



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

REPLY TO ATTENTION OF

WW-16J

September 1, 2020

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

Dear Mr. Skuta:

The U.S. Environmental Protection Agency completed its review of the final Total Maximum Daily Loads (TMDL) for segments within the Mississippi River-Brainerd Area Watershed (MRBAW), including supporting documentation. The MRBAW encompasses parts of Aitken, Crow Wing, Morrison and Todd counties in central Minnesota. The MRBAW TMDLs address impaired aquatic recreation use due to excessive bacteria and excessive nutrients and impaired aquatic life use due to excessive nutrients and sediment.

The MRBAW TMDLs meet 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 eight (8) bacteria TMDLs, twelve (12) nutrient TMDLs and one (1) sediment TMDL. EPA describes Minnesota's compliance with the statutory and regulatory requirements in the enclosed decision document.

EPA acknowledges Minnesota's efforts in submitting these TMDLs and look forward to future TMDL submissions by the State of Minnesota. If you have any questions, please contact Mr. Paul Proto, at 312-353-8657.

Sincerely,

Tera L. Fong
Digitally signed by Tera L. Fong
Date: 2020.09.01
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Tera L. Fong
Division Director, Water Division

wq-iw8-59g

TMDL: Mississippi River-Brainerd Area Watershed bacteria, nutrient and sediment TMDLs in portions of Aitken, Crow Wing, Morrison and Todd counties in central Minnesota

Date: September 1, 2020

DECISION DOCUMENT
FOR THE MISSISSIPPI RIVER-BRAINERD AREA WATERSHED TMDLS, IN PORTIONS
OF AITKEN, CROW WING, MORRISON AND TODD COUNTIES IN CENTRAL,
MINNESOTA

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 Water body, Pollutant of Concern, Pollutant Sources, and Priority Ranking

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

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

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

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

(5) an explanation and analytical basis for expressing the TMDL through *surrogate measures*, if applicable. *Surrogate measures* are parameters such as percent fines and turbidity for sediment impairments; chlorophyll *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comment:

Location Description/Spatial Extent:

The Mississippi River-Brainerd Area Watershed (MRBAW) in central Minnesota is part of the upper Mississippi River basin and covers parts of Aitkin, Crow Wing, Morrison and Todd counties. The MRBW is approximately 1,687 square miles (1,079,680 acres) and is mostly within the Northern Lakes and Forests (NLF) ecoregion (81% of the MRBW area) and the North Central Hardwood Forests ecoregion (19% of the MRBW area).

The MRBAW TMDLs address eight (8) segments impaired due to excessive bacteria, eleven (11) impaired lakes due to excessive nutrients, one (1) impaired river segment due to excessive sediment inputs and one impaired river segment due to excessive nutrients (Table 1 of this Decision Document).

Table 1: Mississippi River-Brainerd Area Watershed impaired waters addressed by this TMDL

Water body name	Assessment Unit ID	Affected Use	Pollutant or stressor	TMDL
Swan River	07010104-502	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Little Elk River	07010104-521	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Pike Creek	07010104-522	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Unnamed Creek	07010104-626	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Schwanke Creek	07010104-627	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Unnamed Creek	07010104-629	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Hay Creek	07010104-645	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
Buffalo Creek (Little Buffalo Creek)	07010104-695	Aquatic Recreation	Bacteria (<i>E. coli</i>)	<i>E. coli</i> TMDL
TOTAL bacteria TMDLs				8
Trace Lake	77-0009-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Fleming Lake	01-0105-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Fawn Lake	18-0240-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Big Swan Lake	77-0023-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Crow Wing Lake	18-0155-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Elm Island Lake	01-0123-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Gun Lake	01-0099-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Lower Mission Lake	18-0243-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Moose Lake	77-0026-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Ripple Lake	01-0146-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
Sebie Lake	18-0161-00	Aquatic Recreation	Excess Nutrients (total phosphorus)	Nutrient TMDL
TOTAL nutrient (lake) TMDLs				11
Sisabagamah Creek	07010104-659	Aquatic Life	Sediment/TSS surrogate for aquatic macroinvertebrate impairment	TSS TMDL
TOTAL TSS TMDLs				1

Unnamed Tributary to Sand Creek	07010104-679	Aquatic Life	Excess Nutrients (total phosphorus) surrogate for aquatic macroinvertebrate impairment	Nutrient TMDL
TOTAL nutrient (RES) TMDLs				1

The MRBAW includes tribal lands for Minnesota Chippewa-Mille Lacs Band (i.e., Mille Lacs). MPCA explained that the Mille Lacs land is not in a subwatershed which drains to an impaired lake or river segment (Section 1.2 of the final TMDL document) but there are Mille Lacs reservation lands in the larger MRBW. Therefore, the MRBAW TMDLs do not allocate any loading to tribal lands of the Minnesota Chippewa-Mille Lacs Band.

Land Use:

Land use in the MRBAW is mostly forested lands (36%), wetlands (24%), grasslands (10%), row crop lands (10%), pasture lands (8%), open water (6%) and developed lands (6%) (Section 3.4.2 of the final TMDL document and Table 2 of this Decision Document).

Table 2: Land cover in the impaired watersheds in the Mississippi River-Brainerd Area Watershed

Name	Drainage Area (Sq. Miles)	Developed (%)	Wetlands (%)	Open Water (%)	Forest (%)	Grassland (%)	Hay/Pastures (%)	Row Crops (%)
Swan River	180.4	6.1	6.1	3.8	27.0	25.3	11.9	19.8
Little Elk River	125.9	6.2	11.2	2.0	32.2	22.4	8.5	7.6
Pike Creek	44.2	7.6	10.2	0.3	18.9	28.0	17.0	18.1
Unnamed Creek	3.0	7.1	0.4	0.6	21.7	27.7	12.6	29.8
Schwanke Creek	8.8	5.8	8.4	0.2	15.8	20.4	13.9	35.5
Unnamed Creek	11.5	8.7	2.3	13.0	27.6	17.2	7.2	24.0
Hay Creek	12.0	4.1	32.5	0.8	41.3	7.4	4.1	9.8
Sisabagamah Creek	44.4	6.1	31.4	6.0	31.6	5.6	15.3	3.9
Unnamed Creek	8.6	4.0	35.9	2.4	30.8	7.2	10.0	9.7
Little Buffalo Creek	6.6	20.5	26.8	0.1	27.1	9.8	8.9	6.9
Big Swan	34.8	7.2	11.5	5.1	20.4	18.3	8.8	28.7
Crow Wing	16.9	8.7	4.0	29.9	39.1	6.8	2.2	9.3
Elm Island	96.4	5.3	16.8	26.8	38.8	5.5	4.7	2.0
Fawn	3.9	4.2	21.2	34.7	26.7	5.6	0.1	7.6
Fleming	7.2	4.3	14.7	22.8	40.9	3.6	10.1	3.3
Gun	14.9	4.6	8.6	55.5	14.4	1.0	12.3	3.5
Lower Mission	18.1	5.8	21.8	25.2	40.5	4.1	0.4	2.3
Moose	1.6	7.8	13.9	1.5	18.2	19.0	9.0	30.7
Ripple	103.8	5.5	17.2	26.2	38.4	5.4	5.1	1.9
Sebie	29.8	4.6	2.7	17.8	38.3	15.1	7.1	14.4

Trace	1.3	11.3	30.6	14.6	1.9	5.6	6.8	29.2
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Problem Identification:

Bacteria TMDLs: Bacteria impaired segments identified in Table 1 of this Decision Document were included on the final 2018 Minnesota 303(d) list due to excessive bacteria. Water quality monitoring within the MRBAW indicated that these segments were not attaining their designated aquatic recreation uses due to exceedances of the bacteria criteria. Excessive bacteria can negatively impact recreational uses (e.g., swimming, wading, boating, fishing etc.) and public health. At elevated levels, bacteria may cause illness within humans who have contact with or ingest bacteria laden water. Recreation-based contact can lead to ear, nose, and throat infections, and stomach illness.

Phosphorus TMDLs: The lakes identified in Table 1 of this Decision Document were included on the final 2018 Minnesota 303(d) list due to excessive nutrients (phosphorus). Total phosphorus (TP), chlorophyll-*a* (chl-*a*) and Secchi depth (SD) measurements in the MRBAW indicated that these waters were not attaining their designated aquatic recreation uses due to exceedances of nutrient criteria. Water quality monitoring was completed throughout the MRBAW and that data formed the foundation for TP TMDL modeling efforts.

While TP is an essential nutrient for aquatic life, elevated concentrations of TP can lead to nuisance algal blooms that negatively impact aquatic life and recreation (e.g., swimming, boating, fishing, etc.). Algal decomposition depletes dissolved oxygen levels within the water column. The decreases in dissolved oxygen can stress benthic macroinvertebrates and fish. Depletion of oxygen in the water column can also lead to conditions where phosphorus is released from bottom sediments (i.e., internal loading). Also, excess algae can shade the water column which limits the distribution of aquatic vegetation. Aquatic vegetation stabilizes bottom sediments, and also is an important habitat for macroinvertebrates and fish.

The Unnamed Tributary to Sand Creek (07010104-679) segment was included on the final 2018 Minnesota 303(d) list for impairments to the macroinvertebrate community. MPCA attributed the stressors leading to the macroinvertebrate community impairment determination to be due to eutrophic conditions in the stream segment (Section 4.3 of the final TMDL document). Therefore, MPCA developed a surrogate phosphorus TMDL for the Unnamed Creek stream segment using MPCA’s river eutrophication standards for its North River Nutrient Region (NRNR).

Sediment (Total Suspended Solids) TMDL: The Sisabagamah Creek (07010104-659) segment was included on the final 2018 Minnesota 303(d) list for impairments to the macroinvertebrate community. MPCA attributed the stressors leading to the macroinvertebrate community impairment determination to be due to excessive sediment in the water column (Section 4.3 of the final TMDL document). Therefore, MPCA developed a surrogate total suspended sediment (TSS) TMDL for the Sisabagamah Creek stream segment.

TSS is a measurement of the sediment and organic material that inhibits natural light from penetrating the surface water column. Excessive sediment and organic material within the water column can negatively impact fish and macroinvertebrates within the ecosystem. Excess sediment and organic material may create turbid conditions within the water column and may increase the costs of treating surface waters used for drinking water or other industrial purposes (e.g., food processing).

Excessive amounts of fine sediment in stream environments can degrade aquatic communities. Sediment can reduce spawning and rearing areas for certain fish species. Excess suspended sediment can clog the gills of fish, stress certain sensitive species by abrading their tissue, and thus reduce fish health. When in suspension, sediment can limit visibility and light penetration which may impair foraging and predation activities by certain species.

Excessive fine sediment also may degrade aquatic habitats, alter natural flow conditions in stream environments and add organic materials to the water column. The potential addition of fine organic materials may lead to nuisance algal blooms which can negatively impact aquatic life and recreation (e.g., swimming, boating, fishing, etc.). Algal decomposition depletes oxygen levels which stresses benthic macroinvertebrates and fish. Excess algae can shade the water column and limit the distribution of aquatic vegetation. Established aquatic vegetation stabilizes bottom sediments and provides important habitat areas for healthy macroinvertebrates and fish communities.

Degradations in aquatic habitats or water quality (e.g., low dissolved oxygen) can negatively impact aquatic life use. Increased turbidity, brought on by elevated levels of nutrients within the water column, can reduce dissolved oxygen in the water column, and cause large shifts in dissolved oxygen and pH throughout the day. Shifting chemical conditions within the water column may stress aquatic biota (i.e., fish and macroinvertebrate species). In some instances, degradations in aquatic habitats or water quality have reduced fish populations or altered fish communities from those communities supporting sport fish species to communities which support more tolerant rough fish species.

Excess siltation and flow alteration in streams can negatively impact aquatic life by altering habitats. Excess sediment can fill pools, embed substrates, and reduce connectivity between different stream habitats. The result is a decline in habitat types that, in healthy streams, support diverse macroinvertebrate communities. Excess sediment can reduce spawning and rearing habitats for certain fish species. Flow alterations in the MRBAW have resulted from drainage improvements on or near agricultural lands. Specifically, tile drains and land smoothing have increased surface and subsurface flow to streams. This results in higher peak flows during storm events and flashier flows which carry sediment loads to streams and erode streambanks.

