

## Public Comments on 2022 Draft Water Condition Lists

This document contains the public comments received during the comment period for the 2022 draft Water Condition Lists.

Name	Organization	Topic	Details (link to Comment)
Gary Gruenisen	Citizen, Dane Co.	Information Request	Recreation
Maria Powell	Midwest Environmental Justice Organization (MEJO)	Information Request	Fish Tissue Data
Pat Stevens	Wisconsin Paper Council	Information Request, Listing Process	Fish Tissue Data; PFOS Listings Based on Fish Consumption Advisories; Unknown Pollutant Listings
Craig Summerfield	Wisconsin Manufacturers & Commerce (WMC)		
WJ Hughes	Citizen	Listing Process	Listing Notification
Susan Weisser	Citizen, Kewaunee Co.	Listing Process	Healthy Waters Calculation
John McKinven	Citizen	Specific Water	Barr Creek (WBIC 50200)
Patrick Clark	Wells Fargo Advisors	Specific Water	Beaver Dam Lake (WBIC 835100)
Larry Meyer	Lake Comus Protection and Rehabilitation District	Specific Water	Comus Lake (WBIC 794200) and tributaries
Kevin Armstrong	Chair, Lake Comus Protection and Rehabilitation District		
Stephanie Prellwitz	Green Lake Association	Specific Water	Green Lake (WBIC 146100)
Bob Kalhagen	Citizen	Specific Water	Lake Waubesa (WBIC 803700)
Adam Bauer	Citizen	Specific Water	Silver Birch Lake (WBIC 2054600)
Timm Speerschneider	On behalf of Flambeau Mining Company	Specific Water	Stream C, tributary to the Flambeau River (WBIC 4000013)
Amanda J. Alvis	AquaAeTer, Inc.	Permits	Permits
Matt Giese	Midwest Chemical & Equipment, Inc	Agriculture	Agriculture and Invasives
Richard Swanson	Citizen, Kewaunee Co.	Agriculture	Agriculture Management
Julianne Socha	Environmental Protection Agency (EPA)	EPA Comments	EPA Comments

---

**From:** gruenisen@gmail.com  
**Sent:** Friday, August 20, 2021 7:55 AM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Water Quality Assessment DNR report?

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Can't gain any useful information from this published report; just full of gobbliegook

I just want to know where to swim and fish.

Gary Gruenisen  
5810 Piping Rock Road  
Madison WI USA 53711  
608-445-4855  
gruenisen@gmail.com

Sent from [Mail](#) for Windows 10

---

**From:** Maria Powell (MEJO) <mariapowell@mejo.us>  
**Sent:** Tuesday, August 17, 2021 10:30 AM  
**To:** Beranek, Ashley E - DNR  
**Subject:** question about Lake Mendota PCB data

Hello Ashley,

I'm wondering if you can point me to the PCB data (water, sediments, or fish?) DNR used to inform the decision to drop Lake Mendota from the impaired waters list--or direct me to someone at DNR who can tell me more about that.

Thank you!!

Maria Powell, PhD  
Madison, Wisconsin

---

**From:** Craig Summerfield <csummerfield@wmc.org>  
**Sent:** Tuesday, September 7, 2021 11:19 AM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Question on data for Draft Water Condition Lists - "PFOS Contaminated Fish Tissue"

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Ashley,

I noticed the proposed [listing additions](#) to the impaired waters and restoration waters lists include five listings due to "PFOS Contaminated Fish Tissue." These listings include following bodies of water:

- Biron Flowage
- Lake Monona
- Petenwell Lake
- Starkweather Creek
- "Unnamed" – [W. Br. Starkweather Creek (Airport Road Creek)]

Could you send me additional information on the data the Department is relying on to make this listing? I presume the Department is relying on the testing of fish in these waterbodies. If so, could you please send me the fish tissue data for PFOS? I am particularly interested in receiving data on the levels of PFOS for the fish tested.

Thank you for your assistance.

Best,

Craig Summerfield  
Director of Environmental & Energy  
Policy



---

[csummerfield@wmc.org](mailto:csummerfield@wmc.org)  
Work: 608.258.3400  
Direct: 608.661.6910

501 E. Washington Ave.  
Madison, WI 53703  
[www.wmc.org](http://www.wmc.org)



[REGISTRATION NOW OPEN: Business Day – October 14 in Pewaukee](#)

---

**From:** Craig Summerfield <csummerfield@wmc.org>  
**Sent:** Friday, October 1, 2021 1:32 PM  
**To:** DNR WY Waterbody Assessments  
**Cc:** Beranek, Ashley E - DNR; Patrick Stevens; Manley, Scott  
**Subject:** WPC/WMC Comments on draft Impaired Waters List  
**Attachments:** WPC-WMC Impaired Waters List 2022 Comments - 2021.10.1.pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Ms. Beranek,

Attached are joint comments from the Wisconsin Paper Council (WPC) and Wisconsin Manufacturers & Commerce (WMC) in reference to the draft Impaired Waters list from the Department of Natural Resources.

