REGION 5
CHICAGO, IL 60604

July 14, 2026

Mr. Glenn Skuta
Watershed Division Director
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Dear Mr. Skuta:

The U.S. Environmental Protection Agency completed its review of the final Total Maximum Daily Load (TMDL) for the Flint Creek (Little Fork River) TMDL, including supporting documentation. The Flint Creek (Little Fork River) TMDL encompasses part of St. Louis County in northern Minnesota, and addresses the impaired aquatic recreation use due to excessive bacteria.

The Flint Creek (Little Fork River) TMDL meets the requirements of Section 303(d) of the Clean Water Act and EPA's implementing regulations set forth at 40 C.F.R. Part 130. Therefore, EPA approves Minnesota's one TMDL for *E. coli*. EPA describes Minnesota's compliance with the statutory and regulatory requirements in the enclosed decision document.

EPA acknowledges Minnesota's efforts in submitting this TMDL and looks forward to future TMDL submissions by the State of Minnesota. If you have any questions, please contact Mr. James Ruppel, at ruppel.james@epa.gov.

Sincerely,

7/14/2026

X

Tera L. Fong
Division Director, Water Division
Signed by: TERA FONG

cc: Andrea Plevan, MPCA
Mike Kennedy, MPCA

Document Number: wq-iw10-22g

U.S. Environmental Protection Agency (EPA)
Final Review & Decision
(July 14, 2026)

Final Minnesota Flint Creek (Little Fork River) *E. Coli* Total Maximum Daily Load (TMDL) Report

Section 303(d) of the Clean Water Act (CWA) and the 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 the EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and the 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 the 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 the EPA's TMDL regulations should be resolved in favor of the regulations themselves.

1. Identification of Waterbody, Pollutant of Concern (POC), 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 POC and the water quality standard (see Section 2 below).

The TMDL submittal should include an identification of the point and nonpoint sources of the POC, 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 National Pollutant Discharge Elimination System (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 the 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 POC 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.

The EPA Review of the Flint Creek TMDL Location, Pollutant, Pollutant Sources, and Priority Ranking.

Location Description/Spatial Extent:

Flint Creek is located in the Little Fork River (LFR) Watershed in northern Minnesota, St. Louis County. The Flint Creek subwatershed has its headwaters near the divide between the Little Fork River and Vermilion River watersheds. It flows to the southwest for 48 miles to empty into the Little Fork River (Figure 2 of the final TMDL document). MPCA noted that the impaired segment is the downstream-most portion of Flint Creek, approximately 3.5 miles in length. The impaired AUID comprises 14.5% of the stream network.

A previous TMDL for the Little Fork River was developed in 2017 and approved by the EPA in 2018 (Section 1.1 of the final TMDL document). The 2018 TMDL effort addressed TMDLs for total suspended solids in four segments of the Little Fork River mainstem.

MPCA noted in Section 1.3 of the final TMDL document that there are Tribal lands within the Little Fork River watershed, but those lands are well downstream of the Flint Creek subwatershed. No portion of the Flint Creek Subwatershed is located within federally recognized tribal lands, and the TMDL does not allocate any pollutant load to any Tribe.

Table 1 of this Decision Document provides additional details about Flint Creek and its associated impairments.

Table 1. Impaired water body in the LFRW addressed in this TMDL report.

AUID	Water body name	Water body description	Use class	Listing year	Affected designated use [a]	Listing parameter	TMDL pollutant	Category 4A upon TMDL approval [b]
09030005-588	Flint Creek	Unnamed Creek to Unnamed Creek	2b	2022	AQR	*E. coli*	*E. coli*	Yes

(from Table 1 of the final TMDL document)

a AQR: aquatic recreation

b Impairment will be categorized as 4A (impaired and a TMDL study has been approved by EPA) upon approval of this TMDL and will appear as 4A in the next impaired waters list.

Land Use:

MPCA noted that the Flint Creek subwatershed remains largely forested with 90% of the primary land cover being some subcategory of Forest. Only 3.3% of the watershed is developed, and the majority of

that, (3.2%) is either open space or low intensity development. Agriculture consists mainly of pasture and hay crops comprises only 2.7% of the watershed land cover. Emergent wetlands make up and an additional 3.4%. Table 2 of this Decision Document provides a more detailed breakdown of the land cover in the Flint Creek Watershed.

Table 2. Land cover in the Flint Creek drainage area.

Primary land cover group	Individual land cover category	Acres	Percent
Forest (89.8%)	Woody Wetlands	13,298	43.2%
	Deciduous Forest	6,945	22.6%
	Mixed Forest	5,717	18.6%
	Shrub Scrub	1,004	3.2%
	Evergreen Forest	668	2.2%
Emergent wetlands (3.4%)	Emergent Herbaceous Wetlands	1,059	3.4%
Developed (3.3%)	Developed Open Space	489	1.6%
	Developed Low Intensity	484	1.6%
	Developed Medium Intensity	20	0.1%
	Developed High Intensity	4	<0.1%
Agriculture (2.7%)	Pasture/Hay	819	2.7%
	Cultivated Crops	14	<0.1%
Grassland (0.4%)	Grassland Herbaceous	123	0.4%
Barren Land (0.3%)	Barren Land	88	0.3%
Open Water (0.1%)	Open Water	25	0.1%
	TOTAL	30,757	100%

(From Table 3 of the final TMDL document)

Problem Identification:

The impaired segment identified in Table 1 of this Decision Document is included on the final 2024 Minnesota 303(d) list as impaired for Aquatic Recreation due to *E. coli*. Water quality monitoring within the impaired assessment units shows numerous exceedances of the *E. coli* Water Quality Standards (WQS) criteria (Section 3.5 of the final TMDL document). Excessive *E. coli* can negatively impact recreational uses (e.g., swimming, wading, boating, fishing etc.) and public health. At elevated levels, *E. coli* may cause illness within humans who have contact with or ingest *E. coli* laden water. Recreation-based contact can lead to ear, nose, and throat infections, and stomach illness.