Priority Ranking:

MPCA's schedule for TMDL completions, as indicated on the 303(d) impaired waters list, reflects Minnesota's priority ranking of this TMDL. 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. Mainstem river TMDLs, which are not contained in major watersheds and thus not addressed in WRAPS, must also be completed. The MPCA developed a state plan, Minnesota's TMDL Priority Framework Report, to meet the needs of EPA's national measure (WQ-27) under 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 2022. The waters of the MRBAW addressed by this TMDL are part of the MPCA prioritization plan to meet EPA's national measure.

Pollutants of Concern:

The pollutants of concern are bacteria, TP (nutrients) and TSS (sediment).

Source Identification (point and nonpoint sources):

Point Source Identification: The potential point sources to the MRBAW are:

MRBAW bacteria TMDLs:

National Pollutant Discharge Elimination Systems (NPDES) permitted facilities: NPDES permitted facilities may contribute bacteria loads to surface waters through discharges of treated wastewater. Permitted facilities must discharge wastewater according to their NPDES permit. MPCA determined that there are several wastewater treatment facilities/plants (WWTFs/WWTPs) in the MRBAW which contribute bacteria from treated wastewater releases (Table 3 of this Decision Document). MPCA assigned each of these facilities a portion of the bacteria wasteload allocation (WLA) (Table 8 of this Decision Document).

Table 3: NPDES facilities which contribute bacteria to impaired segments in the Mississippi River-Brainerd Area Watershed

Facility Name	Permit #	Impaired Reach	WLA
Facilities assigned bacteria (<i>E. coli</i>) WLA (bacteria/day)			
Grey Eagle WWTF	MN0023566	07010104-502	2.71E+09
Sobieski WWTF	MNG580217	07010104-502	9.97E+08
Swanville WWTF	MN0020109	07010104-502	8.68E+08
Randall WWTF	MN0024562	07010104-521	8.68E+08
Flensburg WWTF	MNG580016	07010104-522	7.77E+08

Municipal Separate Storm Sewer System (MS4) communities: Stormwater from MS4s can transport bacteria to surface water bodies during or shortly after storm events. MPCA identified two MS4 permittees which were assigned a portion of the WLA for the bacteria TMDLs (Table 4 of this Decision Document).

Table 4: MS4 communities which contribute bacteria loading in the Mississippi River-Brainerd Area Watershed

MS4 Permittee	Permit #	Impaired Reach
Little Falls City MS4	MS400227	Pike Creek (07010104-522)
Brainerd City MS4	MS400266	Little Buffalo Creek (07010104-695)

Concentrated Animal Feedlot Operations (CAFOs): MPCA recognized the presence of CAFOs in the MRBAW (Section 3.7.1.1 and Appendix A of the final TMDL document). CAFO facilities must be designed to contain all surface water runoff (i.e., have zero discharge from their facilities) and have a current manure management plan. MPCA explained that these facilities do not discharge effluent and therefore were not assigned a portion of the WLA (WLA = 0).

Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs): MPCA determined that the MRBAW does not have CSOs nor SSOs which contribute bacteria to waters of the MRBAW.

MRBAW phosphorus lake and stream TMDLs:

NPDES permitted facilities: NPDES permitted facilities may contribute phosphorus loads to surface waters through discharges of treated wastewater. Permitted facilities must discharge wastewater according to their NPDES permit. MPCA determined that there is one WWTP, the Grey Eagle WWTP (MN0023566) in the Trace Lake (77-0009-00) subwatershed which contributes phosphorus from treated wastewater releases. MPCA assigned the Grey Eagle WWTP a portion of the phosphorus WLA (Table 9 of this Decision Document).

Stormwater runoff from permitted construction and industrial areas: Construction and industrial sites may contribute phosphorus via sediment runoff during stormwater events. These areas within the MRBAW must comply with the requirements of the MPCA's NPDES Stormwater Program and create a Stormwater Pollution Prevention Plan (SWPPP) that summarizes how stormwater will be minimized from the site.

MRBAW sediment (TSS) TMDL:

NPDES permitted facilities: NPDES permitted facilities may contribute sediment loads to surface waters through discharges of wastewater. Permitted facilities must discharge wastewater according to their NPDES permit. MPCA determined that there is one permittee, the American Peat Technology LLC (MN0057533) which contributes sediment from treated wastewater releases to Sisabagamah Creek. MPCA assigned this facility a portion of the sediment WLA (Table 11 of this Decision Document).

Stormwater runoff from permitted construction and industrial areas: Construction and industrial sites may contribute sediment via stormwater runoff during precipitation events. These areas within the MRBAW must comply with the requirements of the MPCA's NPDES Stormwater Program and create a SWPPP that summarizes how stormwater will be minimized from the site.

Nonpoint Source Identification: The potential nonpoint sources to the MRBAW are:

MRBAW bacteria TMDLs:

Non-regulated urban runoff: Runoff from urban areas (i.e., urban, residential, commercial or industrial land uses) can contribute bacteria to local water bodies. Stormwater from urban areas, which drain impervious surfaces, may introduce bacteria (e.g., derived from wildlife or pet droppings) to surface waters.

Stormwater from agricultural land use practices and feedlots near surface waters: Animal Feeding Operations (AFOs) in close proximity to surface waters can be a source of bacteria to water bodies in the MRBAW. 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 which may lead to impairments in the MRBAW. Feedlots generate manure which may be spread onto fields. Runoff from fields with spread manure can be exacerbated by tile drainage lines, which channelize the stormwater flows and reduce the time available for bacteria to die-off.

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. Smaller animal facilities may add bacteria to surface waters via wastewater from these facilities or stormwater runoff from near-stream pastures.

Discharges from Subsurface Sewage Treatment Systems (SSTS) or unsewered communities: Failing septic systems are a potential source of bacteria within the MRBAW. 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 also include illicit discharges from unsewered communities.

Wildlife: Wildlife is a known source of bacteria in water bodies as many animals spend time in or around water bodies. Deer, geese, ducks, raccoons, and other animals all create potential sources of bacteria via contaminated runoff from animal habitats, such as urban park areas, forest, and rural areas.

MRBAW phosphorus lake and stream TMDLs:

Internal loading: The release of phosphorus from lake sediments, the release of phosphorus from lake sediments via physical disturbance from benthic fish (i.e., rough fish (e.g., carp)), the release of phosphorus from wind mixing the water column, and the release of phosphorus from decaying curly-leaf pondweed, may all contribute internal phosphorus loading to the lakes of the MRBAW. Phosphorus may build up in the bottom waters of the lake and may be resuspended or mixed into the water column when the thermocline decreases, and the lake water mixes.

Urban/residential sources: Nutrients, organic material and organic-rich sediment may be added via runoff from urban/developed areas near the impaired lakes in the MRBAW. Runoff from urban/developed areas can include phosphorus derived from fertilizers, leaf and grass litter, pet wastes, and other sources of anthropogenic derived nutrients.

Stormwater runoff from agricultural land use practices: Runoff from agricultural lands may contain significant amounts of nutrients, organic material and organic-rich sediment which may lead to impairments in the MRBAW. Manure spread onto fields is often a source of phosphorus, and can be exacerbated by tile drainage lines, which channelize the stormwater. Tile lined fields and channelized ditches enable particles to move more efficiently into surface waters. Phosphorus, organic material and organic-rich sediment may be added via surface runoff from upland areas which are being used for Conservation Reserve Program (CRP) lands, grasslands, and agricultural lands used for growing hay or other crops. Stormwater runoff may contribute nutrients and organic-rich sediment to surface waters from livestock manure, fertilizers, vegetation and erodible soils.

Unrestricted livestock access to streams: Livestock with access to stream environments may add nutrients 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 nutrient concentrations and may

contribute to downstream impairments. Smaller animal facilities may add nutrients to surface waters via wastewater from these facilities or stormwater runoff from near-stream pastures.

Stream channelization and stream erosion: Eroding streambanks and channelization efforts may add nutrients, organic material and organic-rich sediment to local surface waters. Nutrients may be added if there is particulate phosphorus bound with eroding soils. Eroding riparian areas may be linked to soil inputs within the water column and potentially to changes in flow patterns. Changes in flow patterns may also encourage down-cutting of the streambed and streambanks. Stream channelization efforts can increase the velocity of flow (via the removal of the sinuosity of a natural channel) and disturb the natural sedimentation processes of the streambed.

Atmospheric deposition: Phosphorus and organic material may be added via particulate deposition. Particles from the atmosphere may fall onto lake surfaces or other surfaces within the MRBAW. Phosphorus can be bound to these particles which may add to the phosphorus inputs to surface water environments.

Discharges from SSTS or unsewered communities: Failing septic systems are a potential source of nutrients within the MRBAW. 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 nutrient contribution from these systems.

Wetland and Forest Sources: Phosphorus, organic material and organic-rich sediment may be added to surface waters by stormwater flows through wetland and forested areas in the MRBAW. Storm events may mobilize phosphorus through the transport of suspended solids and other organic debris.

Wildlife: Wildlife is a known source of nutrients in water bodies as many animals spend time in or around water bodies. Deer, geese, ducks, raccoons, and other animals all create potential sources of nutrients via contaminated runoff from animal habitats, such as urban park areas, forest, and rural areas.

MRBAW sediment (TSS) TMDL:

Stream channelization and streambank erosion: Eroding streambanks and channelization efforts may add sediment to local surface waters. Eroding riparian areas may be linked to soil inputs within the water column and potentially to changes in flow patterns. Changes in flow patterns may also encourage down-cutting of the streambed and streambanks. Stream channelization efforts can increase the velocity of flow (via the removal of the sinuosity of a natural channel) and disturb the natural sedimentation processes of the streambed. Unrestricted livestock access to streams and streambank areas may lead to streambank degradation and sediment additions to stream environments.

Stormwater runoff from agricultural land use practices: Runoff from agricultural lands may contain significant amounts of sediment which may lead to impairments in the MRBAW. Sediment inputs to surface waters can be exacerbated by tile drainage lines, which channelize the stormwater flows. Tile lined fields and channelized ditches enable particles to move more efficiently into surface waters.

Wetland and Forest Sources: Sediment may be added to surface waters by stormwater flows through wetland or forested areas in the MRBAW. Storm events may mobilize decomposing vegetation, organic soil particles through the transport of suspended solids and other organic debris.

Atmospheric deposition: Sediment may be added via particulate deposition. Particles from the atmosphere may fall onto surface waters within the MRBAW.

Future Growth:

MPCA anticipates that the population in the MRBAW will increase by approximately 8% between 2015 and 2045 (Section 3.2 of the final TMDL document). These estimates were based on demographic projections from the Minnesota State Demographic Center (2014). The WLA and load allocations (LA) for the MRBAW TMDLs were calculated for all current and future sources. Any expansion of point or nonpoint sources will need to comply with the respective WLA and LA values calculated in the MRBAW TMDLs.

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

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

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

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

Comment:

Designated Uses:

Water quality standards (WQS) are the fundamental benchmarks by which the quality of surface waters are 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),

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 segments addressed by the MRBAW TMDLs are designated as Class 2 waters for aquatic recreation use (fishing, swimming, boating, etc.) and aquatic life use (phosphorus and TSS). The Class 2 designated use is described in Minnesota Rule 7050.0140 (3):

“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.”

Water use classifications for individual water bodies are provided in Minnesota Rules 7050.0470, 7050.0425, and 7050.0430. This TMDL report addresses the water bodies that do not meet the standards for Class 2 and 3 waters. The impaired streams in this report are classified as class 2B, 2Bg and/or 3C waters (Table 1-1 of the final TMDL document).

Class 2B waters are protected for aquatic life and recreation, and the streams in this project are Class 2Bg waters, which are characterized as general warm water habitat waters. The lakes addressed in this report are classified as class 2B waters, which are protected for aquatic life and recreation.