Please confirm receipt and let me or Pat Stevens (cc'd) know if you have any questions.

Best,

Craig Summerfield  
Director of Environmental & Energy  
Policy



---

[csummerfield@wmc.org](mailto:csummerfield@wmc.org)  
Work: 608.258.3400  
Direct: 608.661.6910

501 E. Washington Ave.  
Madison, WI 53703  
[www.wmc.org](http://www.wmc.org)



[REGISTRATION NOW OPEN: Business Day – October 14 in Pewaukee](#)



October 1, 2021

Wisconsin Department of Natural Resources  
c/o Ashley Beranek, Water Quality  
P.O Box 7921  
Madison, WI 53707  
[DNRWYWaterbodyAssessments@wisconsin.gov](mailto:DNRWYWaterbodyAssessments@wisconsin.gov)  
*Sent Via Email*

RE: Comments on 2022 Impaired Waters and Restoration Waters List

Dear Water Resources Management Specialist Beranek:

These comments are submitted on behalf of the Wisconsin Paper Council (WPC) and Wisconsin Manufacturers & Commerce (WMC).

WPC is the premier trade association that advocates for the papermaking industry before regulatory bodies, and state and federal legislatures to achieve positive policy outcomes. WPC also works to educate the public about the social, environmental, and economic importance of paper, pulp, and forestry production in Wisconsin and throughout the Midwest.

The pulp and paper sector employs over 30,000 people in Wisconsin and has an annual payroll of \$2.5 billion. Wisconsin is the number one paper-producing state in the United States, with the output of paper manufactured products estimated to be valued at over \$18 billion. Our members are dedicated to maintaining clean water in Wisconsin.

WMC is the state's largest general business trade association, representing roughly 3,800 member businesses of all sizes and throughout all regions of the state. WMC members do business in all sectors of the economy, including manufacturing, retail, financial services, healthcare, agriculture, and energy. Since its founding in 1911, WMC has advocated for policies that make Wisconsin the most competitive state in the nation to do business.

WPC and WMC members are potentially impacted by the 2022 Impaired Waters and Restoration List (2022 List). In particular, our organizations are strongly opposed to the Department's listing of five waterbodies on the "Impaired Waters List" through the use of

the agency's own PFOS fish consumption advisories. Through this action, the DNR is clearly implementing an unpromulgated standard, which is an unlawful violation of Chapter 227 rulemaking requirements.

Our full comments are set forth below.

## **Background**

The Department of Natural Resources (DNR) is proposing to delist 22 waterbodies and add 104 waterbodies to the impaired waters list. This would bring the total number of impaired waters contained on the list to 1,526.

Section 303(d) of the Clean Water Act requires states to develop lists of impaired waters. These listings are significant from a regulatory standpoint. For those waterbodies identified as impaired by a pollutant, a "total maximum daily load" (TMDL) is developed. A TMDL is a calculation of the maximum amount of a pollutant that can be discharged into that waterbody, while allowing the waterbody to meet the water quality standard for that pollutant. Ultimately, these TMDLs may result in additional restrictions on point source dischargers to the waterbody. Thus, the Wisconsin Paper Council and Wisconsin Manufacturers and Commerce have a significant interest in Wisconsin's proposed 2022 List, particularly regarding those water bodies listed as impaired water bodies for section 303(d) purposes.

## **PFOS Listings**

DNR is proposing to list several water bodies as impaired due to PFOS found in fish tissue. These water bodies include the Biron Flowage, Petenwell Lake, Lake Monona, Starkweather Creek, and an unnamed body referred to as "W. Br. Starkweather Creek." The 2022 List indicates that these waterbodies need a TMDL and established a "low" to "medium priority" for these waterbodies. Furthermore, the impairment is listed as "PFOS contaminated fish tissue."

Through public meetings, the DNR is clear that these fish advisories *alone* are the basis for these listings. The DNR held a virtual public meeting on the draft 2022 Water Condition Lists on September 9, 2021. The presentation slide deck on slide 16 includes the following statement: "PFOS listings are based on new Fish Consumption Advisories only."