Priority Ranking:

The MPCA's schedule for TMDL completions, as indicated on the 303(d) impaired waters list, reflect Minnesota's priority ranking of these TMDLs. The MPCA has aligned TMDL priorities with the watershed approach and Watershed Restoration and Protection Strategy (WRAPS) cycle. The schedule for TMDL completion corresponds to the WRAPS report completion on the 10-year cycle. The MPCA developed a state plan, Minnesota's TMDL Priority Framework Report under the EPA's Long-Term Vision for Assessment, Restoration and Protection under the CWA section 303(d) program. As part of

these efforts, the MPCA identified water quality-impaired segments that will be addressed by TMDLs by 2032. Flint Creek is part of the MPCA prioritization plan to meet the EPA's national goal.

Pollutants of Concern (POC):

The POC addressed by these TMDLs is *E. coli* bacteria. TMDL targets are expressed as billions of *E. coli* organisms per day.

Identification of Point Sources of E. coil:

NPDES permitted facility E. coli sources:

The MPCA TMDL document identifies one NPDES permitted facility that contributes *E. coli* loads to the Flint Creek Watershed waters through discharges of treated wastewater. Permitted facilities must discharge wastewater according to their NPDES permit. Section 3.6.1 of the final TMDL document identifies the Independent School District (ISD) 2142 as operating a small wastewater treatment facility (NPDES permit number MN0069850) upstream of the impaired reach of Flint Creek. NPDES permits require disinfection of wastewater to reduce fecal coliform concentrations to 200 org/100 mL or less as a monthly geometric mean, which is protective of the 126 org/100 mL *E. coli* Class 2 water quality criterion.

As discussed in Section 3.6.1 of the final TMDL document, the ISD WWTP discharges into a Class 2 water and is required to disinfect its wastewater discharge between April 1 and October 31. Due to the relatively minor contribution of *E. coli* to Flint Creek, and the fact that the ISD WWTP is required to meet *E. coli* water quality criteria at the point of discharge, MPCA does not consider the discharge to be a significant contributor of the *E. coli* to Flint Creek.

Municipal Separate Storm Sewer System (MS4) E. coli Sources:

There are no permitted MS4 communities identified by MPCA in the final TMDL document that discharge to the impaired reach addressed by the Flint Creek TMDL.

Stormwater runoff from Permitted Construction and Industrial areas:

Construction and industrial sites are not identified by MPCA as sources of *E. coli* to the impaired reach addressed by the Flint Creek TMDL.

E. coli Nonpoint Source Identification:

Section 3.6.2 of final TMDL document identifies and discusses a number of nonpoint sources of *E. coli* to Flint Creek including watershed runoff, nonpermitted feedlots, nonpermitted wastewater, and natural background sources.

Watershed Runoff and Nonpermitted feedlots:

Animal Feeding Operations (AFOs) in close proximity to surface waters can be a source of bacteria. These areas may contribute bacteria via the mobilization and transportation of pollutant laden waters from feeding, holding, and manure storage sites. Runoff from agricultural lands may contain significant

amounts of bacteria. Feedlots generate manure which may be subsequently spread onto fields. Runoff from fields which spread manure can be a significant source of *E. coli* to adjacent surface waters. *E.coli* from livestock manure from small cattle operations was identified as the primary possible source of *E. coli* that is transported to surface water bodies through watershed runoff in the Flint Creek subwatershed. MPCA noted that there are six registered small feedlots in the subwatershed, and that these facilities are permitted and inspected by state/county inspectors.

Pasture and unrestricted livestock access to streams:
Livestock with access to stream environments may add bacteria directly to the surface waters or resuspend particles that had settled on the stream bottom. Direct deposition of animal wastes can result in very high localized bacteria counts and may contribute to downstream impairments.

MPCA identified a number of locations in aerial photos where pastureland appears to cross Flint Creek which may indicate that livestock have direct access to the creek and MPCA speculates that direct access of livestock to Flint Creek may have contributed to elevated *E. coli* numbers seen in samples collected as part of a longitudinal survey of the creek (Section 3.6.2.3 of the final TMDL document).

MPCA stated that runoff from pasture lands can be a significant source of *E. coli* to surface waters. Based on a review of aerial photos, MPCA estimates that there are at least two to three small livestock operations in the Flint Creek watershed and about 800 acres of pastureland.

Wastewater discharges of E. coli from Subsurface Sewage Treatment Systems (SSTS) or unsewered communities:
Failing septic systems are a potential source of bacteria within the Flint Creek. Septic systems generally do not discharge directly into a water body, but effluents from SSTS may leach into groundwater or pond at the surface where they can be washed into surface waters via stormwater runoff events. Age, construction, and use of SSTS can vary throughout a watershed and influence the bacteria contribution from these systems. Failing SSTS are specifically defined as systems that are failing to protect groundwater from contamination, while those systems which discharge partially treated sewage to the ground surface, road ditches, tile lines, and directly into streams, rivers and lakes are considered an imminent threat to public health and safety (ITPHS). ITPHS systems may also include illicit discharges from unsewered communities.