Standards:

Narrative Criteria:

Minnesota Rule 7050.0150 (3) set 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.”

Numeric criteria:

Bacteria TMDLs: The bacteria water quality standards which apply to MRBAW TMDLs are:

Table 5: Bacteria Water Quality Standards Applicable to the MRBAW TMDLs

Parameter	Units	Water Quality Standard
<i>E. coli</i> ¹	# of organisms / 100 mL	The geometric mean of a minimum of 5 samples taken within any calendar month may not exceed 126 organisms
		No more than 10% of all samples collected during any calendar month may individually exceed 1,260 organisms

¹ = Standards apply only between April 1 and October 31

Bacteria TMDL Targets: The bacteria TMDL targets employed for the MRBAW bacteria TMDLs are the *E. coli* standards as stated in Table 5 of this Decision Document. The focus of this TMDL is on the 126 organisms (orgs) per 100 mL (126 orgs/100 mL) portion of the standard. MPCA believes that using the 126 orgs/100 mL portion of the standard for TMDL calculations will result in the greatest bacteria reductions within the MRBAW and will result in the attainment of the 1,260 orgs/100 mL portion of the standard. While the bacteria TMDLs will focus on the geometric mean portion of the water quality standard, attainment of both parts of the water quality standard is required.

Phosphorus TMDLs (lakes impaired due to excessive nutrients): Numeric criteria for TP, chlorophyll-*a*, and Secchi Disk depth are set forth in Minnesota Rules 7050.0222. These three parameters form the MPCA eutrophication standard that must be achieved to attain the aquatic recreation designated use. The numeric eutrophication standards which are applicable to the MRBAW lake TMDLs are found in Table 6 of this Decision Document.

Table 6: Minnesota Eutrophication Standards for Deep and Shallow lakes within the North Central Hardwood Forest (NCHF) and the Northern Lakes and Forest (NLF) ecoregions applicable in the Mississippi River-Brainerd Area Watershed TMDLs

Parameter	NCHF Eutrophication Standard (general lakes)	NCHF Eutrophication Standard (shallow lakes) ¹	NLF Eutrophication Standard (general lakes)
Total Phosphorus (µg/L)	TP < 40	TP < 60	TP < 30
Chlorophyll- <i>a</i> (µg/L)	chl- <i>a</i> < 14	chl- <i>a</i> < 20	chl- <i>a</i> < 9
Secchi Depth (m)	SD > 1.4	SD > 1.0	SD > 2.0

¹ = Shallow lakes are defined as lakes with a maximum depth less than 15-feet, or with more than 80% of the lake area shallow enough to support emergent and submerged rooted aquatic plants (littoral zone).

In developing the lake nutrient standards for Minnesota lakes, MPCA evaluated data from a large cross-section of lakes within each of the State’s ecoregions. Clear relationships were established between the causal factor, TP, and the response variables, chl-*a* and SD depth. MPCA anticipates that by meeting the TP concentrations of NCHF and NLF WQS the response variables chl-*a* and SD will be attained and the lakes of the MRBAW TMDL will achieve their designated beneficial uses. For lakes to achieve their designated beneficial use, the lake must not exhibit signs of eutrophication and must allow water-related recreation, fishing and aesthetic enjoyment. MPCA views the control of eutrophication as the lake enduring minimal nuisance algal blooms and exhibiting desirable water clarity.

Nutrient TMDL Targets (lakes impaired due to excessive nutrients): MPCA selected TP targets of **40 µg/L** (for NCHF deep lakes), **60 µg/L** (for NCHF shallow lakes) and **30 µg/L** (for NLF lakes) for lakes identified in Table 1 of this Decision Document. MPCA selected TP as the appropriate target parameter to address eutrophication problems because of the interrelationships between TP and chl-*a*, and TP and SD depth. Algal abundance is measured by chl-*a*, which is a pigment found in algal cells. As more phosphorus becomes available, algae growth can increase. Increased algae in the water column will decrease water clarity that is measured by SD depth. EPA finds the nutrient targets employed for the MRBAW TP TMDLs to be reasonable.

Phosphorus TMDLs (streams impaired due to excessive nutrients): The total phosphorus and response variable (i.e., chl-*a* (sestonic), DO_{FLUX}, BOD₅ and pH) values in Table 7 are the EPA approved water quality standards for the North River Nutrient Region (NRNR).

Table 7: River Eutrophication Water Quality Standards Applicable in the Mississippi River-Brainerd Area Watershed TMDLs

Parameter	Units	Water Quality Standard
<i>North River Nutrient Region</i>		
Total Phosphorus	µg/L	< 50
Chlorophyll-a	µg/L	< 7
Dissolved Oxygen Flux	mg/L	< 3.0
5-Day Biochemical Oxygen Demand	mg/L	< 1.5
pH	pH units	6.5 ≤ [] ≤ 9.0

Nutrient TMDL Targets (streams impaired due to excessive nutrients): MPCA employed the TP target of **50 µg/L** for the NRNR to streams in the MRBAW.

Sediment (TSS) TMDL: In January 2015, EPA approved MPCA’s regionally-based TSS criteria for rivers and streams. The TSS criteria replaced Minnesota’s statewide turbidity criterion (measured in Nephelometric Turbidity Units (NTU)). The TSS criteria provide water clarity targets for measuring suspended particles in rivers and streams.

Sediment (TSS) TMDL Targets: MPCA employed the regional TSS criterion for the NRNR, **15 mg/L**, for the MRBAW sediment TMDL.

The EPA finds that the TMDL document submitted by 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. 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:

MRBAW bacteria TMDLs: MPCA used the geometric mean (**126 orgs/100 mL**) of the *E. coli* water quality standard to calculate loading capacity values for the bacteria TMDLs. MPCA believes the geometric mean of the WQS provides the best overall characterization of the status of the watershed. EPA agrees with this assertion, as stated in the preamble of, “*The Water Quality Standards for Coastal and Great Lakes Recreation Waters Final Rule*” (69 FR 67218-67243, November 16, 2004) on page 67224, “...the geometric mean is the more relevant value for ensuring that appropriate actions are taken to protect and improve water quality because it is a more reliable measure, being less subject to random variation, and more directly linked to the underlying studies on which the 1986 bacteria criteria were based.” MPCA stated that the bacteria TMDLs will focus on the geometric mean portion of the water quality standard (126 orgs/100 mL) and that it expects that by attaining the 126 orgs/100 mL portion of the *E. coli* WQS the 1,260 orgs/100 mL portion of the *E. coli* WQS will also be attained. EPA finds these assumptions to be reasonable.

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 expressed in terms of organism counts. This approach is consistent with the EPA’s regulations which define “load” as “an amount of matter that is introduced into a receiving water” (40 CFR §130.2). To establish the loading capacities for the MRBAW bacteria TMDLs, MPCA used Minnesota’s WQS for *E. coli* (126 orgs/100 mL). A loading capacity is, “the greatest amount of loading that a water can receive without violating water quality standards.” (40 CFR §130.2). Therefore, a loading capacity set at the WQS will assure that the water does not violate WQS. MPCA’s *E. coli* TMDL approach is based upon the premise that all discharges (point and nonpoint) must meet the WQS when entering the water body. If all sources meet the WQS at discharge, then the water body should meet the WQS and the designated use.

Separate flow duration curves (FDCs) were created for each of the bacteria TMDLs in the MRBAW. The MRBAW FDCs were developed using flow data generated from Hydrologic Simulation Program-Fortran (HSPF) modeling efforts at the outlet/pour point of each impaired reach (Section 4.2.1 of the final TMDL document). MPCA focused on daily HSPF modeled flows from approximately 2006 to 2015 and bacteria (*E. coli*) water quality data from the same time period. HSPF hydrologic models were developed to simulate flow characteristics within the MRBAW and flow data focused on dates within the recreation season (April 1 to October 31). Daily stream flows were necessary to implement the load duration curve approach.

HSPF 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.^{1,2} The output of the HSPF process is a model of

¹ HSPF User’s Manual - <https://water.usgs.gov/software/HSPF/code/doc/hspfhelp.zip>

² EPA TMDL Models Webpage - <https://www.epa.gov/exposure-assessment-models/tmdl-models-and-tools>

multiple hydrologic response units (HRUs), or subwatersheds of the overall MRBAW. The flow from these HRUs were calibrated to different gage sites with up to ten years of data (2006 through 2015).

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 FDC were transformed into LDC by multiplying individual flow values by the WQS (126 orgs/100 mL) and then multiplying that value by a conversion factor. The resulting points are plotted onto a load duration curve graph. LDC graphs, for the MRBAW bacteria TMDLs, have flow duration interval (percentage of time flow exceeded) on the X-axis and *E. coli* loads (number of bacteria per unit time) on the Y-axis. The MRBAW LDC used *E. coli* measurements in billions of bacteria per day. The curved line on a LDC graph represents the TMDL of the respective flow conditions observed at that location.

Water quality monitoring was completed in the MRBAW and measured *E. coli* concentrations were 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 figure as the LDCs (e.g., Figure 4-1 of the final TMDL document). Individual LDCs are found in Section 4.2.5 of the final TMDL document.

The LDC plots were 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 (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.

The strengths of using the LDC method are that 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. Additionally, the LDC methodology is relatively easy to use and cost-effective. The weaknesses of the LDC method are that nonpoint source allocations cannot be assigned to specific sources, and specific source reductions are not quantified. Overall, MPCA believes and EPA concurs that the strengths outweigh the weaknesses for the LDC method.

Implementing the results shown by the LDC 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 bacteria loads based on flow magnitudes. Different sources will contribute bacteria 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 bacteria loading into surface waters. This allows for a more efficient implementation effort.

Bacteria TMDLs for the MRBAW were calculated and those results are found in Table 8 of this Decision Document. The load allocations were calculated after the determination of the WLA, and the

Margin of Safety (MOS) (10% of the loading capacity). Load allocations (e.g., stormwater runoff from agricultural land use practices and feedlots, SSTS, wildlife inputs etc.) were not split among individual nonpoint contributors. Instead, load allocations were combined together into a categorical LA ('Watershed Load') to cover all nonpoint source contributions.

Table 8 of this Decision Document reports five points (the midpoints of the designated flow regime) on the loading capacity curve. However, it should be understood that the components of the TMDL equation could be illustrated for any point on the entire loading capacity curve. The LDC method can be used to display collected bacteria monitoring data and allows for the estimation of load reductions necessary for attainment of the bacteria water quality standard. Using this method, daily loads were developed based upon the flow in the water body. Loading capacities were determined for the segment for multiple flow regimes. This allows the TMDL to be represented by an allowable daily load across all flow conditions. Table 8 of this Decision Document identifies the loading capacity for the water body at each flow regime. Although there are numeric loads for each flow regime, the LDC is what is being approved for this TMDL.

Table 8: Bacteria (*E. coli*) TMDLs for the Mississippi River-Brainerd Area Watershed are located at the end of this Decision Document

Table 8 of this Decision Document communicates MPCA's estimates of reductions required for streams impaired due to excessive bacteria. Attaining these reduction percentage estimates under the flow conditions which the reductions are prescribed to will allow the impaired segment to meet their water quality targets. These loading reductions (i.e., the percentage column) were estimated from existing and TMDL load calculations. MPCA expects that these reductions 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.

EPA concurs with the data analysis and LDC approach utilized by MPCA in its calculation of loading capacities, wasteload allocations, load allocations and the margin of safety for the MRBAW bacteria TMDLs. The methods used for determining the TMDL are consistent with EPA technical memos.³

MRBAW lake phosphorus TMDLs (BATHTUB): MPCA used the U.S. Army Corps of Engineers (USACE) BATHTUB model to calculate the loading capacities for the MRBAW lake TP TMDLs. The BATHTUB model was utilized to link observed phosphorus water quality conditions and estimated phosphorus loads to in-lake water quality estimates. MPCA has previously employed BATHTUB successfully in many lake studies in Minnesota. BATHTUB is a steady-state annual or seasonal model that predicts a lake's growing season (June 1 to September 30) average surface water quality. BATHTUB utilizes annual or seasonal time-scales which are appropriate because watershed TP loads are normally impacted by seasonal conditions.