We have several concerns regarding listing these waterbodies as impaired for PFOS based upon fish advisories. First, use of fish advisories as a basis for 303(d) listing purposes is inconsistent with the intended use of fish advisories. As the name suggests, fish advisories are intended to provide information to the public regarding the number of fish that are safe to consume over a given time period, given the amount of pollutants

that are contained in the fish in a given waterbody. Fish advisories were not intended to be regulatory standards, nor are they. By listing these waterbodies as impaired due to fish advisories, the advisories essentially become regulations because a listing creates a federal requirement for the DNR to create a TMDL on the waterbody. As mentioned above, the establishment of a TMDL may ultimately result in discharge limits being imposed on WPDES permittees.

The use of fish advisories as regulatory requirements is also inconsistent with state law. Wis. Stat. § 227.10(2m) provides that “no agency may implement or enforce any standard, requirement or threshold ...unless that standard, requirement, or threshold is explicitly required or permitted by statute or by a rule that has been promulgated in accordance with [Wis. Stat. Ch. 227, Subchapter II].” The use of fish advisories to establish TMDLs has not been required or permitted by statute or rule. It is therefore unlawful for the DNR to use unpromulgated fish advisories as a regulatory requirement for purposes of 303(d) impairment listing.

In addition, the process of establishing fish advisories is not a transparent process. For example, there is limited explanation provided regarding how the fish advisories were derived, and no information regarding how these fish advisories would be translated into a TMDL. Furthermore, there was no opportunity for the public or regulated community to provide input into how these fish advisories were derived. The DNR points to criteria in its guidance document, the *Wisconsin Consolidated Assessment and Listing Methodology (WisCALM) 2022*. In particular, Appendix C, titled “Summary of Fish Tissue Criteria for Fish Consumption Advice” provides the criteria in relation to PFOS concentrations for fish. This information is summarized below in *Table 1*:

**Table 1: Wisconsin fish consumption advisory protocols**

Contaminant	Population	Concentration Range	Meal Frequency Recommendation
PFOS (Updated 2020)	All	≤ 10 ppb	Unlimited consumption
		> 10 – 50 ppb	1 meal/week or 52 meals/year
		> 50 – 200 ppb	1 meal/month or 12 meals/year
		> 200 ppb	Do Not Eat

Appendix C further notes that PFOS values “were updated in 2020 based on WDNR and WDHS revised PFOS meal threshold values.”

In addition, not all waterbodies with PFOS fish advisories were included on the impaired waters list. Wisconsin’s 2021 “Choose Wisely” Guide lists PFOS fish advisories for both



Lake Superior and Silver Creek. This raises the question of what threshold or criteria DNR is using to determine what waterbodies are included on the Impaired Waters list.

To be clear, unlike many other listings on the 303(d) list where there are water quality criteria in place, there is no water quality criterion for PFOS that has been implemented in Wisconsin. Simply relying on fish consumption advisory guidance issued by the DNR and DHS is not a lawful substitute for the required ch. 227 rulemaking process.

It should also be emphasized that Wisconsin has proposed different thresholds for PFOS surface water quality criteria under Wisconsin's narrative standard using statutorily-required rulemaking. [See draft rule WY-23-19]. If DNR is going to move forward with this approach, DNR must implement the thresholds prior to listing additional water bodies based on PFOS fish advisories and creating a corresponding obligation to establish a TMDL. Because DNR has not implemented its proposed PFOS thresholds, it is unknown if a TMDL for PFOS fish advisories will ultimately be necessary.

However, the Department's current approach of utilizing unpromulgated fish advisory standards to list waters as impaired is unlawful and begs the following questions:

- When exactly did the DNR establish these PFOS fish advisory criteria?
- When did the regulated community get the opportunity to weigh-in on these standards?
- How can the regulated community meaningfully participate in this standard-setting process if rulemaking requirements are ignored?
- What limits, if any, does the DNR believe it has when it comes to placing waterbodies on the impaired waters list? What is to stop the agency from announcing new fish advisories on any of the 5,000+ PFAS compounds, then subsequently listing any waterbody in the state as "impaired" and triggering TMDL requirements?

### **Unknown Pollutant**

One of the proposed listings is for a stretch of the Wisconsin River (mile 188 to mile 204). The impairment is listed as "Degraded Biological Community," and the pollutant is listed as "Unknown." The listing indicates a TMDL is needed and indicates it is a "low TMDL priority."

Given that the cause of the impairment is unknown, it is premature to list this water body as needing a TMDL. Indicating the "pollutant" is unknown also begs the question as to how it is even known that the impairment was caused by a pollutant. Thus, this water body should be removed from the proposed the 2022 List.