The exact number and status of SSTS in the Flint Creek watershed is not known by MPCA (Section 3.6.2.4 of the final TMDL document). However, St. Louis County, which includes the Flint Creek watershed, estimates a failure rate of 22% of all septic systems, with approximately 2% of them representing an ITPHS (Table 3 of this Decision Document). SSTS systems are regulated in the State of Minnesota and when in compliance are not expected by MPCA to contribute *E. coli* to surface waters.

Table 3. Average county SSTS failure and ITPHS rates (2017-2024) for St. Louis County, which covers the Flint Creek Watershed.

County Name	Failing	ITPHS
St. Louis	22%	2%

Rates are provided by counties to MPCA and are estimates only; the data does not represent verified compliance status. (From Table 4 of the final TMDL document)

MPCA also discussed that illicit straight pipe sewage discharges are also a potential source of *E. coli* to Flint Creek and noted that the county is aware of undocumented straight pipe disposal systems in the county and are working to identify and remediate the problem. Straight pipe disposal systems are not permitted and considered an illegal sewage disposal systems and are required to be addressed within 10 months of discovery.

Natural Background sources of E. coli:
Minnesota defines natural background as being characteristic of the water body resulting from the multiplicity of factors in nature, including climate and ecosystem dynamics, that affect the physical, chemical, or biological conditions in a water body, but does not include measurable and distinguishable pollution that is attributable to human activity or influence. Natural background sources are inputs that would be expected under natural, undisturbed conditions. Natural background levels are implicitly incorporated in the WQS used by the MPCA to determine/assess impairment, and therefore natural background is accounted for and addressed through the MPCA's water body assessment process. MPCA found no evidence to suggest that natural background sources are major drivers of the impairment to Flint Creek.

Figure 5 of the final TMDL document shows monitored *E. coli* concentrations vs flow conditions. Based on the monitored data, MCPA concluded that elevated concentrations of *E. coli* are more common during mid to low flow conditions (Section 3.5 of the final TMDL document). MPCA further concluded that this suggests that *E. coli* sources more influential during low flow conditions, such as direct access of livestock to riparian areas, and inadequately treated wastewater from failing SSTSs and illicit straight pipe ITPHSs, are the primary sources of elevated *E. coli* to the Flint Creek.

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the first criterion.

2. Description of the Applicable WQSs 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)). The 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 POC 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 POC and the attainment of the numeric water quality target. Occasionally, the POC is different from the pollutant that is the subject of the numeric water quality target (e.g., when the POC 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 POC and the chosen numeric water quality target.

The EPA Review of the Flint Creek TMDL Water Quality Standards Linkage:

Designated Uses of the Impaired Waterbodies:

WQS are the fundamental benchmarks by which the quality of surface waters is measured. Within the state of Minnesota, WQS are developed pursuant to the Minnesota Statutes Chapter 115, Sections 03 and 44. Authority to adopt rules, regulations, and standards as are necessary and feasible to protect the environment and health of the citizens of the state is vested with the MPCA. Through adoption of WQS into Minnesota's administrative rules (principally Chapters 7050 and 7052), the MPCA has identified designated uses to be protected in each of its drainage basins and the criteria necessary to protect these uses.

Minnesota Rule Chapter 7050 designates uses for waters of the state. The segment addressed by the Flint Creek TMDL is designated as a Class 2 water for aquatic recreation use. The Class 2 designated use is described in Minnesota Rule 7050.0140:

> *"Aquatic life and recreation includes all waters of the state that support or may support fish, other aquatic life, bathing, boating, or other recreational purposes and for which quality control is or may be necessary to protect aquatic or terrestrial life or their habitats or the public health, safety, or welfare." (Class 2)*

Water use classifications for individual water bodies are provided in Minnesota Rules 7050.0470, 7050.0425, and 7050.0430. Flint Creek is classified as Class 2b (Table 1 of the final TMDL document).

Narrative WQS Criteria:

Minnesota Rule 7050.0150 (3) sets forth narrative criteria for Class 2 waters of the state:

> *"For all Class 2 waters, the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other wastes to the waters."*

Applicable Numeric WQS Criteria:

Flint Creek is classified as a Class 2 waterbody. The numerical criteria for Class 2 waterbodies are shown in Table 4 of this Decision Document.

Table 4. *E. coli* water quality criteria for Class 2 water bodies.

Parameter	Water Quality Standard	Numeric Criteria
E. coli	Not to exceed 126 org per 100 milliliters (org/100 mL) as a geometric mean of not less than five samples representative of conditions within any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 1,260 org/100 mL. The standard applies only between April 1 and October 31.	≤ 126 org/100 mL (monthly geometric ≤ 1,260 org/100 mL (individual sample)

(from Table 2 of the final TMDL document)

E. coli TMDL Targets:

The *E. coli* TMDL target for the Flint Creek TMDL is the *E. coli* numerical WQS criterion for Class 2 waterbodies shown in Table 4 of this Decision Document. The focus of the MPCA TMDL is on the chronic criterion of 126 organisms per 100 mL (126 orgs/100 mL) as a geometric mean of not less than five samples representative of conditions within any calendar month. The MPCA believes that using the 126 orgs/100 mL criterion of the standard for TMDL calculations will also result in the attainment of the 1,260 orgs/100 mL as an individual sample maximum portion of the standard. While the TMDL will focus on the geometric mean portion of the water quality standard, MPCA acknowledges that attainment of both parts of the water quality standard is required.