BATHTUB has built-in statistical calculations which account for data variability and provide a means for estimating confidence in model predictions. BATHTUB employs a mass-balance TP model that accounts for water and TP inputs from tributaries, direct watershed runoff, the atmosphere, and sources internal to the lake, and outputs through the lake outlet, water loss via evaporation, and TP

³ 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.

sedimentation and retention in the lake sediments. BATHTUB provides flexibility to tailor model inputs to specific lake morphometry, watershed characteristics and watershed inputs. The BATHTUB model also allows MPCA to assess different impacts of changes in nutrient loading. BATHTUB allows the user the choice of several different mass-balance TP models for estimating loading capacity.

The loading capacity of the lake was determined by adjusting tributary, lakeshed, internal, and SSTS loads to achieve a targeted average P concentration of 59 ug/L for shallow lakes or 39 ug/L for deep lakes in the NCHF ecoregion, and 29 ug/L for lakes in the NLF ecoregion (Section 4.4.2 of the final TMDL document). The loading capacity was then allocated to the WLA, LA, and MOS. To simulate the load reductions needed to achieve the WQS, a series of model simulations were performed. Each simulation reduced the total amount of TP entering each of the water bodies during the growing season (or summer season, June 1 through September 30) and computed the anticipated water quality response within the lake. The goal of the modeling simulations was to identify the loading capacity appropriate (i.e., the maximum allowable load to the system, while allowing it to meet WQS) from June 1 to September 30. The modeling simulations focused on reducing the TP to the system.

The BATHTUB modeling efforts were used to calculate the loading capacity for each lake. The loading capacity is the maximum phosphorus load which each of these water bodies can receive over an annual period and still meet the shallow and general lake nutrient WQS (Table 6 of this Decision Document). Loading capacities on the annual scale (pounds per year (lbs/year)) were calculated to meet the WQS during the growing season (June 1 through September 30). The time period of June to September was chosen by MPCA as the growing season because it corresponds to the eutrophication criteria, contains the months that the general public typically uses lakes in the MRBAW for aquatic recreation, and is the time of the year when water quality is likely to be impaired by excessive nutrient loading. Loading capacities were divided by 365 to calculate the daily loading capacities.

MPCA subdivided the loading capacity among the WLA, LA, and MOS components of the TMDL (Table 9 of this Decision Document). These calculations were based on the critical condition, the summer growing season, which is typically when the water quality in each lake is typically degraded and phosphorus loading inputs are the greatest. TMDL allocations assigned during the summer growing season will protect the MRBAW lakes during the worst water quality conditions of the year. MPCA assumed that the loading capacities established by the TMDL will be protective of water quality during the remainder of the calendar year (October through May).

Table 9: Total phosphorus TMDLs for lakes in the Mississippi River-Brainerd Area Watershed are located at the end of this Decision Document

Table 9 of this Decision Document communicate MPCA's estimates of the reductions required for the lakes of the MRBAW to meet their water quality targets. These loading reductions (i.e., the percentage column) were estimated from existing and TMDL load calculations. MPCA expects that these reductions will result in the attainment of the water quality targets and the lake water quality will return to a level where the designated uses are no longer considered impaired.

MRBAW stream phosphorus TMDL: MPCA explained that main stressors to the aquatic macroinvertebrate impairment to the Unnamed Tributary to Sand Creek (07010104-679) segment were elevated levels of nutrients, low dissolved oxygen and poor habitat (Section 4.3 of the final TMDL

document). MPCA developed a TP TMDL to act as the surrogate to address the aquatic macroinvertebrate impairment in the Unnamed Tributary to Sand Creek. The river eutrophication standard (Table 7 of this Decision Document) is based on a growing season average, therefore, MPCA based the overall loading capacity for this segment on the overall simulated median growing season flow (June 1 to September 30) in the segment and the TP target (50 µg/L). Simulated flows for this segment were available for 2006-2015 and current loading estimates were calculated using the simulated median growing season flow and the simulated mean growing season concentration (Section 4.3 of the final TMDL document).

Table 10: Nutrient (stream) TMDL for the Mississippi River-Brainerd Area Watershed

Allocation	Source	TP Load (lbs/day)
TMDL for Unnamed Tributary to Sand Creek (07010104-679)		
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.0008
	<i>WLA Totals</i>	0.0008
<i>Load Allocation</i>	Watershed Load	0.80
	<i>LA Totals</i>	0.80
<i>Margin Of Safety (10%)</i>		0.09
Loading Capacity (TMDL)		0.89
Estimated Load Reduction (%)		40%

EPA supports the data analysis and modeling approach utilized by MPCA in its calculation of wasteload allocations, load allocations and the margin of safety for the MRBAW TP TMDLs. Additionally, EPA concurs with the loading capacities calculated by the MPCA in these TP TMDLs. EPA finds MPCA’s approach for calculating the loading capacity to be reasonable and consistent with EPA guidance.

MRBAW sediment (TSS) TMDL: MPCA developed a LDC to calculate the surrogate sediment TMDL for Sisabagamah Creek (07010104-659) segment of the MRBAW. The same LDC development strategies were employed for the sediment and bacteria TMDLs (e.g., the incorporation of HSPF model simulated flows to develop FDCs, water quality monitoring information collected within the MRBAW informing the LDC, etc.). The FDC were transformed into LDC by multiplying individual flow values by the TSS target (15 mg/L) and then multiplying that value by a conversion factor.

A sediment (TSS) TMDL was calculated (Table 11 of this Decision Document). The load allocation was calculated after the determination of the WLA, and the MOS. Load allocations (e.g., stormwater runoff from agricultural land use practices) was not split among individual nonpoint contributors. Instead, load allocations were combined together into one value to cover all nonpoint source contributions. Table 11 of this Decision Document reports five points (i.e., the midpoints of the designated flow regime) on the loading capacity curve. However, it should be understood that the components of the TMDL equation could be illustrated for any point on the entire loading capacity curve.

The LDC method can be used to display collected sediment monitoring data and allows for the estimation of load reductions necessary for attainment of the TSS water quality standard. Using this method, daily loads were developed based upon the flow in the water body. Loading capacities were determined for each segment for multiple flow regimes. This allows the TMDL to be represented by an allowable daily load across all flow conditions. Table 11 of this Decision Document identifies the

loading capacity for each segment at each flow regime. Although there are numeric loads for each flow regime, the LDC is what is being approved for this TMDL.

Table 11: TSS TMDL for the Mississippi River-Brainerd Area Watershed

Allocation	Source	Very High	High	Mid	Low	Very Low
		<i>Sediment (tons/day)</i>				
TMDL for Sisabagamah Creek (07010104-659)						
<i>Wasteload Allocation</i>	American Peat Technology LLC (MN0057533)	0.0376	0.0376	0.0376	0.0376	0.0376
	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.0049	0.0019	0.0007	0.0002	0.0001
	<i>WLA Totals</i>	0.0425	0.0395	0.0383	0.0378	0.0377
<i>Load Allocation</i>	Watershed Load	4.90	1.89	0.70	0.18	0.013
	<i>LA Totals</i>	4.90	1.89	0.70	0.18	0.01
<i>Margin Of Safety (10%)</i>		0.55	0.21	0.082	0.024	0.006
Loading Capacity (TMDL)		5.49	2.14	0.82	0.24	0.057
Estimated Load Reduction (%)		10%	0%	0%	0%	0%

MPCA estimated load reductions needed for the Sisabagamah Creek segment to attain water quality targets. These loading reductions (i.e., the percentage column) were estimated from existing and TMDL load calculations. MPCA expects that these reductions will result in the attainment of the water quality targets and that water quality will return to a level where the designated uses are no longer considered impaired.

EPA supports the data analysis and modeling approach utilized by MPCA in its calculation of wasteload allocations, load allocations and the margin of safety for the sediment (TSS) TMDL. Additionally, EPA concurs with the loading capacities calculated by the MPCA in the sediment (TSS) TMDL. EPA finds MPCA’s approach for calculating the loading capacity for the sediment (TSS) TMDL to be reasonable and consistent with EPA guidance.

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

4. Load Allocations (LA)

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:

MPCA determined the LA calculations for each of the TMDLs based on the applicable WQS. MPCA recognized that LAs for each of the individual TMDLs addressed by the MRBAW TMDLs can be attributed to different nonpoint sources.

MRBAW bacteria TMDLs: The calculated LA values for the bacteria TMDLs are applicable across all flow conditions in the MRBAW (Table 8 of this Decision Document). MPCA identified several nonpoint sources which contribute bacteria loads to the surface waters of the MRBAW, including; non-regulated urban stormwater runoff, stormwater from agricultural and feedlot areas, failing septic systems, wildlife (e.g., deer, geese, ducks, raccoons, turkeys and other animals) and bacteria contributions from upstream subwatersheds. 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 8 of this Decision Document).

MRBAW lake phosphorus TMDLs: MPCA identified several nonpoint sources which contribute nutrient loading to the lakes of the MRBAW (Table 9 of this Decision Document). These nonpoint sources included: watershed contributions from each lake’s direct watershed (i.e., lakeshed loading), internal loading, contributions from SSTS and atmospheric deposition. MPCA calculated individual load allocation values for each of these potential nonpoint source considerations (Table 9 of this Decision Document).

MRBAW stream phosphorus TMDL: MPCA identified several nonpoint sources which contribute nutrient loading to the Unnamed Tributary to Sand Creek (07010104-679) segment. These nonpoint source include: watershed contributions from upstream watersheds or from the streams’ direct watershed, contributions from upstream watersheds, non-regulated urban (i.e., non-MS4) stormwater runoff, SSTS contributions and atmospheric deposition. MPCA did not calculate individual load allocation values for each of these potential nonpoint source considerations but aggregated the potential nonpoint source contributions into a categorical, “watershed load” value (Table 10 of this Decision Document).

MRBAW sediment (TSS) TMDL: The calculated LA values for the sediment (TSS) TMDL are applicable across all flow conditions. MPCA identified several nonpoint sources which contribute sediment loads to the Sisabagamah Creek (07010104-659) (Table 11 of this Decision Document). Load allocations were recognized as originating from many diverse nonpoint sources including; stormwater contributions from agricultural lands, stream channelization and streambank erosion, wetland and forest sources, and atmospheric deposition. 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 11 of this Decision Document).

EPA finds MPCA’s approach for calculating the LA for bacteria, phosphorus and sediment (TSS) to be reasonable.

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

5. Wasteload Allocations (WLAs)

EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to individual existing and future point source(s) (40 C.F.R. §130.2(h), 40 C.F.R. §130.2(i)). In

some cases, WLAs may cover more than one discharger, e.g., if the source is contained within a general permit.

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

Comment:

MRBAW bacteria TMDLs: MPCA identified NPDES permitted facilities (Table 3 of this Decision Document) within the MRBAW and assigned those facilities a portion of the WLA (Table 8 of this Decision Document). WLAs for each of these individual facilities were calculated based on the facility's maximum daily volume (in millions of gallons per day) and the *E. coli* WQS (126 orgs /100 mL) (Section 4.2.2 of the final TMDL document). MPCA explained that the WLA for each individual WWTP was calculated based on the *E. coli* WQS but WWTF permits are regulated for the fecal coliform WQS (200 orgs /100 mL) and that if a facility is meeting its fecal coliform limits, which are set in the facility's discharge permit, MPCA assumes the facility is also meeting the calculated *E. coli* WLA from the MRBAW TMDLs. The WLA was therefore calculated using the assumption that the *E. coli* standard of 126 orgs/100 mL provides equivalent protection from illness due to primary contact recreation as the fecal coliform WQS of 200 orgs/100 mL.

MS4 allocations were calculated for the MRBAW bacteria based on the estimated regulated area of each permitted MS4 within an impaired watershed was divided by the total area of the watershed to represent the percent coverage of each permitted MS4 within the impaired watershed. The WLAs for permitted MS4s were calculated as the percent coverage of each permitted MS4 multiplied by the loading capacity minus the MOS minus wastewater WLAs.