## Conclusion

WPC and WMC request the following changes to the 2022 draft impaired waters list:

- The removal of the aforementioned waterbodies - Biron Flowage, Petenwell Lake, Lake Monona, Starkweather Creek, and W. Br. Starkweather Creek – that were listed due to PFOS fish consumption advisories, as this is an unlawful use of these advisories.
- The removal of the stretch of the Wisconsin River listed due to an “unknown” pollutant. It is impossible to know if a TMDL will be effective if the pollutant is unknown. The Department should also cite its explicit statutory authority for listing a water body as “impaired” if the pollutant cannot even be identified.

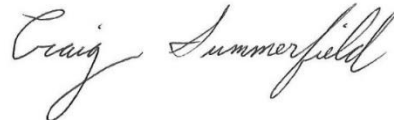
In addition, our organizations urge the DNR to immediately cease use of the PFOS fish advisories for the purposes of establishing new requirements such as TMDLs. The fish advisory criterion noted in the aforementioned DNR guidance document have not been lawfully implemented, and absolutely cannot be used as the basis for imposing new regulations on the business community. This is a plain, textbook violation of Chapter 227 rulemaking requirements. If the DNR wants to implement these PFOS fish advisory criterion, the agency must first promulgate a rule.

Thank you for the opportunity to comment on this matter, and please contact us if you have any questions regarding these comments.

Sincerely,

/s/

Patrick Stevens  
Vice President,  
Environmental & Regulatory Affairs,  
General Counsel  
Wisconsin Paper Council



Craig Summerfield  
Director,  
Environmental & Energy Policy  
Wisconsin Manufacturers & Commerce

---

**From:** 01wjhughes <01wjhughes@gmail.com>  
**Sent:** Monday, August 30, 2021 12:13 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Biennial water condition list 2022

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Can you tell me how a community is normally notified of water impairment? I see water ways on the list that are actively used for activities such as fishing, swimming etc which is worrisome.

Additionally where is the data on private wells that are contaminated? Hoping this is available so other community members are made aware of the possibility their well could be affected in the near future.

It's great to hear that 80% of the assessed rivers & lakes are healthy but for the private land owner who is stuck with a bad well due to contamination flowing from other sources, that 80% doesn't offer much solace.

Sent from my Verizon, Samsung Galaxy smartphone

---

**From:** susan weisser <srweisser@outlook.com>  
**Sent:** Friday, August 20, 2021 3:01 PM  
**To:** Beranek, Ashley E - DNR  
**Subject:** Confusing:

Noted that a recent report of impaired waters and healthy waters has been produced under DNR auspices. A recent news report regarding this report(Door County Daily News.com 8/19/21) alludes to the fact that you state healthy waters in Door and Kewaunee Counties outweigh those that are polluted. How did you come up with that assessment? In Kewaunee Co, ALL our major streams, creeks, rivers, etc are and have been on the impaired list for many years and none have been removed to "healthy" status at the moment. The article stated that you mention problems with phosphorus. How about the nitrates? Regards, Sue Weisser, Kewaunee Co.

Sent from [Outlook](#)

---

---

**From:** John McKinven <mckinven@mckinven.com>  
**Sent:** Friday, August 27, 2021 4:09 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Barr Creek in Oostburg

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Attn: Ashley Beranek

I was stunned to read that Barr Creek here in Oostburg is in your “healthy” category. Please see the attached photo of solid algae coverage no doubt the result of runoff. Please review.

John McKinven  
John@mckinven.com



---

**From:** patrick.clark@wellsfargoadvisors.com  
**Sent:** Thursday, August 19, 2021 10:00 AM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Comments on Beaver Dam lake (impoundment) in Dodge County.

Keep Beaver Dam lake on impaired list and potentially add a category of lakes (impoundments) that are completely dead. This impoundment is completely dead. A couple summer fish and waterfowl die offs. I have found dead mallards, teal, wood ducks, geese, pelicans and egret's this summer on BD. The DNR so cleverly keeps this news out of the local news and keeps the big lie alive. Huge algae blooms of freakish white, blue and red algae blooms appeared all summer this year and does in most. For god's sake remove the dam and let nature fix this eye sore. Why are their humans waterskiing, swimming and just being near the water? Dogs have died this summer after swimming in the deadly waters. Amazing how incompetent our DNR and local health officials are on this issue. Tired of your pathetic leadership and lack of using science.

