. The waters have degraded to a Class III coldwater fishery, which are defined as having only marginal trout habitat with no natural reproduction and no carry over of trout from one year to the next. The Linkage Analysis Section states that livestock have unrestricted access and have overgrazed the area, resulting in little vegetation to bind the soil and prevent erosion in the valley, and the historical changes (channelization) upstream have caused most of the erosion. The sedimentation reduces cover for fish, spawning areas, light penetration, and locations for macroinvertebrates to grow. The Background Section of the TMDL states that the sediments also add to the impairment by absorbing and retaining heat from sunlight, resulting in decreased Index of Biological Integrity (IBI) scores, which measured "very poor" fish assemblages, and no coldwater species were found. Macroinvertebrates measured by the Hilsenhoff Biotic Index (HBI) showed good scores in some locations where the fish scored poorly. Background conditions of TSS in the stream are between 40-50 mg/l, with some concentrations as high as 542mg/l.

Source identification: There has been significant modification of the streambed by channelization upstream of McAvoy Road which is located within the impaired segment; this resulted in excessive streambank erosion downstream of Anderson Road within the impaired segment. The channelization created a stream that cannot dissipate the energy upstream and

causes accelerated lateral channel movement downstream. There are no point sources nor point source discharges to Little Willow Creek.

Priority Ranking: The entire length of Little Willow Creek was identified as high priority in 1996 due to degraded habitat caused by excessive sedimentation.

Surrogates: A lateral recession rate that measures streambank erosion is a surrogate for excessive sedimentation. Though the categories for the lateral recession rates are qualitative (slight, moderate, severe, or very severe) there is also a quantified portion of the method that correlates those rates to the amount of sediment.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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 waterbody, 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.

### Comment:

Designated Uses: This TMDL reach has the designated use of Class II coldwater fishery as described in the Problem Statement Section of the TMDL submittal. § NR 102.04 (3) intro, (a) and (c), Wisconsin Administrative Code:

"FISH AND OTHER AQUATIC LIFE USES. The department shall classify all surface waters into one of the fish and other aquatic life subcategories described in this subsection. Only those use subcategories identified in pars. (a) to (c) shall be considered suitable for the protection and propagation of a balanced fish and other aquatic life community as

provided in the federal water pollution control act amendments of 1972, P.L. 92-500; 33 USC 1251 et.seq.

"(a) *Cold water communities*. This subcategory includes surface waters capable of supporting a community of cold water fish and aquatic life, or serving as a spawning area for cold water fish species. This subcategory includes, but is not restricted to, surface waters identified as trout water by the department of natural resources (Wisconsin Trout Streams, publication 6-3600 (80)).

Standards: Wisconsin has chosen the narrative water quality criterion as defined in NR 102.04 (1); Wisconsin Administrative Code:

“To preserve and enhance the quality of waters, standards are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development, or other activities shall be controlled so that all waters including mixing zone and effluent channels meet the following conditions at all times and under all flow conditions:

- (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.”

Wisconsin considers excessive sedimentation an objectionable deposit. Sediment was determined by WDNR to be the pollutant causing the impairment. To address sediment, the TMDL will target the lateral recession rate, which is the measured lateral change in the streambank (i.e., streambank erosion). The existing erosion is in the “severe” to “very severe” category. Based on the photos submitted in Appendix E, the description appears to be accurate, showing fallen trees and exposed tree roots.

Target: The lateral recession rate of 0.05 ft/yr is the target, considered to reduce the erosion to the “slight” category. The Natural Resource Conservation Service (NRCS) Streambank Erosion Survey is shown below, taken directly from the TMDL.

**Table 6.** Erosion Categories of the NRCS Streambank Erosion Survey.

| <b>Lateral Recession Rate</b> | <b>Category</b>    | <b>Description</b>  |
|-------------------------------|--------------------|---|
| <b>0.01-0.05</b>              | <b>Slight</b>      | Some bare bank but active erosion not readily apparent. Some rills but no vegetative overhang. No exposed tree roots.   |
| <b>0.06-0.2</b>               | <b>Moderate</b>    | Bank is predominantly bare with some rills and vegetative overhang. Some exposed tree roots but no slumps or slips.   |
| <b>0.3-0.5</b>                | <b>Severe</b>      | Bank is bare with rills and severe vegetative overhang. Many exposed tree roots and some fallen trees and slumps or slips. Some changes in cultural features such as fence corners missing and realignment of roads or trails. Channel cross section becomes U-shaped as opposed to V-shaped. |
| <b>0.5+</b>                   | <b>Very Severe</b> | Bank is bare with gullies and severe vegetative overhang. Many fallen trees, drains, and culverts eroding out and changes in cultural features as above. Massive slips or washouts common. Channel cross section is U-shaped and stream course may be meandering.                             |