MPCA acknowledged the presence of CAFOs in the MRBAW in Section 3.7.1.1 of the final TMDL document. CAFOs and other feedlots are generally not allowed to discharge to waters of the State (Minnesota Rule 7020.2003). CAFOs were assigned a WLA of zero (WLA = 0) by MPCA for the MRBAW bacteria TMDLs.

EPA finds the MPCA's approach for calculating the WLAs for the MRBAW bacteria TMDLs to be reasonable and consistent with EPA guidance.

MRBAW lake and stream phosphorus TMDLs: MPCA employed the current permitted effluent limit of 51 kg/yr (112.436 lbs/yr) for the WLA assigned to the City of Grey Eagle's WWTP (MN0023566) for the Trace Lake (77-0009-00) TP TMDL (Table 9 of this Decision Document).

MPCA identified construction and industrial stormwater contributions as necessitating a WLA (Tables 9 and 10 of this Decision Document). The WLA for construction stormwater was calculated based on the average annual percent area of each county that is regulated through a construction stormwater permit as best estimated from average annual construction acres from 2009 to 2014 (Section 4.4.3.3 of the final TMDL document). The construction stormwater WLA was calculated as the percent area multiplied by the loading capacity less the MOS and less wastewater WLAs. MPCA explained that it assumed 0.03% of an impaired segment's subwatershed area would be permitted for construction stormwater and the TP WLA assigned to construction stormwater was based on this percentage.

MPCA explained (Section 4.4.3.3 of the final TMDL document) that permitted industrial activities make up a small portion of the watershed areas. The industrial stormwater WLA was calculated in a similar fashion as the construction stormwater WLA (i.e., based on annual percentage of industrial facility area etc.) MPCA explained that it assumed 0.07% of an impaired segment's subwatershed area would be permitted for construction stormwater and the TP WLA assigned to industrial stormwater was based on this percentage. MPCA combined the construction stormwater assumption (0.03%) and the industrial stormwater assumption (0.07%) into one line item, referred to as the WLA for "Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)" and multiplied loading capacity values by 0.001 (Tables 9, 10 & 11 of this Decision Document).

Attaining the construction stormwater and industrial stormwater loads described in the MRBAW TP TMDLs is the responsibility of construction and industrial site managers. For example, for the Fleming Lake (01-0105-00) TP TMDL, local permittees are responsible for overseeing that construction and/or industrial stormwater loads which impact water quality in Fleming Lake do not exceed the WLA assigned to those areas. Local MS4 permittees are required to have a construction stormwater ordinance at least as stringent as the State's NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001). In the final TMDL document MPCA explained that if a construction site owner/operator obtains coverage under the NPDES/SDS General Stormwater Permit (MNR100001) and properly selects, installs and maintains all BMPs required under MNR100001 and applicable local construction stormwater ordinances, including those related to impaired waters discharges and any applicable additional requirements found in Appendix A of the Construction General Permit, the stormwater discharges would be expected to be consistent with the WLA in this TMDL. BMPs and other stormwater control measures which act to limit the discharge of the pollutant of concern (phosphorus) are defined in MNR100001.

The MPCA is responsible for overseeing industrial stormwater loads which impact water quality to lakes and stream segments in the MRBAW. Industrial sites within lake subwatersheds are expected to comply with the requirements of the State's NPDES/SDS Industrial Stormwater Multi-Sector General Permit (MNR050000) or NPDES/SDS General Permit for Construction Sand & Gravel, Rock Quarrying and Hot Mix Asphalt Production facilities (MNG490000). MPCA explained that if a facility owner/operator obtains coverage under the appropriate NPDES/SDS General Stormwater Permit and properly selects, installs and maintains all BMPs required under the permit, the stormwater discharges would be expected to be consistent with the WLA in this TMDL. BMPs and other stormwater control measures which act to

limit the discharge of the pollutant of concern (phosphorus) are defined in MNR050000 and MNG490000.

The NPDES program requires construction and industrial sites to create SWPPPs which summarize how stormwater pollutant discharges will be minimized from construction and industrial sites. Under the MPCA's Stormwater General Permit (MNR100001) and applicable local construction stormwater ordinances, managers of sites under construction or industrial stormwater permits must review the adequacy of local SWPPPs to ensure that each plan complies with the applicable requirements in the State permits and local ordinances. As noted above, MPCA has explained that meeting the terms of the applicable permits will be consistent with the WLAs set in the MRBAW TP TMDLs. In the event that the SWPPP does not meet the WLA, the SWPPP will need to be modified within 18-months of the approval of the TMDL by the EPA. This applies to sites under permits for MNR100001, MNR050000 and MNG490000.

EPA finds the MPCA's approach for calculating the WLA for the MRBAW TP TMDLs to be reasonable and consistent with EPA guidance.

MRBAW sediment (TSS) TMDL: MPCA identified one NPDES permitted facility, American Peat Technology LLC (MN0057533), in the Sisabagamah Creek subwatershed which contributes sediment and assigned this facility a portion of the WLA (Table 11 of this Decision Document). The WLA was calculated based on the TSS effluent limit and the average daily flow rate (Section 4.3.2 of the final TMDL document).

Similar to the TP TMDLs, MPCA calculated a portion of the WLA for construction and industrial stormwater for the sediment (TSS) TMDL. This WLA was represented as a categorical WLA for construction and industrial stormwater. The construction and industrial stormwater allocations for the MRBAW sediment (TSS) TMDL were calculated in the same manner as the construction and industrial stormwater allocations for the MRBAW TP TMDLs (i.e., see calculative method in *Section 5 – MRBAW lake and stream phosphorus TMDLs*, within this Decision Document).

MPCA's expectations and responsibilities for overseeing construction and industrial stormwater loads for the TP TMDLs are the same for the sediment TMDLs. Construction and industrial sites are expected to create SWPPPs which summarize how stormwater pollutant discharges will be minimized from construction and industrial sites. Under the MPCA's Stormwater General Permit (MNR100001) and applicable local construction stormwater ordinances, managers of sites under construction or industrial stormwater permits must review the adequacy of local SWPPPs to ensure that each plan complies with the applicable requirements in the State permits and local ordinances. As noted above, MPCA has explained that meeting the terms of the applicable permits will be consistent with the WLAs set in the sediment (TSS) TMDL for MRBAW. In the event that the SWPPP does not meet the WLA, the SWPPP will need to be modified within 18-months of the approval of the TMDL by the EPA. This applies to sites under permits for MNR100001, MNR050000 and MNG490000.

EPA finds the MPCA's approach for calculating the WLA for the MRBAW sediment (TSS) TMDL to be reasonable and consistent with EPA guidance.

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

6. Margin of Safety (MOS)

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

Comment:

The final TMDL submittal outlines the determination of the Margin of Safety for the bacteria, nutrient and sediment (TSS) TMDLs. All five parameters employed an explicit MOS set at 10% of the loading capacity.

MRBAW bacteria, phosphorus and sediment (TSS) TMDLs: The MRBAW TMDLs incorporated a 10% explicit MOS applied to the total loading capacity calculation for each flow regime of the LDC. Ten percent of the total loading capacity was reserved for MOS with the remaining load allocated to point and nonpoint sources (Tables 8, 9, 10 and 11 of this Decision Document). MPCA explained that the explicit MOS was set at 10% due to the following factors discovered during TMDL development for these pollutants:

- Environmental variability in pollutant loading and water quality data (i.e., collected water quality monitoring data, field sampling error, etc.);
- Calibration and validation processes of the LDC modeling efforts, uncertainty in modeling outputs, and conservative assumptions made during the modeling efforts; and
- MPCA's confidence in the BATHTUB model's performance during the development of TP TMDLs.

Challenges associated with quantifying *E. coli* loads include the dynamics and complexity of bacteria in stream environments. Factors such as die-off and re-growth contribute to general uncertainty that makes quantifying stormwater bacteria loads particularly difficult. The MOS for the MRBAW bacteria TMDLs also incorporated certain conservative assumptions in the calculation of the TMDLs. No rate of decay, or die-off rate of pathogen species, was used in the TMDL calculations or in the creation of load duration curves for *E. coli*. Bacteria have a limited capability of surviving outside their hosts, and normally a rate of decay would be incorporated. MPCA determined that it was more conservative to use the WQS (126 orgs/100 mL) and not to apply a rate of decay, which could result in a discharge limit greater than the WQS.

As stated in *EPA's Protocol for Developing Pathogen TMDLs* (EPA 841-R-00-002), many different factors affect the survival of pathogens, including the physical condition of the water. These factors include, but are not limited to sunlight, temperature, salinity, and nutrient deficiencies. These factors vary depending on the environmental condition/circumstances of the water, and therefore it would be

difficult to assert that the rate of decay caused by any given combination of these environmental variables was sufficient to meet the WQS of 126 orgs/100 mL. Thus, it is more conservative to apply the State's WQS as the bacteria target value, because this standard must be met at all times under all environmental conditions.

The EPA finds that the TMDL document submitted by MPCA contains an appropriate MOS satisfying the requirements of the 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)).

Comment:

MRBAW bacteria TMDLs: Bacterial loads vary by season, typically reaching higher numbers in the dry summer months when low flows and bacterial growth rates contribute to their abundance, and reaching relatively lower values in colder months when bacterial 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. The development of the LDCs utilized simulated flow data which were validated and calibrated with local flow gage data. Modeled flow measurements represented a variety of flow conditions from the recreation season. LDCs developed from these modeled flow conditions represented a range of flow conditions within the MRBAW 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).

MRBAW lake and stream phosphorus TMDLs: Seasonal variation was considered for the MRBAW TP TMDLs as described in Section 5.3 of the final TMDL document. The nutrient targets employed in the MRBAW TP TMDLs were based on the average nutrient values collected during the growing season (June 1 to September 30). The water quality targets were designed to meet the NCHF and NLF eutrophication WQS during the period of the year where the frequency and severity of algal growth is the greatest.

The Minnesota eutrophication standards state that total phosphorus WQS are defined as the mean concentration of phosphorus values measured during the growing season. In the MRBAW nutrient TMDL efforts, the LA and WLA estimates were calculated from modeling efforts which incorporated mean growing season total phosphorus values. Nutrient loading capacities were set in the TMDL development process to meet the WQS during the most critical period. The mid to late summer period is typically when eutrophication standards are exceeded and water quality within the MRBAW is deficient. By calibrating the modeling efforts to protect these water bodies during the worst water quality

conditions of the year, it is assumed that the loading capacities established by the TMDLs will be protective of water quality during the remainder of the calendar year (October through May).

MRBAW sediment (TSS) TMDL: The TSS WQS applies from April to September which is also the time period when high concentrations of sediment are expected in the surface waters of the MRBAW. Sediment loading in the MRBAW varies depending on surface water flow, land cover and climate/season. Spring is typically associated with large flows from snowmelt, the summer is associated with the growing season as well as periodic storm events and receding streamflows, and the fall brings increasing precipitation and rapidly changing agricultural landscapes. In all seasons, sediment inputs to surface waters typically occur primarily through wet weather events. Critical conditions that impact the response of MRBAW water bodies to sediment inputs may typically occur during periods of low flow. During low flow periods, sediment can accumulate within the impacted water bodies, there is less assimilative capacity within the water body, and generally sediment is not transported through the water body at the same rate it is under normal flow conditions.

Critical conditions that impact loading, or the rate that sediment is delivered to the water body, were identified as those periods where large precipitation events coincide with periods of minimal vegetative cover on fields. Large precipitation events and minimally covered land surfaces can lead to large runoff volumes, especially to those areas which drain agricultural fields. The conditions generally occur in the spring and early summer seasons.

The EPA finds that the TMDL document submitted by MPCA satisfies the requirements of the 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, EPA’s 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that nonpoint source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.

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

Comment:

The MRBAW bacteria, nutrient and sediment (TSS) TMDLs provide reasonable assurance that actions identified in the implementation section of the final TMDL (i.e., Sections 7 and 9 of the final TMDL document), will be applied to attain the loading capacities and allocations calculated for the impaired reaches within the MRBAW. The recommendations made by 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.

