UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 26 2010

MAR 23 2010

REPLY TO THE ATTENTION OF:
WW-16J

Paul Eger, Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Dear Mr. Eger:

The U.S. Environmental Protection Agency has conducted a complete review of the final Total Maximum Daily Load (TMDL) for Kohlman Lake, including supporting documentation and follow-up information. Kohlman Lake, ID 62-0006, is located in eastern Minnesota in the Upper Mississippi Drainage Basin, in Maplewood, Ramsey County. The TMDL was calculated for phosphorus. The TMDL addresses the excessive nutrient impairment of Class 2B waters for Aquatic Recreation Use.

The TMDL meets the requirements of section 303(d) of the Clean Water Act and EPA's implementing regulations at 40 C.F.R. Part 130. Therefore, EPA hereby approves Minnesota's phosphorus TMDL, addressing excess nutrients. The statutory and regulatory requirements, and EPA's review of Minnesota's compliance with each requirement, are described in the enclosed decision document. We wish to acknowledge Minnesota's effort in submitting this TMDL and look forward to future TMDL submissions by the State of Minnesota. If you have any questions, please contact Peter Swenson, Chief of the Watersheds and Wetlands Branch, at 312-886-0236.

Sincerely,

Tinka G. Hyde
Director, Water Division

Enclosure

cc: Dave L. Johnson, MPCA
Chris Zadak, MPCA
Roger Ramthun, MPCA

TMDL: Kohlman Lake, Minnesota
Date:

DECISION DOCUMENT FOR THE APPROVAL OF THE KOHLMAN LAKE, MINNESOTA, 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: Section 2.1 of the TMDL states that Kohlman Lake (ID 62-0006) is located in eastern Minnesota in the city of Maplewood in the upper Mississippi River Basin in Ramsey County. The lake is within the North Central Hardwoods Forest Ecoregion and the Ramsey Washington Metro Watershed District (District). The District manages water resources on a watershed basis. The lake's surface area is 74 acres, and the watershed drains 7,484 acres and includes the communities of Gem Lake, White Bear Lake, Vadnais Heights, Maplewood, North St. Paul, Little Canada, and Oakdale.

The lake drains four drainage districts, defined as a network of drainage areas whose runoff drains to a common point. They are: Kohlman Lake Main Drainage District (6,831 acres), Kohlman Lake North Drainage District (107 acres), Kohlman Lake South Drainage District (83 acres), and Kohlman Lake Direct Drainage District (463 acres). Because the lake depth is less than 15 feet for more than 80% of the lake it is defined by the Minnesota Pollution Control Agency (MPCA) as a "shallow lake", and mixes several times throughout the year, with some stratification at other times. The lake is used for many types of recreation, fishing and aesthetic viewing.

Land use: Section 2.2 of the TMDL states that the watershed land use is 40.8% low-density residential, 20.8% natural/park/open/agricultural, 8.9% commercial, 8.9% wetland, 5.2% institutional, 5.1% high-density residential, 4.3 % industrial/office, 3.5% highway, and 2.5% open water including Kohlman Lake.

Problem Identification: Section 1.0 of the TMDL states that Kohlman Lake is within the Phalen Chain of Lakes Watershed and the District jurisdiction mentioned above. To better manage the resources, the District conducted a study in 2004 and included measurement of ponds and wetlands throughout the watershed. The survey calculated live storage volume, dead storage volume, overflow capacities, potential inflows and outflows, and existing and future land uses. The information was then used to model the lakes and watersheds, to choose future best management practices. Section 2.2 of the TMDL states that stormwater runoff is a primary contributor of excess phosphorus in the Phalen Chain of Lakes Watershed. Additional phosphorus within Kohlman Lake comes from lake sediments, macrophytes (curlyleaf pondweed) and carp excretion.

Pollutant of Concern: The pollutant of concern is excess nutrients (phosphorus).

Source Identification: Sections 5.1 and 5.2 of the TMDL state that both point and nonpoint sources contribute to elevated phosphorus conditions in the lake, and associated chlorophyll *a* and secchi disk readings. Even though the point source load contribution may be from surface runoff, none of the runoff is considered a nonpoint source contribution because all of the drainage area is included in the District's Municipal Separate Storm Sewer System (MS4) permits. The nonpoint source contributions to loading are from internal lake loading (sediments, pondweed, and carp) and atmospheric loading. Table 1 below shows the MS4 permittees.

Table 1. Permitted MS4s in the watershed

Location	Permit number
City of White Bear Lake	MS400060
City of Vadnais Heights	MS400057
City of Oakdale	MS400042
City of North St. Paul	MS400041
City of Maplewood	MS400032
City of Little Canada	MS400029
MN DOT	MS400170
Ramsey County	MS400191

Priority Ranking: The TMDL submittal states that the priority ranking is implicit in the TMDL schedule included in Minnesota's 303(d) list. This TMDL project was scheduled to begin in 2004 and targeted to be completed in 2008. Ranking criteria include: impairment impacts on public health and aquatic life; public value of the impaired water; likelihood of completing the TMDL and restoring the water; local interest and assistance with the TMDL; and sequencing of TMDLs within a watershed.