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the second criterion.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a water body for the applicable pollutant. The EPA regulations define loading capacity as the greatest amount of a pollutant that a water can receive without violating WQS (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. The 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.

The EPA Review of the Flint Creek TMDL Pollutant Loading Capacities:

The MPCA used the geometric mean (126 orgs/100 mL) of the *E. coli* water quality standard to calculate loading capacity values for the *E. coli* TMDL. Typically loading capacities are expressed as a mass per time (e.g., pounds per day). However, for *E. coli* loading capacity calculations, mass is not always an appropriate measure because *E. coli* is typically expressed in terms of organism counts.

A flow duration curve (FDC) was created for Flint Creek utilizing simulated flows from the 2025 updated HSPF Little Fork River model to represent average daily flows for Flint Creek during the model simulation period. Simulated flows were utilized from the confluence of Flint Creek and the Little Fork River.

The HSPF model is a comprehensive modeling package used to simulate watershed hydrology and water quality on a basin scale. The package includes both an Agricultural Runoff Model and a more general nonpoint source model. HSPF parametrizes numerous hydrologic and hydrodynamic processes to determine flow rate, sediment, and nutrient loads. HSPF uses continuous meteorological records to create hydrographs and to estimate time series pollution concentrations.[1] The output of the HSPF process is a model of multiple hydrologic response units (HRUs).

As discussed in Section 4 of the final TMDL document, FDCs graphs have flow duration interval (percentage of time flow exceeded) on the X-axis and discharge (flow per unit time) on the Y-axis. The LDC is created from a FDC by multiplying individual flow values by the WQS (126 orgs/100 mL) and then multiplying that value by a units conversion factor. The resulting points are plotted onto a load duration curve graph. The LDC graph for the Flint Creek *E. coli* TMDL has the flow duration interval (percentage of time flow exceeded) on the X-axis and *E. coli* loads (number of *E. coli* per unit time) on the Y-axis.

The Flint Creek LDC uses *E. coli* measurements in billions of *E. coli* per day. The curved line on a LDC graph represents the TMDL of the respective flow conditions observed at that location.

LDC plots are subdivided into five flow regimes; very high flow conditions (exceeded 0–10% of the time), high flow conditions (exceeded 10–40% of the time), mid-range flow conditions (exceeded 40–60% of the time), low flow conditions (exceeded 60–90% of the time), and very low flow conditions

[1] HSPF User's Manual - https://water.usgs.gov/software/HSPF/

(exceeded 90–100% of the time). LDC plots can be organized to display individual sampling loads with the calculated LDC. Watershed managers can interpret LDC graphs with individual sampling points plotted alongside the LDC to understand the relationship between flow conditions and water quality exceedances within the watershed. Individual sampling loads which plot above the LDC represent violations of the WQS and the allowable load under those flow conditions at those locations. The difference between individual sampling loads plotting above the LDC and the LDC, measured at the same flow, is the amount of reduction necessary to meet WQS.

E. coli concentrations from monitoring data are converted to individual sampling loads by multiplying the sample concentration by the instantaneous flow measurement observed/estimated at the time of sample collection and then by a conversion factor which allows the individual samples to be plotted on the same graph as the LDCs.

Critical conditions and seasonal variation are considered in the creation of the FDC by plotting hydrologic conditions over the flows measured during the recreation season.

MPCA did not assign specific allocations to specific nonpoint sources when utilizing the LDC process, and source specific source reductions are not quantified. Implementing the results shown by the LDCs requires watershed managers to understand the sources contributing to the water quality impairment and which Best Management Practices (BMPs) may be the most effective for reducing *E. coli* loads based on flow magnitudes. Different sources will contribute *E. coli* loads under varying flow conditions. For example, if exceedances are significant during high flow events this would suggest storm events are the cause and implementation efforts can target BMPs that will reduce stormwater runoff and consequently *E. coli* loading into surface waters. This allows for a more efficient implementation effort.

The load duration curve developed for the Flint Creek TMDL, plotted along with the *E. coli* monitoring data are shown in Figure 7 of the TMDL.

The *E. coli* TMDL for Flint Creek is shown in Table 5 of this Decision Document. The TMDL summary table identifies the loading capacity for the waterbody at the midpoint of each flow regime. Although there are numeric loads for each flow regime shown in Table 5, the LDC in Figure 7 of the final TMDL document is what is being approved for this TMDL.

Table 5. Flint Creek (09030005-588) *E. coli* TMDL summary

- Listing year: 2022
- Baseline year: 2018 (end of year)
- Numeric standard used to calculate TMDL: 126 org/100 mL
- TMDL and allocations apply Apr-Oct

TMDL *E. coli* load (billions org./day) by flow zone

TMDL parameter		Very high	High	Mid	Low	Very low
WLA	ISD 2142 Pre-Kindergarten to Grade 12 N School (MN0069850)	0.027	0.027	0.027	0.027	0.027
LA	**Total LA**	426	106	33	11	1.9
	MOS	47	12	3.7	1.2	0.21
	TMDL	473	118	37	12	2.1
	Maximum monthly geometric mean (org/100 mL)	714				
	Estimated percent reduction	82%				

(from Table 6 of the final TMDL document)

The TMDL summary table (Table 5 of this Decision Document) communicates the MPCA's estimate of an 82% reduction of existing Flint Creek *E. coli* load required to meet WQS. This loading reduction percentage was estimated from existing maximum monthly geometric mean *E. coli* concentration of 714 org/ml when compared to the 126 org/ml required to meet WQS. The MPCA expects that this reduction will result in the attainment of the water quality targets and the stream segment's water quality will return to a level where the designated uses are no longer considered impaired.