Linkage: The Linkage Analysis Section of the TMDL states that streambank erosion contributes greatly to habitat degradation for coldwater fishery. Measurements were taken for Total Suspended Solids (TSS), T-tube for turbidity, flow, and temperature. Habitat, light, and temperature are altered from the excessive sedimentation; poor IBI scores in 2005 were linked to the sedimentation in 2006 and 2007 at Spiral Road. Other observations included filling of riffle areas with silt, higher turbidity resulting in reduced light for photosynthesis, reduced feeding efficiency, and lower respiratory capacity of aquatic macroinvertebrates due to clogged gill surfaces. Sediment can also transport associated nutrients as contaminants but they are not included in this analysis. WDNR believes that achieving the “slight” erosion target will return the degraded stream habitat to a more natural condition, as measured by the characteristics previously listed, and allow the biota to recover to the Coldwater Class II use.

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

### **3. Loading Capacity - Linking Water Quality and Pollutant Sources**

A TMDL must identify the loading capacity of a waterbody 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.

#### Comment:

Loading Capacity: The loading capacity (LC) for sediment is:

$$\begin{aligned} \text{LC} &= \text{TMDL} = \text{WLA} + \text{LA} + \text{MOS (implicit)} \\ \mathbf{1.3 \text{ tons/day}} &= 0 \text{ tons/day} + 1.3 \text{ tons/day} \end{aligned}$$

Method for cause and effect relationship: The TMDL showed a strong directly proportional relationship between TSS and flow, but the TMDL also states it is difficult to directly relate TSS concentrations to sediment rates and habitat quality. There was an accumulation of approximately 20" of silt on the streambed, along with turbidity in the water column, through most of 2007, contributing to the habitat degradation. The increased flow not only transports sediment but increases erosion through increased lateral movement. The WDNR has focused on the erosion rather than the TSS to address the stream impairment. The erosion methodology is found in the Source Assessment Section and Appendix D of the TMDL. The NRCS Stream Bank Erosion Calculation Method used data from measured bank erosion surveys.

Calculations multiplied:

area X lateral recession rate X soil mass (density) = erosion in tons/year (personal communication, e-mail from Mike Gilbertson WDNR, 8/11/08). The stream was divided into two sections above and below Spiral Road because of significantly different observed characteristics of the streambanks, so calculations below were completed in two parts then combined, from Table D-2 of Appendix D of the TMDL submittal.

(Units: Erosion per stream length in lbs/yr/ft; stream length in feet; estimated erosion in tons/day)

$$40 \text{ lbs/yr/ft} \times 6650 \text{ ft} \div 2000 \text{ lbs/ton} \div 365 \text{ days/yr} = 0.4 \text{ tons/day erosion}$$

$$51 \text{ lbs/yr/ft} \times 13,000 \text{ ft} \div 2000 \text{ lbs/ton} \div 365 \text{ days/yr} = \underline{0.9} \text{ tons/day erosion}$$

$$\mathbf{1.3 \text{ tons/day erosion}}$$

Critical Conditions: WDNR states that there is not a critical condition in the traditional sense because sediment impacts can occur long after the actual deposition. However, there are different times of the year when sediment influx is greater and has more of an impact, such as spring runoff or summer storm events, and the TMDL considers those conditions. Erosion was measured in the summer season when greatest erosional impact occurs.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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 nonpoint 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 nonpoint sources.

Comment:

Load Allocation: The LA = 1.3 tons/day for streambank erosion sediment. This represents an 89% reduction from the current load.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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 WQS 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.

Comment:

Wasteload Allocation: there are no point sources in the watershed so WLA = 0.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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.

Comment:

The MOS Section of the TMDL submittal states that the MOS is considered to be implicit because the calculation utilized a conservative erosion factor as the target, a “slight” lateral recession rate for erosion. The description for this level of erosion is in Table 6 of the TMDL submittal, along with other categories of moderate to very severe erosion. The definition of the target of slight erosion is “Some bare bank but active erosion not readily apparent. Some rills but no vegetative overhang. No exposed tree roots.”

EPA finds that the TMDL document submitted by WDNR contains an appropriate MOS satisfying all requirements concerning 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)).