Future growth: No adjustments were made to future growth because the existing conditions are considered to be the ultimate land use conditions. Further, the District's permitting allows no net increase in TP loads due to development.

EPA finds that the TMDL document submitted by MPCA 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 Use: Section 3.0 states that the waters are classified Class 2B, which is the aquatic recreation designated use of fishing, swimming, canoeing, including bathing. (Minnesota Rule 7050.0222 Subp. 4). Minnesota Rules Chapter 7050 states: the quality of Class 2B surface waters shall be such as to permit the propagation and maintenance of a healthy community of cool or warm water sport or commercial fish and associated aquatic life, and their habitats. These waters shall be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. The lake is currently impaired for its beneficial use of aquatic recreation.

Standards: Minnesota uses both the size of the waterbody and its ecoregional location to determine standards for a waterbody. Kohlman Lake is classified as a shallow lake in the North Central Hardwood Forest Ecoregion. Though this TMDL only addresses phosphorus, three measurements are used for the standard: phosphorus, chlorophyll a, and secchi depth. The water quality standard for Kohlman Lake is:

- 60 µg/L phosphorus;
- 20 µg/L chlorophyll a; and,
- clarity not less than 1.0 meters secchi depth.

The narrative standard of MN Rule 7050.0150 Subp. 3 states: "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." EPA finds that the TMDL document submitted by MPCA 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:

TMDL = Loading Capacity (LC)	=	WLA	+	LA	+	MOS (implicit)
6.31 lbs/day	=	6.02 lbs/day	+	0.29 lbs/day		

Method for cause and effect: Section 4.0 states that two methods were used to determine the loading, one for the runoff from each basin and another for in-lake mass balance. The stormwater runoff model was the P8 Urban Catchment Model (Program for Predicting Polluting Particle Passage through Pits, Puddles, and Ponds). The model can estimate treatment effects of several BMPs. The model was used to estimate flow and loads from each lake's watershed. Prediction of phosphorus loads in lakes is not always straightforward, as the runoff may have different amounts of phosphorus concentration regardless of whether it is a wet, dry, or average year. Large amounts of runoff may add to the phosphorus in the lake, or large amounts of water may flush out the lake and reduce the phosphorus load. Dry years may concentrate phosphorus and bring it out of the sediment even if the contaminant was not added in large amounts from runoff. To determine the accuracy of the P8 model, MPCA used the FLUX model to determine the flow and load exiting from the outlet of Kohlman Lake. Section 4.1.1 of the TMDL states that FLUX results were in good agreement with P8 results.

Table 6 Kohlman Lake Growing Season Total Phosphorus Budget with Wasteload Allocations by MS4 and Load Allocations

Watershed TP Sources (By MS4)	Existing TP Load (Pounds)	TMDL Wasteload Allocation (WLA) (Pounds)	Daily TMDL Wasteload Allocation (WLA) (lbs/day) (Growing Season Pounds/122 days)	Percent Reduction of Existing TP Load (Percent)
Little Canada	14	14	0.12	0
Maplewood	98	88	0.72	10
North Saint Paul	407	306	2.51	25
Oakdale	54	41	0.33	24
Vadnais Heights	121	94	0.77	22
White Bear Lake	171	129	1.05	25
Ramsey County	6	5	0.04	17
MNDOT	72	58	0.47	21
Total Wasteload Sources	**943**	**734**	**6.02**	**22**
Internal and Atmospheric Sources	**Existing TP Load (Pounds)**	**TMDL Load Allocation (LA) (Pounds)**	**TMDL Load Allocation (LA) (lbs/day) (Growing Season Pounds/122 Days)**	**Percent Reduction of Existing TP Load (Percent)**
Kohlman Lake Internal Sources (from sediment release and curlyleaf pondweed)	283	28	0.23	90
Atmospheric Sources:	7	7	0.06	0
Total Load Sources	**290**	**35**	**0.29**	**88**
Overall Source Total	**1233**	**769**	**6.31**	**38**

Note: Wasteload and load allocations are based on the loads estimated by the average year precipitation model. During that growing season, the watershed phosphorus load and the lake's internal load of phosphorus combined to produce higher concentrations than in the other growing seasons modeled for this study. Both allocations were summed over the growing season (June through September). The margin of safety is implicitly included in the way that modeling was conducted for Kohlman Lake and the selection of its management scenario recommendations.

The in-lake mass balance portion of the calculation utilized a daily time-step, rather than annual loading, that tracked flow and phosphorus through the lake. The mass balance equation includes average lake depth, flushing rate, sedimentation rate, areal loading rate, and internal loading rate. Internal loading was deduced by comparing observed water quality (in the lake) and the load predicted by the model. Internal loading was intermittent based on the variability of lake mixing and anoxic conditions. Parameters for the in-lake model included sedimentation rate and net internal load during the growing season. The calibration used sediment cores collected from the lake to analyze for mobile phosphorus concentration and depth distribution to determine sediment release rates during anoxic conditions. A survey also indicated release of internal phosphorus from curlyleaf pondweed; the information may be used for future management options.