MPCA has identified several local partners which have expressed interest in working to improve water quality within the MRBAW. Implementation practices will be implemented over the next several years. It is anticipated that staff from Soil and Water Conservation District (SWCDs) (e.g., the Aitkin County SWCD) staff, local Minnesota Board of Soil and Water Resources (BWSR) offices, the Nature Conservancy, Camp Ripley and other local watershed groups, will work together to reduce pollutant inputs to the MRBAW. MPCA has authored a Mississippi River-Brainerd Area WRAPS document (August 2020) which provides information on the development of scientifically-supported restoration and protection strategies for implementation planning and action. MPCA sees the WRAPS document as a starting point for which MPCA and local partners can develop tools that will help local governments, land owners, and special interest groups determine (1) the best strategies for making improvements and protecting resources that are already in good condition, and (2) focus those strategies in the best places to do work.

County SWCDs, such as Aitkin County, have a history of implementation efforts in the MRBAW. The Aitkin County SWCD has been applying conservation practices to critical areas in the MRBAW and providing educational opportunities to local landowners in order to achieve sound management of natural resources. The SWCD employs various programming, such as buffer compliance and monitoring, culvert inventories and monitoring, wetland conservation efforts and other programs to ensure that efforts are made to improve water quality and conserve water resources in the MRBAW. Other county SWCDs in the MRBAW has similar programming efforts which locals can utilize.

Continued water quality monitoring within the basin is supported by MPCA. Additional water quality monitoring results could provide insight into the success or failure of BMP systems designed to reduce bacteria, nutrient and sediment loading into the surface waters of the watershed. Local watershed managers would be able to reflect on the progress of the various pollutant removal strategies and would have the opportunity to change course if observed progress is unsatisfactory.

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.

Reasonable assurance that the WLA set forth will be implemented 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. MPCA's stormwater program and

the NPDES permit program are the implementing programs for ensuring WLA are consistent with the TMDL. The NPDES program requires construction and industrial sites to create SWPPPs which summarize how stormwater will be minimized from construction and industrial sites. Under the MPCA's Stormwater General Permit, managers of sites under construction or industrial stormwater permits must review the adequacy of local SWPPPs to ensure that each plan meets WLA set in the MRBAW TMDLs. In the event that the SWPPP does not meet the WLA, the SWPPP will need to be modified. This applies to sites under the MPCA's General Stormwater Permit for Construction Activity (MNR100001) and its NPDES/SDS Industrial Stormwater Multi-Sector General Permit (MNR050000) or NPDES/SDS General Permit for Construction Sand & Gravel, Rock Quarrying and Hot Mix Asphalt Production facilities (MNG490000).

MPCA is responsible for applying federal and state regulations to protect and enhance water quality within the TMDL study area. MPCA oversees all regulated MS4 entities (e.g., Little Falls City) in stormwater management accounting activities. MS4 permits require permittees to implement BMPs to reduce pollutants in stormwater runoff to the Maximum Extent Practicable (MEP).

All regulated MS4 communities are required to satisfy the requirements of the MS4 general permit which requires the permittee to develop a SWPPP which addresses all permit requirements, including the following six minimum control measures:

- Public education and outreach;
- Public participation;
- Illicit Discharge Detection and Elimination (IDDE) Program;
- Construction-site runoff controls;
- Post-construction runoff controls; and
- Pollution prevention and municipal good housekeeping measures.

The MS4 General Permit requires permittees to develop compliance schedules for any TMDL that received EPA-approval prior to the effective date of the General Permit. This schedule must identify BMPs that will be implemented over the five-year permit term, timelines for their implementation, an assessment of progress, and a long-term strategy for continued progress toward ultimately achieving those WLAs.

MPCA requires MS4 applicants to submit their application materials and SWPPP documentation to MPCA for review. Prior to extension of coverage under the general permit, all application materials are placed on 30-day public notice by the MPCA, to ensure adequate opportunity for the public to comment on each permittee's stormwater management program. Upon extension of coverage by the MPCA, the permittees are to implement the activities described within their SWPPP and submit annual reports to MPCA by June 30 of each year. These reports document the implementation activities which have been completed within the previous year, analyze implementation activities already undertaken, and outline any changes within the SWPPP from the previous year.

Various funding mechanisms will be utilized to execute the recommendations made in the implementation section of this TMDL. 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 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., 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 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. MPCA has developed guidance on what is required in the WRAPS ([Watershed Restoration and Protection Strategy Report Template](#), MPCA).

The Minnesota Board of Soil and Water Resources administers the Clean Water Fund as well, and has developed a detailed grants policy explaining what is required to be eligible to receive Clean Water Fund money (FY 2014 Clean Water Fund Competitive Grants Request for Proposal ([RFP](#)); [Minnesota Board of Soil and Water Resources](#), 2014).

The EPA finds that this criterion has been adequately addressed.

9. Monitoring Plan to Track TMDL Effectiveness

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

Comment:

The final TMDL document outlines the water monitoring efforts in the MRBAW (Section 8 of the final TMDL document). Progress of TMDL implementation will be measured through regular monitoring efforts of water quality and total BMPs completed. MPCA anticipates that monitoring will be completed by local groups (e.g., the Aitkin County SWCD, Crow Wing County SWCD, Morrison County SWCD and/or Todd County SWCD) and volunteers, as long as there is sufficient funding to support the efforts of these local entities. At a minimum, the MRBAW 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 MRBAW. 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 water bodies of the MRBAW. 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.

Stream Monitoring:

River and stream monitoring in the MRBAW, has been completed by a variety of organizations (i.e., SWCDs) and funded by Clean Water Partnership Grants, and other available local funds. MPCA anticipates that stream monitoring in the MRBAW should continue in order to build on the current water quality dataset and track changes based on implementation progress. Continuing to monitor water quality and biota scores in the listed segments will determine whether or not stream habitat restoration measures are required to bring the watershed into attainment with water quality standards. At a minimum, fish and macroinvertebrate sampling should be conducted by the MPCA, Minnesota Department of Natural Resources (MDNR), or other agencies every five to ten years during the summer season.

Lake Monitoring:

The lakes in the MRBAW have all been periodically monitored by volunteers and staff over the years. Monitoring for some of these locations is planned for the future in order to keep a record of the changing water quality as funding allows. Lakes are generally monitored for TP, chl-*a*, and Secchi disk transparency. MPCA expects that in-lake monitoring will continue as implementation activities are installed across the watersheds. These monitoring activities should continue until water quality goals are met. Some tributary monitoring has been completed on the inlets to the lakes and may be important to continue as implementation activities take place throughout the subwatersheds.

The 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:

The findings from the MRBAW TMDLs will be used to inform the selection of implementation activities as part of the Mississippi River-Brainerd Area 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 TMDL outlined some implementation strategies in Section 9 of the final TMDL document. MPCA outlined the importance of prioritizing areas within the MRBAW, education and outreach efforts with local partners, and partnering with local stakeholders to improve water quality within the watershed. The MRBAW WRAPS document (August 2020) includes additional detail regarding specific recommendations from MPCA to aid in the reduction of bacteria, nutrients and sediment (TSS) to surface waters of the MRBAW. Additionally, MPCA referenced the Statewide Nutrient Reduction Strategy (<https://www.pca.state.mn.us/water/nutrient-reduction-strategy>) for focused implementation efforts targeting phosphorus nonpoint sources in MRBAW. The reduction goals for the bacteria, nutrient and sediment (TSS) TMDLs may be met via components of the following strategies:

MRBAW bacteria TMDLs:

Pasture management/livestock exclusion plans: Reducing livestock access to stream environments will lower the opportunity for direct transport of bacteria to surface waters. The installation of exclusion fencing near stream and river environments to prevent direct access for livestock, installing alternative water supplies, and installing stream crossings between pastures, would work to reduce the influxes of bacteria 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 bacteria inputs.

Manure Collection and Storage Practices: Manure has been identified as a source of bacteria. Bacteria can be transported to surface water bodies via stormwater runoff. Bacteria laden water can also leach into groundwater resources. Improved strategies for the collection, storage and management of manure can minimize impacts of bacteria entering the surface and groundwater system. Repairing manure storage facilities or building roofs over manure storage areas may decrease the amount of bacteria in stormwater runoff.

Manure management plans: Developing manure management plans can ensure that the storage and application rates of manure are appropriate for land conditions. Determining application rates that take into account the crop to be grown on that particular field and soil type will ensure that the correct amount of manure is spread on a field given the conditions. Spreading the correct amount of manure will reduce the availability of bacteria to migrate to surface waters.

Feedlot runoff controls: Treatment of feedlot runoff via diversion structures, holding/storage areas, and stream buffering areas can all reduce the transmission of bacteria to surface water environments. Additionally, cleaner stormwater runoff can be diverted away from feedlots so as to not liberate bacteria.

Subsurface septic treatment systems: Improvements to septic management programs and educational opportunities can reduce the occurrence of septic pollution. Educating the public on proper septic maintenance, finding and eliminating illicit discharges and repairing failing systems could lessen the impacts of septic derived bacteria inputs into the MRBAW.

Stormwater wetland treatment systems: Constructed wetlands with the purpose of treating wastewater or stormwater inputs could be explored in selected areas of the MRBAW. Constructed wetland systems

may be vegetated, open water, or a combination of vegetated and open water. MPCA explained that recent studies have found that the more effective constructed wetland designs employ large treatment volumes in proportion to the contributing drainage area, have open water areas between vegetated areas, have long flow paths and a resulting longer detention time, and are designed to allow few overflow events.

Riparian Area Management Practices: Protection of streambanks within the watershed through planting of vegetated/buffer areas with grasses, legumes, shrubs or trees will mitigate bacteria inputs into surface waters. These areas will filter stormwater runoff before the runoff enters the main stem or tributaries of the MRBAW.

Bioinfiltration of stormwater: Biofiltration practices rely on the transport of stormwater and watershed runoff through a medium such as sand, compost or soil. This process allows the medium to filter out sediment and therefore sediment-associated bacteria. Biofiltration/bioretention systems, are vegetated and are expected to be most effective when sized to limit overflows and designed to provide the longest flow path from inlet to outlet.

MRBAW phosphorus TMDLs:

Septic Field Maintenance: Septic systems are believed to be a source of nutrients to waters in the MRBAW. Failing systems are expected to be identified and addressed via upgrades to those SSTS not meeting septic ordinances. MPCA explained that SSTS improvement priority should be given to those failing SSTS on lakeshore properties or those SSTS adjacent to streams within the direct watersheds for each water body. MPCA aims to greatly 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 nutrients inputs into the MRBAW.

Manure management (feedlot and manure stockpile runoff controls): Manure has been identified as a potential source of nutrients in the MRBAW. Nutrients derived from manure can be transported to surface water bodies via stormwater runoff. Nutrient laden water can also leach into groundwater resources. Improved strategies in the collection, storage and management of manure can minimize impacts of nutrients entering the surface and groundwater system. Repairing manure storage facilities or building roofs over manure storage areas may decrease the amount of nutrients in stormwater runoff.

Pasture management and agricultural reduction strategies: These strategies involve reducing nutrient transport from fields and minimizing soil loss. Specific practices would include; erosion control through conservation tillage, reduction of winter spreading of fertilizers, elimination of fertilizer spreading near open inlets and sensitive areas, installation of stream and lake shore buffer strips, streambank stabilization practices (gully stabilization and installation of fencing near streams), and nutrient management planning.

Urban/Residential Nutrient Reduction Strategies: These strategies involve reducing stormwater runoff from lakeshore homes and other residences within the MRBAW. These practices would include; rain gardens, lawn fertilizer reduction, lake shore buffer strips, vegetation management and replacement of failing septic systems. Water quality educational programs could also be utilized to inform the general public on nutrient reduction efforts and their impact on water quality.

Municipal activities: Municipal programs, such as street sweeping, can also aid in the reduction of nutrients to surface water bodies within the MRBAW. Municipal partners can team with local watershed groups or water district partners to assess how best to utilize their monetary resources for installing new stormwater BMPs (e.g., vegetated swales) or retro-fitting existing stormwater BMPs.