The EPA concurs with the data analysis and LDC approach utilized by the MPCA in its calculations of loading capacities, wasteload allocations, load allocations and the margins of safety for the Flint Creek *E. coli* TMDL. The methods used for determining the TMDL are consistent with the EPA's technical memos.[2]

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the third criterion.

4. Load Allocations (LA)

The 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.

The EPA Review of the Flint Creek TMDL Load Allocations:

The MPCA calculated the Load Allocation by subtracting the Waste Load Allocation and the Margin of Safety from the TMDL loading capacity of Flint Creek.

[2] U.S. Environmental Protection Agency. August 2007. *An Approach for Using Load Duration Curves in the Development of TMDLs*. Office of Water. EPA-841-B-07-006. Washington, D.C.

Load allocations were recognized as originating from many diverse nonpoint sources including watershed runoff, nonpermitted feedlots, nonpermitted wastewater, and natural background sources. MPCA did not determine individual load allocation values for each of these potential nonpoint source considerations but aggregated the nonpoint sources into one "watershed load" LA calculation (Table 5 of this Decision Document).

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of this fourth criterion.

5. Wasteload Allocations (WLAs)

The 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.

The EPA Review of the Flint Creek TMDL Waste Load Allocations:

NPDES permitted facilities

MPCA identified one NPDES permitted WWTP that discharges into waters in the Flint Creek subwatershed (Section 4.3 of the final TMDL document). The Independent School District (ISD) 2142 Pre-Kindergarten to Grade 12, N School operates a small wastewater treatment facility (NPDES permit number MN0069850) upstream of the impaired reach of Flint Creek.

The *E. coli* WLAs was calculated by MPCA by multiplying the *E. coli* geometric mean standard (126 org/100 mL) by the facility's maximum design flow. The average wet weather discharge volume was used to calculate the WLA.

The assigned *E. coli* WLA is based on the fecal coliform permit limits of 200 org/100ml as a calendar month geometric mean. This effluent limit is consistent with the *E. coli* WLA assumptions, and it is assumed by MPCA that meeting the fecal coliform limits will also meet the *E. coli* WLAs.

The specific information for the WLA is listed in Table 6 of this Decision Document and reflected in Table 5 (TMDL Summary) of this Decision Document.

Table 6. Wastewater *E. coli* wasteload allocations.

Facility name	Permit number	WLA flow (mgd) [1]	Flow type	Pollutant	*E. coli* WLA (billion organisms per day)	Existing permit consistent with WLA assumptions
ISD 2142 Pre-Kindergarten to Grade 12 N School	MN0069850	0.00565	continuous	*E. coli*	0.027	Y

(from Table 5 of the final TMDL document)

CAFOs:
MPCA did not identify any NPDES/SDS permitted animal feedlots (CAFOs) in the impaired watershed addressed by this TMDL.

Construction and industrial stormwater:
MPCA explained that *E coli* is not a typical pollutant from construction sites in Minnesota, therefore a WLA for regulated construction stormwater (MNR1000001) are not developed as part of this TMDL.

Industrial stormwater receives a WLA only if the pollutant is part of benchmark monitoring for an industrial site in the watershed of an impaired waterbody. Industrial stormwater *E. coli* WLAs were not assigned by MPCA because there are no fecal bacteria or *E. coli* benchmarks associated with the industrial stormwater general permit (MNR050000).

MS4s:
MPCA did not identify any MS4s within the Flint Creek watershed.

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of this fifth criterion.

6. Margin of Safety (MOS)

The Clean Water Act, § 303(d)(1)(c), and 40 C.F.R. 130.7 (c)(1) require that a TMDL include a margin of safety (MOS) "which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality." The 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. The MOS may include both explicit and implicit components.

The EPA Review of the Flint Creek TMDL MOS:

Section 4.2 of the final TMDL document discusses the determination of the MOS. MPCA allocated an explicit MOS of 10% of the loading capacity to the Margin of Safety (Table 5 of this Decision Document). This explicit MOS is intended to account for uncertainty that MPCA identified in water quality monitoring data, environmental variability in flow and pollutant loading, calibration and validation of modeling efforts, and uncertainty in modeling outputs. MPCA considers a 10% MOS to be sufficient based on the calibration results of the HSPF model used to simulate flow values, noting that the HSPF model was updated and recalibrated in 2025.

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of this sixth criterion.

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)).

The EPA Review of the Flint Creek TMDL Seasonal Variation:

E. coli loads vary by season, typically reaching higher numbers in the dry summer months when low flows and *E. coli* growth rates contribute to their abundance. Loads are relatively lower in colder months when *E. coli* growth rates attenuate and loading events driven by stormwater runoff events aren't as frequent. Bacterial WQS need to be met between April 1st to October 31st, regardless of the flow condition. Modeled flow measurements represented a variety of flow conditions from the recreation season. LDCs developed by MPCA from these modeled flow conditions represented a range of flow conditions and thereby accounted for seasonal variability over the recreation season.

Critical conditions for *E. coli* loading occur in the dry summer months. This is typically when stream flows are lowest and bacterial growth rates can be high. By meeting the water quality targets during the summer months, it can reasonably be assumed that the loading capacity values will be protective of water quality during the remainder of the calendar year (November through March).

The EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of this seventh criterion.

8. Reasonable Assurance

When a TMDL is developed for waters impaired by point sources only, the issuance of a 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, the 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 the EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement WQS.

The EPA Review of the Flint Creek TMDL Reasonable Assurance:

The Flint Creek *E. coli* TMDL provides reasonable assurance that actions identified in the implementation section of the final TMDL (i.e., Sections 6 and 8 of the final TMDL document) will be applied to attain the loading capacities and load and waste load allocations. The recommendations made by the MPCA will be successful at improving water quality if the appropriate local groups work to implement these recommendations. Those mitigation suggestions, which fall outside of regulatory authority, will require commitment from state agencies and local stakeholders to carry out the suggested actions.

Reasonable Assurance for Waste Load Allocations:

Reasonable assurance for the WLA is provided by regulatory actions. According to 40 CFR 122.44(d)(1)(vii)(B), NPDES permit effluent limits must be consistent with assumptions and requirements of all WLAs in an approved TMDL. EPA notes that the WLA is a relatively minor portion of the overall *E. coli* loading to Flint Creek comprising only 1.2% of the load under worst case low flow conditions, with the percentage being even more negligible under higher flow conditions.

Reasonable Assurance for Nonpoint Sources and Nonpermitted Wastewater

The Flint Creek TMDL identifies two remaining primary sources of *E. coli.*, improper disposal of human sewage and sources related to livestock.

SSTSs Regulation and Control:

Section 6.2.1 of the final TMDL document discusses SSTS (septic tanks). SSTSs are regulated through Minn. Stat. §§ 115.55 and 115.56. SSTS specific rule requirements can be found in Minn. R. 7080 through 7083. Regulations include:

- Minimum technical standards for design and installation of individual and mid-size SSTS
- A framework for local units of government to administer SSTS programs
- Statewide licensing and certification of SSTS professionals
- SSTS product review and registration
- Establishment of the SSTS Advisory Committee
- Various ordinances for SSTS installation, maintenance, and inspection.

In accordance with Minnesota statutes and regulations, individual counties maintain an SSTS ordinance to regulate the treatment and dispersal of sewage within the county's jurisdiction. County SSTS regulatory programs will continue to work to ensure SSTS systems come into compliance with state and county statutes and to find and eliminate direct sewage discharges to surface waters (straight pipes). Large-scale SSTS compliance inspection programs, typically focused on riparian communities near impaired waterbodies, have also been funded in the past through grants provided by the Minnesota Board of Water and Soil Resources (BWSR) to local governments.

Straight pipes systems are considered to be an imminent threat to public health and safety and once discovered are issued an Administrative Penalty Order and required to be removed within 10-months.

The state notes that the MPCA Clean Water Partnership program offers low-interest loans to local units of government for implementing nonpoint source BMPs and other activities that target the restoration and protection of water resources such as lakes, streams, or groundwater aquifers; these funds can be used for SSTS upgrades and replacements.

Figure 8 of the final TMDL document shows that replacement and upgrading of failing and illicit SSTSs is ongoing, averaging 373 systems a year since 2008 in St. Louis County.

Feedlots:
Section 6.2.2 of the final TMDL document discusses programs for reducing NPS pollution from agricultural feedlots. The MPCA regulates the collection, transportation, storage, processing and disposal of animal manure and other livestock operation wastes at state registered animal feeding operation (AFO) facilities. The MPCA Feedlot Program implements rules governing these activities and provides assistance to counties and the livestock industry. The feedlot rules apply to most aspects of livestock waste management including the location, design, construction, operation and management of feedlots and manure handling facilities.

MN Buffer Law:
Section 6.2.3 of the final TMDL document discusses the Minnesota buffer law. The buffer law (Minn. Stat. § 103F.48) requires perennial vegetative buffers to be maintained up to 50 feet from the shoreline along lakes, rivers, and streams, and buffers of 16.5 feet along ditches. These buffers will help to filter out pathogens prior to reaching surface waters. The buffer program is administered primarily at the local level and is overseen by the BWSR. As of January 2024, in the Little River Watershed, compliance with the buffer law is nearly at 100%.

1Watershed 1Plan watershed plans:
Section 6.3 of the final TMDL document discusses the 1W1P program that began in the Little Fork Watershed in spring of 2025 and is slated for adoption in spring of 2026. The plan has a restoration focus on the widespread pollutant issues in the watershed and protection issues in the Little Fork River watershed. Several activities are planned in both contexts, and restoration activities are focused on agricultural BMPs in the Flint Creek subwatershed, which has been identified as a priority watershed (draft Little Fork River Comprehensive Watershed Management Plan, 2026)

Pollution Reduction Planning:
Section 6.4 of the final TMDL document discusses ongoing planning for pollution reduction within the basin. The Flint Creek Watershed has been assigned a priority by the Little Fork River Comprehensive Management Plan in favor of sediment reduction efforts along the mainstem of the Little Fork River. The counties have identified manure and livestock managment as one of the main drivers of pollutant issues within the watershed. Efforts focused toward nutrient managment such as increasing manure management practices, installing BMPs, relocating animal feeding areas away from water conveyances, installing buffer strips along water conveyances, and reducing direct access by animals to streams in pasture areas, are likely to reduce *E. coli* loading along with sediment and nutrients.