Critical Conditions: Section 4.1.1 of the TMDL states that the critical condition is not as obvious as a wet weather or dry weather condition because of the variability of external runoff loading, internal loading from the lake, and either flushing or residence of phosphorus in sediment. In this TMDL, the P8 modeling used a wet, dry, and average year to capture all conditions.

EPA finds that the TMDL document submitted by MPCA 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:

The Load Allocation is 0.29 lbs/day as shown in Table 6 above.

EPA finds that the TMDL document submitted by MPCA 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 WQSs and does not result in localized impairments. These individual WLAs may be adjusted during the NPDES permitting process. If the WLAs are adjusted, the individual effluent limits for each permit issued to a discharger on the impaired water must be consistent with the assumptions and requirements of the adjusted WLAs in the TMDL. If the WLAs are not adjusted, effluent limits contained in the permit must be consistent with the individual WLAs specified in the TMDL. If a draft permit provides for a higher load for a discharger than the corresponding individual WLA in the TMDL, the State/Tribe must demonstrate that the total WLA in the TMDL will be achieved through reductions in the remaining individual WLAs and that localized impairments will not result. All permitees 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 is 6.02 lbs/day as shown in Table 6 above, and the individual WLA are shown for each MS4 permitted location.

EPA finds that the TMDL document submitted by MPCA 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:

Though the MOS is considered implicit for the TMDL, there are several quantitative goals for reduction strategies that are explicit. Section 5.3 of the TMDL submittal states that both conservative assumptions and the modeling calibration methodology minimized errors, resulting in an implicit MOS. Lake phosphorus reduction strategies are based on the highest phosphorus concentration conditions. Further, the model calibrated the simulated and observed values within 5%. The reduction strategy has phosphorus concentration goals that are 8% lower than the eutrophication standard.

EPA finds that the TMDL document submitted by MPCA 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:

Seasonal variation was considered in this TMDL as described in Section 4.2 of the TMDL. Table 3 on the following page is taken directly from the TMDL submittal and shows the three different precipitation years used in this study and the resultant variability.

Table 3 Water, Total Phosphorus and Net Internal Load Budgets in Kohlman Lake for Wet, Dry and Average Precipitation Conditions

Precipitation Year	Water Load Over the Growing Season (AF)	External Total Phosphorus Load Over the Growing Season (lbs)	Internal Total Phosphorus Load Over the Growing Season (lbs)
Wet (Calibration Year) (2002)	4,868	2,317	65
Dry (1989)	1,639	666	70
Average (2001)	2,185	943	283

EPA finds that the TMDL document submitted by MPCA 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:

Section 5.6 of the TMDL submittal states that there is reasonable assurance that the TMDL will be implemented. Several implementation measures have already begun in the watershed in 2007, including an enhanced sand filter and permeable reactive limestone barriers. More details of these projects are described further in the Kohlman Basin Area Water Quality Enhancements

Study, and are estimated to yield a 6% reduction in the phosphorus from the basin into the lake. A volume reduction rule was instituted in 2007 has created projects that capture and infiltrate runoff and provide depression storage, such as rainwater gardens or infiltration basins. The rule has a goal of annual runoff reduction to achieve 10 and 20 year water quality goals for the lake.

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:

Section 5.6 of the TMDL states that the lake and runoff in the basin will be closely monitored. A permanent continuous flow monitoring and water quality sampling station has been established.

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:

As stated in the previous section on reasonable assurances, several projects are already underway as implementation has begun and will continue. The TMDL, modeling, and studies will support effective implementation of management practices.

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 TMDL was public noticed from August 31, 2009 to September 30, 2009. Copies of the draft TMDL were made available upon request and on the Internet web site: http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html.
Several entities or individuals provided comments to the MPCA during the public comment period. The comments were adequately addressed by MPCA and are included with the final TMDL submittal. MPCA also adequately addressed U.S. EPA comments.

EPA finds that the TMDL document submitted by MPCA 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:

The EPA received the final Kohlman Lake TMDL on March 3, 2010, accompanied by a submittal letter dated February 12, 2010. In the submittal letter, MPCA stated that the submission includes the final TMDL for excess nutrients (ID 62-0006). The lake is impaired for a healthy community

of cool or warm water sport or commercial fish, aquatic life, and their habitat, and for recreational use and bathing by excess phosphorus.

EPA finds that the TMDL document submitted by MPCA satisfies all requirements concerning this twelfth element.

13. Conclusion

After a full and complete review, EPA finds that the phosphorus TMDL for Kohlman Lake satisfies all of the elements of an approvable TMDL. This approval addresses 1 waterbody for excess nutrients, location ID 62-0006.

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.