Internal Loading Reduction Strategies: Internal nutrient loads may be addressed to meet the TMDL allocations outlined in the MRBAW TP TMDLs. MPCA recommends that before any strategy is put into action, an intensive technical review, to evaluate the costs and feasibility of internal load reduction options be completed. Several options should be considered to manage internal load inputs to each of the water bodies addressed in this TMDL.

- *Management of fish populations:* Monitor and manage fish populations to maintain healthy game fish populations and reduce rough fish (i.e. carp, bullheads, fathead minnows) populations.
- *Vegetation management:* Improved management of in-lake vegetation in order to limit phosphorus loading and to increase water clarity. Controlling the vitality of curly-leaf pondweeds via chemical treatments (herbicide applications) will reduce one of the significant sources of internal loading, the senescence of curly-leaf plants in the summer months.
- *Chemical treatment:* The addition of chemical reactants (e.g., aluminum sulfate) to lakes of the MRBAW in order for those reactants to permanently bind phosphorus into the lake bottom sediments. This effort could decrease phosphorus releases from sediment into the lake water column during anoxic conditions.

MRBAW sediment (TSS) TMDL:

Improved Agricultural Drainage Practices: A review of local agricultural drainage networks should be completed to examine how improving drainage ditches and drainage channels could be reorganized to reduce the influx of sediment to the surface waters in the MRBAW. The reorganization of the drainage network could include the installation of drainage ditches or sediment traps to encourage particle settling during high flow events. Additionally, cover cropping, and residue management is recommended to reduce erosion and thus siltation and runoff into streams.

Reducing Livestock Access to Stream Environments: Livestock managers should be encouraged to implement measures to protect riparian areas. Managers should install exclusion fencing near stream environments to prevent direct access to these areas by livestock. Additionally, installing alternative watering locations and stream crossings between pastures may aid in reducing sediments to surface waters.

Identification of Stream, River, and Lakeshore Erosional Areas: An assessment of stream channel, river channel, and lakeshore erosional areas should be completed to evaluate areas where erosion control strategies could be implemented in the MRBAW. Implementation actions (e.g., planting deep-rooted vegetation near water bodies to stabilize streambanks) could be prioritized to target areas which are actively eroding. This strategy could prevent additional sediment inputs into surface waters of the MRBAW and minimize or eliminate degradation of habitat.

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

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 public participation section of the TMDL submittal is found in Section 10 of the final TMDL document. Throughout the development of the MRBAW TMDLs 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, MPCA worked with county and SWCD staff from the four counties in the MRBAW to promote water quality, to gain input from landowners via surveys and interviews and to better understand the social dynamics of stakeholders in the MRBAW. MPCA's goal was to create civic engagement and discussion which would enhance the content of the TMDL and WRAPS documents. A full description of civic engagement activities associated with the TMDL process is available within Section 3 of the MRBAW WRAPS report (August 2020).

MPCA posted the draft TMDL online at (<http://www.pca.state.mn.us/water/tmdl>) for a public comment period. The public comment period was started on June 1, 2020 and ended on July 1, 2020. MPCA received one comment from the EPA. EPA's comment requested that MPCA include additional discussion to include additional detail for the use of the river eutrophication standard, to discuss how the TP surrogate TMDL for the Unnamed Tributary to Sand Creek was calculated and to include additional discussion regarding the calculation of the construction/industrial stormwater WLA. EPA believes that MPCA adequately addressed these requests for additional clarification within the TMDL document and where necessary updated the final TMDL document. All public comments and MPCA responses to publicly submitted comments were shared with EPA.

The Mississippi River-Brainerd Watershed includes tribal lands for the Minnesota Chippewa Tribe-Mille Lacs Band and the Minnesota Chippewa Tribe (Section 1.2 of the final TMDL document). EPA invited representatives of the Minnesota Chippewa Tribe-Mille Lacs Band and Minnesota Chippewa Tribe to consult with EPA regarding EPA's review and decision on the MRBAW TMDLs.⁴

⁴ EPA Letter from Tera L. Fong, Division Director, Water Division, Region 5, EPA to Melanie Benjamin, Chief Executive of the Minnesota Chippewa Tribe – Mille Lacs Band, *Invitation for Consultation on EPA's Final Review of the Mississippi River-Brainerd Area Watershed Total Maximum Daily Load Study*, August 7, 2020. & EPA Letter from Tera L. Fong, Division Director, Water Division, Region 5, EPA to Gary Frazer, Executive Director of the Minnesota Chippewa Tribe, *Invitation for Consultation on EPA's Final Review of the Mississippi River-Brainerd Area Watershed Total Maximum Daily Load Study*, August 7, 2020.

Representatives from the Minnesota Chippewa Tribe-Mille Lacs Band and the Minnesota Chippewa Tribe did not respond to EPA's invitation to consult on EPA's review and decision of the MRBAW TMDLs. EPA understood this as the Minnesota Chippewa Tribe-Mille Lacs Band and the Minnesota Chippewa Tribe deferring on EPA's invitation to consult. Therefore, EPA closed out the tribal consultation invitation via a follow-up letter to the Chief Executive of the Minnesota Chippewa Tribe-Mille Lacs Band and the Executive Director of the Minnesota Chippewa Tribe.⁵

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

Comment:

The EPA received the final Mississippi River-Brainerd Area Watershed TMDL document, submittal letter and accompanying documentation from MPCA on August 5, 2020. The transmittal letter explicitly stated that the final TMDLs referenced in Table 1 of this Decision Document were being submitted to EPA pursuant to Section 303(d) of the Clean Water Act for 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 Mississippi River-Brainerd Area Watershed TMDLs by MPCA satisfies the requirements of this twelfth element.

13. Conclusion

After a full and complete review, the EPA finds that the 8 bacteria TMDLs, the 12 TP TMDLs and the 1 sediment (TSS) TMDL satisfy all elements for approvable TMDLs. This TMDL approval is for **twenty-**

⁵ EPA Letter from Tera L. Fong, Division Director, Water Division, Region 5, EPA to Melanie Benjamin, Chief Executive of the Minnesota Chippewa Tribe – Mille Lacs Band, *Closeout of EPA's consultation invitation and final review of the Mississippi River-Brainerd Area Watershed Total Maximum Daily Load Study*, September 1, 2020. & EPA Letter from Tera L. Fong, Division Director, Water Division, Region 5, EPA to Gary Frazer, Executive Director of the Minnesota Chippewa Tribe, *Closeout of EPA's consultation invitation and final review of the Mississippi River-Brainerd Area Watershed Total Maximum Daily Load Study*, September 1, 2020.

one TMDLs, addressing segments for aquatic recreational and aquatic life use impairments (Table 1 of this Decision Document).

The EPA's approval of these TMDLs extends to the water bodies which are identified above with the exception of any portions of the water bodies 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.

ATTACHMENTS

Attachment #1: Table 8: Bacteria (*E. coli*) TMDLs for the Mississippi River-Brainerd Area Watershed TMDL Report

Attachment #2: Table 9: Total phosphorus TMDLs for lakes in the Mississippi River-Brainerd Area Watershed TMDL Report

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Table 8: Bacteria (*E. coli*) TMDLs for the Mississippi River-Brainerd Area Watershed

Allocation	Source	Very High	High	Mid	Low	Very Low
		<i>E. coli</i> (bacteria/day)				
TMDL for Swan River (07010104-502)						
Wasteload Allocation	Grey Eagle WWTF (MN0023566)	2.71E+09	2.71E+09	2.71E+09	2.71E+09	2.71E+09
	Sobieski WWTF (MNG580217)	9.97E+08	9.97E+08	9.97E+08	9.97E+08	9.97E+08
	Swanville WWTF (MN0020109)	8.68E+08	8.68E+08	8.68E+08	8.68E+08	8.68E+08
	WLA Totals	4.58E+09	4.58E+09	4.58E+09	4.58E+09	4.58E+09
Load Allocation	Watershed Load	1.19E+12	4.14E+11	1.54E+11	4.23E+10	2.07E+09
	LA Totals	1.19E+12	4.14E+11	1.54E+11	4.23E+10	2.07E+09
Boundary Condition - Allowable Load (Reach 626, 627 & 629)		2.51E+11	9.17E+10	2.41E+10	3.78E+09	5.17E+08
Margin Of Safety (10%)		1.33E+11	4.65E+10	1.76E+10	5.21E+09	7.39E+08
Loading Capacity (TMDL)		1.58E+12	5.57E+11	2.00E+11	5.59E+10	7.90E+09
Estimated Load Reduction (%)		--	0%	12%	0%	--
TMDL for Elk River (07010104-521)						
Wasteload Allocation	Randall WWTF (MN0024562)	8.68E+08	8.68E+08	8.68E+08	8.68E+08	8.68E+08
	WLA Totals	8.68E+08	8.68E+08	8.68E+08	8.68E+08	8.68E+08
Load Allocation	Watershed Load	1.46E+12	4.08E+11	7.78E+10	1.51E+10	1.65E+09
	LA Totals	1.46E+12	4.08E+11	7.78E+10	1.51E+10	1.65E+09
Margin Of Safety (10%)		1.62E+11	4.54E+10	8.74E+09	1.77E+09	2.80E+08
Loading Capacity (TMDL)		1.62E+12	4.54E+11	8.74E+10	1.77E+10	2.80E+09
Estimated Load Reduction (%)		52%	0%	0%	53%	15%
TMDL for Pike Creek (07010104-522)						
Wasteload Allocation	Flensburg WWTF (MNG580016)	7.77E+08	7.77E+08	7.77E+08	7.77E+08	*
	Little Falls City MS4 (MS400227)	1.20E+10	3.31E+09	6.69E+08	1.39E+08	1.89E+07
	WLA Totals	1.28E+10	4.09E+09	1.45E+09	9.16E+08	1.89E+07
Load Allocation	Watershed Load	4.31E+11	1.18E+11	2.33E+10	4.22E+09	6.80E+08
	LA Totals	4.31E+11	1.18E+11	2.33E+10	4.22E+09	6.80E+08
Margin Of Safety (10%)		4.93E+10	1.36E+10	2.75E+09	5.71E+08	7.77E+07
Loading Capacity (TMDL)		4.93E+11	1.36E+11	2.75E+10	5.71E+09	7.77E+08
Estimated Load Reduction (%)		--	87%	93%	79%	--
TMDL for Unnamed Creek (07010104-626)						