Funding Sources:
Section 6.5 of the final TMDL document discusses funding to implement the *E. coli* pollutant load reductions needed. Funding may be sought from a variety of local, state, federal, and private sources. Examples of major funding sources that may be utilized include:

- BWSR's Clean Water Fund Watershed-based Implementation Funding (WBIF)
- Clean Water Fund Competitive Grants (e.g., Projects and Practices)
- Conservation funds from Natural Resources Conservation Service (NRCS) (e.g., Environmental Quality Incentives Program and Conservation Stewardship Program)

The BWSR administers the Clean Water Fund and has developed a detailed grants policy explaining what is required to be eligible to receive Clean Water Fund money (http://bwsr.state.mn.us/cwf_programs).

WBIF funds are an alternative to the project-by-project competitive funding program. WBIF funds are granted in a noncompetitive process and used to finance water quality improvement projects for lakes, rivers and streams, and groundwater (https://bwsr.state.mn.us/watershed-based-implementation-funding-program). WBIF funding requires the completion of a 1W1P comprehensive watershed management plan that provides assurance that implementation actions are prioritized, targeted, and measurable.

MPCA notes that more than $2,000,000 has been spent cumulatively on watershed implementation projects in the Little Fork Watershed from 2004 through 2024.

Adaptive Management:
Continued water quality monitoring within the basin is discussed by the MPCA in Section 8.5 of the final TMDL document and also discussed further in Section 9 of this Decision Document. Additional water quality monitoring results could provide insight into the success or failure of BMP systems designed to reduce *E. coli* and nutrient loading into the surface waters of Flint Creek. Minnesota utilizes an adaptive management approach when implementing TMDL pollutant load reductions as discussed in Section 8.5 of the final TMDL document. An adaptive management approach allows local watershed managers to reflect on the progress of the various pollutant removal strategies and change course if observed progress is unsatisfactory.

Clean Water Legacy Act:
The Clean Water Legacy Act (CWLA) was passed in Minnesota in 2006 for the purposes of protecting, restoring, and preserving Minnesota water. The CWLA provides the protocols and practices to be followed in order to protect, enhance, and restore water quality in Minnesota. The CWLA outlines how the MPCA, public agencies and private entities should coordinate in their efforts toward improving land use management practices and water management. The CWLA anticipates that all agencies (i.e., the MPCA, public agencies, local authorities and private entities, etc.) will cooperate regarding planning and restoration efforts. Cooperative efforts would likely include informal and formal agreements to jointly use technical, educational, and financial resources.

The CWLA also provides details on public and stakeholder participation, and how the funding will be used. In part to attain these goals, the CWLA requires the MPCA to develop WRAPS. The WRAPS are required to contain such elements as the identification of impaired waters, watershed modeling outputs, point and nonpoint sources, load reductions, etc. (*Chapter 114D.26*; CWLA). The WRAPS also contain an implementation table of strategies and actions that are capable of achieving the needed load reductions, for both point and nonpoint sources (*Chapter 114D.26*, Subd. 1(8); CWLA). Implementation plans developed for the TMDLs are included in the table, and are considered "priority areas" under the WRAPS process (*Watershed Restoration and Protection Strategy Report Template*, MPCA). This table includes not only needed actions but a timeline for achieving water quality targets, the reductions needed from both point and nonpoint sources, the governmental units responsible, and interim milestones for achieving the actions. The MPCA has developed guidance on what is required in the WRAPS (*Watershed Restoration and Protection Strategy Report Template*, MPCA).

The EPA finds that this criterion has been adequately addressed.

9. Monitoring Plan to Track TMDL Effectiveness

The 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 WQSs.

The EPA Review of the Flint Creek TMDL Monitoring Plan:

Section 7 of the final TMDL document discusses plans for future monitoring in the Flint Creek basin. Progress of TMDL implementation will be measured through regular monitoring efforts of water quality and total BMPs completed. The MPCA anticipates that monitoring will be completed by local groups (e.g., the St. Louis County and Koochiching County SWCDs) and volunteers, as long as there is sufficient funding to support the efforts of these local entities. At a minimum, the Little Fork watershed will be monitored once every 10 years as part of the MPCA's Intensive Watershed Monitoring cycle.

Water quality monitoring is a critical component of the adaptive management strategy employed as part of the implementation efforts utilized in the Flint Creek subwatershed. Water quality information will aid watershed managers in understanding how BMP pollutant removal efforts are impacting water quality. Water quality monitoring combined with an annual review of BMP efficiency will provide information on the success or failure of BMP systems designed to reduce pollutant loading into waterbodies of Flint Creek and Little Fork River. Watershed managers will have the opportunity to reflect on the progress or lack of progress and will have the opportunity to change course if progress is unsatisfactory. Review of BMP efficiency is expected to be completed by the local and county partners.

The EPA finds that this criterion has been adequately addressed.

10. Implementation

The 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, the EPA's policy recognizes that other relevant watershed management processes may be used in the TMDL process. The EPA is not required to and does not approve TMDL implementation plans.

The EPA Review of the Flint Creek TMDL Implementation Planning:

Potential implementation strategies are outlined in Section 8 of the final TMDL document.

WLA Implementation:
Section 8.1 of the final TMDL document discusses the implementation of WLAs. The sole NPDES permitted facility in the watershed, ISD 2142 Pre-Kindergarten to Grade 12 N School (MN0069850) already has *E. coli* permit limits that are consistent with the WLA in this TMDL. Future reissuing of the permit will be required to be consistent with the WLA.