Comment:

The Seasonality Section states that sediment input tends to be the greatest during high flows, typically spring runoff or summer thunderstorm events. The seasons are impacted by various sediment processes occurring in the stream, including deposition, scouring, and transport, all occurring at different flow regimes at different times of the year. The erosion for this TMDL was measured in the summer season when erosion is greatest.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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.

Comment:

The Reasonable Assurance Activities Section of the TMDL submittal includes the following potential programs and actions:

- Conservation Reserve Program (CRP) is a USDA program that provides annual rental payments for taking cropland out of production;
- Conservation Reserve Enhancement Program (CREP) is a joint federal, state, and local program for taking cropland and pasture out of production near surface water;
- The Environmental Quality Incentive program (EQIP) is a NRCS program for installing conservation practices to reduce soil erosion and polluted runoff delivery;
- Farmland preservation program provides tax relief to farmers who maintain state agricultural performance standards and prohibitions;
- LWRM plan implementation cost-sharing program for cost sharing implementation practices;
- Managed Forest Law to enroll woodlands for 25 – 30 years and follow a forestry management plan; and,
- Wildlife Habitat Incentive Program (WHIP) for cost-sharing for developing or improving fish and wildlife habitat.

EPA finds that this criterion has been adequately addressed.

## **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.

Comment:

The Monitoring Section of the TMDL states that the WDNR will monitor the creek as implementation is begun, until a point where the stream improves to its codified use (Coldwater Class II stream). The stream will also be monitored in 5 to 6 year intervals as a special project to assess conditions and trends in overall stream quality.

EPA finds that this criterion has been adequately addressed.

## **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:

Potential implementation programs and actions are within the Reasonable Assurance Section of the TMDL submittal. Those administered through the WDNR are:

- Richland County Land & Water Resource Management (LWRM) Plan has goals for the reduction of sediment loadings;
- Richland County Land Conservation Department (LCD) will implement state agricultural and non-agricultural performance standards and manure management prohibitions; and,
- Targeted Runoff Management (TRM) Grants provides grants to supports reduction of NPS pollution.

EPA reviews, but does not approve, implementation plans. EPA finds that this criterion has been adequately addressed.

## **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.

Comment:

The draft Little Willow Creek TMDL was submitted for public review from June 11, 2008 to July 14, 2008. On June 11, a news release was sent to local newspapers, television stations, radio stations, interest groups, and interested individuals. The news release included the comment period and how to obtain copies of the draft TMDL. The news release, public notice, and draft TMDL were on the website: [http://dnr.wi.gov/org/water/wm/wqs/303d/Draft\\_TMDLs.html](http://dnr.wi.gov/org/water/wm/wqs/303d/Draft_TMDLs.html) No comments were received from the public, but comments received from EPA are in the Appendix of the TMDL and within the TMDL document. WDNR responded adequately to the comments.

EPA finds that the TMDL document submitted by WDNR satisfies all requirements concerning 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 waterbody, and the pollutant(s) of concern.

Comment:

EPA received the Little Willow Creek TMDL on August 12, 2008, accompanied by a submittal letter dated July 30, 2008. In the submittal letter, WDNR stated: "Enclosed for your approval is the final TMDL for Little Willow Creek." The submittal letter included that the water body is located in Richland County, Wisconsin. Sedimentation exceedances of Wisconsin's Water Quality Standards are being addressed by developing a TMDL for sediment using a lateral recession rate. Little Willow Creek was identified as an impaired water on Wisconsin's 1996 303(d) list (WBID 1221300). The goal of the TMDL is full attainment of the appropriate uses of a Coldwater Class II fishery. The impairment is primarily from nonpoint source runoff and streambank erosion.

EPA finds that the TMDL submittal from WDNR satisfies all requirements concerning this twelfth element.

### **13. Administrative Record**

While not a necessary part of the submittal to EPA, the State/Tribe should also prepare an administrative record containing documents that support the establishment of and calculations/allocations in the TMDL. Components of the record should include all materials relied upon by the State/Tribe to develop and support the calculations/allocations in the TMDL, including any data, analyses, or scientific/technical references that were used, records of correspondence with stakeholders and EPA, responses to public comments, and other supporting materials. This record is needed to facilitate public and/or EPA review of the TMDL.

### **Conclusion**

**After a full and complete review, EPA finds that the TMDL submitted for Little Willow Creek satisfies all of the elements of an approvable TMDL. This approval addresses one segment for sedimentation, Water Body ID (WBID) 1221300.**

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.