<i>Wasteload Allocation</i>	WLA Totals	--	--	--	--	--
<i>Load Allocation</i>	Watershed Load	3.31E+10	1.29E+10	3.67E+09	4.86E+08	7.11E+07
	LA Totals	3.31E+10	1.29E+10	3.67E+09	4.86E+08	7.11E+07
Margin Of Safety (10%)		3.69E+09	1.43E+09	4.08E+08	5.40E+07	7.90E+06
Loading Capacity (TMDL)		3.68E+10	1.43E+10	4.08E+09	5.40E+08	7.90E+07
Estimated Load Reduction (%)		0%	0%	0%	82%	30%
TMDL for Schwanke Creek (07010104-627)						
<i>Wasteload Allocation</i>	WLA Totals	--	--	--	--	--
<i>Load Allocation</i>	Watershed Load	8.05E+10	2.61E+10	5.63E+09	1.28E+09	1.54E+08
	LA Totals	8.05E+10	2.61E+10	5.63E+09	1.28E+09	1.54E+08
Margin Of Safety (10%)		8.95E+09	2.90E+09	6.26E+08	1.42E+08	1.71E+07
Loading Capacity (TMDL)		8.95E+10	2.90E+10	6.26E+09	1.42E+09	1.71E+08
Estimated Load Reduction (%)		0%	57%	0%	66%	79%
TMDL for Unnamed Creek (07010104-629)						
<i>Wasteload Allocation</i>	WLA Totals	--	--	--	--	--
<i>Load Allocation</i>	Watershed Load	1.12E+11	4.35E+10	1.24E+10	1.64E+09	2.40E+08
	LA Totals	1.12E+11	4.35E+10	1.24E+10	1.64E+09	2.40E+08
Margin Of Safety (10%)		1.25E+10	4.83E+09	1.38E+09	1.82E+08	2.67E+07
Loading Capacity (TMDL)		1.25E+11	4.83E+10	1.38E+10	1.82E+09	2.67E+08
Estimated Load Reduction (%)		--	0%	68%	57%	48%
TMDL for Hay Creek (07010104-645)						
<i>Wasteload Allocation</i>	WLA Totals	--	--	--	--	--
<i>Load Allocation</i>	Watershed Load	1.03E+11	4.06E+10	1.29E+10	2.31E+09	3.91E+08
	LA Totals	1.03E+11	4.06E+10	1.29E+10	2.31E+09	3.91E+08
Margin Of Safety (10%)		1.14E+10	4.51E+09	1.43E+09	2.57E+08	4.34E+07
Loading Capacity (TMDL)		1.14E+11	4.51E+10	1.43E+10	2.57E+09	4.34E+08
Estimated Load Reduction (%)		--	10%	0%	--	--
TMDL for Little Buffalo Creek (07010104-695)						
<i>Wasteload Allocation</i>	Brainerd City MS4 (MS400266)	2.70E+10	1.12E+10	3.70E+09	7.14E+08	1.19E+08
	WLA Totals	2.70E+10	1.12E+10	3.70E+09	7.14E+08	1.19E+08
<i>Load Allocation</i>	Watershed Load	3.32E+10	1.38E+10	4.55E+09	8.80E+08	1.46E+08
	LA Totals	3.32E+10	1.38E+10	4.55E+09	8.80E+08	1.46E+08
Margin Of Safety (10%)		6.69E+09	2.78E+09	9.17E+08	1.77E+08	2.95E+07
Loading Capacity (TMDL)		6.69E+10	2.78E+10	9.17E+09	1.77E+09	2.95E+08
Estimated Load Reduction (%)		6%	58%	85%	0%	--

* = Note: The WLAs for the permitted wastewater dischargers are based on facility design flow. The WLA exceeds the low-flow regime total daily loading capacity and is denoted in the table by a “*”. For this flow regime, the WLA and nonpoint-source LA is determined by the following formula: allocation = (flow contribution from a given source) × (E. coli standard) × conversion factor.

Table 9: Total Phosphorus (TP) Lake TMDLs for the Mississippi River-Brainerd Area Watershed TMDL

Allocation	Source	Existing TP Load		TMDL TP Load		Estimated Load Reduction	
		lbs/yr	lbs/day	lbs/yr	lbs/day	lbs/yr	%
TP TMDL for Trace Lake (77-0009-00)							
<i>Wasteload Allocation</i>	Grey Eagle WWTP (MNR0023566)	225.40	0.6175	112.50	0.308	112.90	50%
	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.40	0.00110	0.40	0.001	0.00	0%
	<i>WLA Totals</i>	225.80	0.62	112.90	0.309	112.90	50%
<i>Load Allocation</i>	Lakeshed Loading	212.10	0.5811	87.70	0.240	124.40	59%
	Internal Loading	150.50	0.4123	89.20	0.244	61.30	41%
	SSTS	4.40	0.0121	0.00	0.000	4.40	100%
	Atmospheric Deposition	60.90	0.1668	60.90	0.167	0.00	0%
	<i>LA Totals</i>	427.90	1.17	237.80	0.652	190.10	44%
<i>Margin Of Safety (10%)</i>		--	--	39.00	0.107	--	--
Loading Capacity (TMDL)		653.70	1.79	389.70	1.068	303.00	46%
TP TMDL for Fleming Lake (01-0105-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.50	0.001370	0.50	0.001	0.00	0%
	<i>WLA Totals</i>	0.50	0.00	0.50	0.001	0.00	0%
<i>Load Allocation</i>	Lakeshed Loading	784.60	2.1496	328.70	0.901	455.90	58%
	Internal Loading	338.60	0.9277	31.20	0.085	307.40	91%
	SSTS	11.00	0.0301	0.00	0.000	11.00	100%
	Atmospheric Deposition	76.20	0.2088	76.20	0.209	0.00	0%
	<i>LA Totals</i>	1210.40	3.32	436.10	1.195	774.30	64%
<i>Margin Of Safety (10%)</i>		--	--	48.50	0.133	--	--
Loading Capacity (TMDL)		1210.90	3.32	485.10	1.329	774.30	64%
TP TMDL for Fawn Lake (18-0240-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.30	0.00082	0.30	0.001	0.00	0%
	<i>WLA Totals</i>	0.30	0.00	0.30	0.001	0.0000	0%
<i>Load Allocation</i>	Lakeshed Loading	344.40	0.9436	118.50	0.325	225.90	66%
	Internal Loading	441.00	1.2082	138.10	0.378	302.90	69%
	SSTS	17.60	0.0482	0.00	0.000	17.60	100%
	Atmospheric Deposition	29.00	0.0795	29.00	0.079	0.00	0%
	<i>LA Totals</i>	832.00	2.28	285.60	0.782	546.40	66%
<i>Margin Of Safety (10%)</i>		--	--	31.80	0.087	--	--
Loading Capacity (TMDL)		832.30	2.28	317.70	0.870	546.40	66%
TP TMDL for Big Swan Lake (77-0023-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	7.70	0.02110	7.70	0.021	0.00	0%

	WLA Totals	7.70	0.02	7.70	0.021	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 555	1868.50	5.1192	890.20	2.439	978.30	52%
	LA from Tributary 561	127.90	0.3504	57.30	0.157	70.60	55%
	Lakeshed Loading	4038.00	11.0630	2223.90	6.093	1814.10	45%
	Internal Loading	3856.30	10.5652	3555.70	9.742	300.60	8%
	SSTS	24.30	0.0666	0.00	0.000	24.30	100%
	Atmospheric Deposition	212.10	0.5811	212.10	0.581	0.00	0%
	LA Totals	10127.10	27.75	6939.20	19.012	3187.90	31%
Margin Of Safety (10%)		--	--	771.90	2.115	--	--
Loading Capacity (TMDL)		10134.80	27.77	7718.80	21.147	3187.90	31%
TP TMDL for Crow Wing Lake (18-0155-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	1.60	0.00438	1.60	0.004	0.00	0%
	WLA Totals	1.60	0.00	1.60	0.004	0.0000	0%
<i>Load Allocation</i>	Lakeshed Loading	1874.60	5.1359	958.90	2.627	915.70	49%
	Internal Loading	412.70	1.1307	381.70	1.046	31.00	8%
	SSTS	55.10	0.1510	0.00	0.000	55.10	100%
	Atmospheric Deposition	90.40	0.2477	90.40	0.248	0.00	0%
	LA Totals	2432.80	6.67	1431.00	3.921	1001.80	41%
Margin Of Safety (10%)		--	--	159.20	0.436	--	--
Loading Capacity (TMDL)		2434.40	6.67	1591.80	4.361	1001.80	41%
TP TMDL for Elm Island Lake (01-0123-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	2.80	0.00767	2.80	0.01	0.00	0%
	WLA Totals	2.80	0.01	2.80	0.008	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 101	3260.80	8.9337	1978.00	5.4192	1282.80	39%
	Lakeshed	413.00	1.1315	253.90	0.6956	159.10	39%
	Internal Loading	1985.20	5.4389	202.90	0.5559	1782.30	90%
	SSTS	15.40	0.0422	0.00	0.0000	15.40	100%
	Atmospheric Deposition	124.10	0.3400	124.10	0.3400	0.00	0%
	LA Totals	5798.50	15.89	2558.90	7.01	3239.60	56%
Margin Of Safety (10%)		--	--	284.60	0.78	--	--
Loading Capacity (TMDL)		5801.30	15.89	2846.30	7.80	3239.60	56%
TP TMDL for Gun Lake (01-0099-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	3.40	0.00932	3.40	0.009	0.00	0%
	WLA Totals	3.40	0.01	3.40	0.009	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 61	1297.80	3.5556	939.90	2.575	357.90	28%
	Lakeshed	525.90	1.4408	365.60	1.002	160.30	30%
	Internal Loading	1623.40	4.4477	1623.40	4.448	0.00	0%
	SSTS	13.20	0.0362	0.00	0.000	13.20	100%
	Atmospheric Deposition	170.20	0.4663	170.20	0.466	0.00	0%
	LA Totals	3630.50	9.95	3099.10	8.491	531.40	15%
Margin Of Safety (10%)		--	--	344.70	0.944	--	--
Loading Capacity (TMDL)		3633.90	9.96	3447.20	9.444	531.40	15%

TP TMDL for Lower Mission Lake (18-0243-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	1.10	0.00301	1.10	0.003	0.00	0%
	<i>WLA Totals</i>	1.10	0.00	1.10	0.003	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 218 (Upper Mission Lake)	166.40	0.4559	112.00	0.307	54.40	33%
	Lakeshed	743.40	2.0367	444.70	1.218	298.70	40%
	Internal Loading	959.40	2.6285	235.00	0.644	724.40	76%
	SSTS	33.10	0.0907	0.00	0.000	33.10	100%
	Atmospheric Deposition	174.90	0.4792	174.90	0.479	0.00	0%
	<i>LA Totals</i>	2077.20	5.69	966.60	2.648	1110.60	53%
<i>Margin Of Safety (10%)</i>		--	--	107.50	0.295	--	--
Loading Capacity (TMDL)		2078.30	5.69	1075.20	2.946	1110.60	53%
TP TMDL for Moose Lake (77-0026-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	0.30	0.00082	0.30	0.001	0.00	0%
	<i>WLA Totals</i>	0.30	0.00	0.30	0.001	0.0000	0%
<i>Load Allocation</i>	Lakeshed	279.30	0.7652	165.40	0.453	113.90	41%
	Internal Loading	92.10	0.2523	64.00	0.175	28.10	31%
	SSTS	11.00	0.0301	0.00	0.000	11.00	100%
	Atmospheric Deposition	31.30	0.0858	31.30	0.086	0.00	0%
	<i>LA Totals</i>	413.70	1.13	260.70	0.714	153.00	37%
<i>Margin Of Safety (10%)</i>		--	--	29.00	0.079	--	--
Loading Capacity (TMDL)		414.00	1.13	290.00	0.795	153.00	37%
TP TMDL for Ripple Lake (01-0146-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	4.70	0.01288	4.70	0.013	0.00	0%
	<i>WLA Totals</i>	4.70	0.01	4.70	0.013	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 103	3271.10	8.9619	2770.50	7.590	500.60	15%
	Lakeshed	438.70	1.2019	288.50	0.790	150.20	34%
	Internal Loading	1891.10	5.1811	983.60	2.695	907.50	48%
	SSTS	13.20	0.0362	0.00	0.000	13.20	100%
	Atmospheric Deposition	150.70	0.4129	150.70	0.413	0.00	0%
	<i>LA Totals</i>	5764.80	15.79	4193.30	11.488	1571.50	27%
<i>Margin Of Safety (10%)</i>		--	--	466.40	1.278	--	--
Loading Capacity (TMDL)		5769.50	15.81	4664.40	12.779	1571.50	27%
TP TMDL for Sebie Lake (18-0161-00)							
<i>Wasteload Allocation</i>	Construction Stormwater (MNR100001) and Industrial Stormwater (MNR050000)	2.40	0.00658	2.40	0.007	0.00	0%
	<i>WLA Totals</i>	2.40	0.01	2.40	0.007	0.0000	0%
<i>Load Allocation</i>	LA from Tributary 433	588.70	1.6129	305.30	0.836	283.40	48%
	LA from Tributary 435	1006.90	2.7586	509.30	1.395	497.60	49%
	Lakeshed	2348.10	6.4332	1288.70	3.531	1059.40	45%
	SSTS	11.00	0.0301	0.00	0.000	11.00	100%

	Atmospheric Deposition	44.30	0.1214	44.30	0.121	0.00	0%
	<i>LA Totals</i>	3999.00	10.96	2147.60	5.884	1851.40	46%
	<i>Margin Of Safety (10%)</i>	--	--	238.90	0.655	--	--
	Loading Capacity (TMDL)	4001.40	10.96	2388.90	6.545	1851.40	46%