LA implementation:
A list of possible BMPs for controlling nonpermitted sources of *E. coli* is presented in Table 7 of this Decision Document. The BMPs shown are focused on the two primary sources of *E. coli* identified by the TMDL, livestock and failed and/or illicit septic management systems.

Table 7. Example BMPs for nonpermitted sources of *E. coli*

Strategy	BMP examples
Pasture management	Livestock access control
Pasture land runoff control and management	Filter strips, field borders, rotational grazing
Septic system improvements	Maintain and replace septic systems

	Identify and remove straight pipes
Buffers and filters	Riparian buffers and field borders
Education/outreach	Promote BMPs

(from Table 7 of the final TMDL document)

The findings from the Flint Creek TMDL will be used to inform the selection of implementation activities as part of the Little Fork River WRAPS process. The purpose of the WRAPS report is to support local working groups and jointly develop scientifically supported restoration and protection strategies to be used for subsequent implementation planning.

The Little Fork River Watershed WRAPS document (updated in June 2026) includes additional detail regarding specific recommendations from the MPCA to aid in the reduction of pollutants to the surface waters of the Little Fork River. While these recommendations target mainly sediment, nutrient and bacteria loads are also expected to be reduced. The reduction goals for the bacteria TMDL may be met via components of the following strategies:

Pasture management/livestock exclusion plans: Reducing livestock access to stream environments will lower the opportunity for direct transport of sediment, nutrients and bacteria to surface waters. The installation of exclusion fencing near stream and river environments to prevent direct access of livestock, installing alternative water supplies, and installing stream crossings between pastures, would work to reduce the influxes of pollutants and improve water quality within the watershed. Additionally, introducing rotational grazing to increase grass coverage in pastures, and maintaining appropriate numbers of livestock per acre for grazing, can also aid in the reduction of pollutant inputs.

Septic Field Maintenance: Septic systems are believed to be a source of bacteria to Flint Creek. Failing systems are expected to be identified and addressed via upgrades to those SSTS not meeting septic ordinances. The MPCA explained that SSTS improvement priority should be given to those failing SSTS adjacent to streams within the watershed. The MPCA aims to reduce the number of failing SSTS in the future via local septic management programs and educational opportunities. Educating the public on proper septic maintenance, finding and eliminating illicit discharges, and repairing failing systems could lessen the impacts of septic derived nutrient and bacteria inputs into Flint Creek.

Cost:
MPCA estimates the cost of reducing the *E. coli* loads to meet WQS at $1.8 million. Included in the estimated cost is the upgrading of 10 to 15 septic systems, installation of 10 to 15 feedlot manure management BMPs, and 10 to 30 outreach events to educate the public on how to reduce their contributions.

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

11. Public Participation

The 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, the EPA has explained that final TMDLs submitted to the 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 the EPA establishes a TMDL, the EPA regulations require the 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 the EPA determines that a state/Tribe has not provided adequate public participation, the EPA may defer its approval action until adequate public participation has been provided for, either by the state/Tribe or by the EPA.

The EPA Review of the Flint Creek TMDL Public Participation:

The public participation section of the TMDL submittal is found in Section 9 of the final TMDL document and the WRAPS document (Section 11 of the draft WRAPS). Throughout the development of the Flint Creek TMDL the public was given various opportunities to participate. As part of the strategy to communicate the goals of the TMDL project and to engage with members of the public, the MPCA worked with county and SWCD staff in the Little Fork River Watershed to promote water quality, to gain input from landowners via surveys and interviews and to better understand the social dynamics of stakeholders in the watershed. The MPCA's goal was to create civic engagement and discussion which would enhance the content of the TMDL, WRAPS and BWSR's 1W1P documents.

The MPCA posted the draft TMDL online at (http://www.pca.state.mn.us/water/tmdl) during its public comment period of April 27, 2026, to May 27, 2026. No comments were received on the draft TMDL.

The EPA finds that the TMDL document submitted by the MPCA satisfies the 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 the 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 the EPA review and approval. This clearly establishes the state's/Tribe's intent to submit, and the 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.

The EPA Review of the Flint Creek TMDL Submittal Letter:

The EPA received the final Flint Creek -Little Fork River Watershed TMDL document (2026), submittal letter and accompanying documentation from the MPCA on July 6, 2026. The transmittal letter explicitly stated that the final TMDL referenced in Table 1 of this Decision Document was being submitted to the EPA pursuant to Section 303(d) of the Clean Water Act for the EPA review and approval. The letter clearly stated that this was a final TMDL submittal under Section 303(d) of CWA. The letter also contained the name of the watershed as it appears on Minnesota's 303(d) list, and the causes/pollutants of concern. This TMDL was submitted per the requirements under Section 303(d) of the Clean Water Act and 40 CFR 130.

The EPA finds that the TMDL transmittal letter submitted for the Flint Creek-Little Fork River TMDL by the MPCA satisfies the requirements of this twelfth element.

13. Conclusion

After a full and complete review, the EPA finds that the one (1) *E. coli* TMDL satisfies all elements for an approvable TMDL. The Flint Creek-Little Fork River TMDL approval is for **one** TMDL, addressing one segment for aquatic recreational use impairment (Table 1 of this Decision Document).

The EPA's approval of this TMDL extends to the waterbody which is identified above with the exception of any portions of the waterbody that are within Indian Country, as defined in 18 U.S.C. Section 1151. The EPA is taking no action to approve or disapprove TMDLs for those waters at this time. The EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under the CWA Section 303(d) for those waters.