Patrick Clark  
Associate Vice President - Investments  
Wells Fargo Advisors  
128 Monroe St, Beaver Dam, WI 53916  
[patrick.clark@wfadvisors.com](mailto:patrick.clark@wfadvisors.com)  
P 920-887-8766 F 920-887-2273

---

---

This email may be an advertisement or solicitation for products and services. [Unsubscribe from promotional emails.](#)

**Investment and Insurance Products are:**

- **Not Insured by the FDIC or Any Federal Government Agency**
- **Not a Deposit or Other Obligation of, or Guaranteed by, the Bank or Any Bank Affiliate**
- **Subject to Investment Risks, Including Possible Loss of the Principal Amount Invested**

Investment products and services are offered through Wells Fargo Clearing Services (WFCS), LLC, Member SIPC, a registered broker-dealer and non-bank affiliate of Wells Fargo & Company. WFCS uses the trade name Wells Fargo Advisors. 1 North Jefferson, St. Louis, MO 63103.

View our [Electronic communications guidelines.](#)

---

**From:** Kevin Armstrong <kw.armstrong@sbcglobal.net>  
**Sent:** Monday, September 27, 2021 10:55 AM  
**To:** DNR WY Waterbody Assessments  
**Subject:** FW: WDNR Proposed Water Impairment Listings  
**Attachments:** CTH O Trib Proposed Listing.pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Kevin Armstrong  
c: 312-543-1119  
e: kw.armstrong@sbcglobal.net

Hello Ashley, I know you have been in communications with Larry Meyer from the Lake Comus Protection and Rehabilitation District concerning the WDNR impaired water list for 2022. As Chair of the the district, I would like to add my "public comment" to the proposed list. Thanks for offering us this opportunity.

As you are aware, the Lake Comus Protection and Rehabilitation District has been developing with SEWRPC a Lake Management Plan for Lake Comus. The development of this plan has been partially funded by state grant and the balance is funded by the district's resources. As part of that work and since 2019, the district has been monitoring both the water quality of the lake and the tributary creeks through the efforts of Larry Meyer (who is on our board) and Tony Vidas (a former member and chair). Without exception, their monitoring has demonstrated test results which should result in the entire tributary watershed (with the exception of Turtle Lake) and Lake Comus as impaired. The watershed and lake are all impaired due to total phosphorous exceeding acceptable levels.

Due to these findings, we expect the first action item of our lake management plan will be to work cooperatively with land owners, agricultural operators, and our neighboring governments to work to reduce runoff of these pollutants into the watersheds tributaries and the lake.

We encourage you to include the tributaries as outlined in the email below and as has been noted by Larry Meyer in previous communications to you to the impaired list.

Thank you for your time.

Kevin Armstrong  
Chair Lake Comus Protection and Rehabilitation District  
e: [kw.armstrong@sbcglobal.net](mailto:kw.armstrong@sbcglobal.net)

---

**From:** "Poinsatte, Justin" <jpoinsatte@sewrpc.org>  
**Date:** Wednesday, August 18, 2021 at 12:02

**To:** Larry Meyer <larrypmeyer@msn.com>, Kevin Armstrong <kw.armstrong@sbcglobal.net>, "Thomas A. Vidas" <tvidas@charter.net>

**Subject:** WDNR Proposed Water Impairment Listings

Hi Kevin, Larry, and Tony,

The WDNR released a draft version of the impaired waters list for 2022 on August 16<sup>th</sup>. The State is required under Section 303(d) of the Federal Clean Water Act to submit this list to the U.S. Environmental Protection Agency in even-numbered years. As you may have already heard, the unnamed tributary to Turtle Creek flowing under County Highway O (which we refer to as the CTH O tributary in the management plan) was proposed to be listed as impaired with total phosphorus listed as the pollutant (see attached PDF). Neither Lake Comus, Turtle Creek upstream of the Lake, nor any other tributary to the Creek upstream of the Lake was proposed to be listed as impaired nor are they currently listed as impaired. Turtle Creek downstream of the Lake to the confluence with the Rock River near Beloit was already listed as impaired and is proposed to still be listed as impaired.

We are currently in a public comment period for this draft Water Condition List, which will end by October 1<sup>st</sup>, 2021. If you'd like to make a comment on the proposed listings, you can contact Ashley Beranek at the WDNR via this email address ([DNRWYWaterbodyAssessments@wisconsin.gov](mailto:DNRWYWaterbodyAssessments@wisconsin.gov)) or by mail at the following address:

Department of Natural Resources  
c/o Ashley Beranek, Water Quality  
P.O. Box 7921 Madison, WI 53707

You can also visit this WDNR webpage for more information on the draft Water Condition list:  
<https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html>



**Justin Poinatte** | Senior Specialist- Biologist

[jpoinatte@SEWRPC.org](mailto:jpoinatte@SEWRPC.org) | 262.953.3230

W239 N1812 Rockwood Drive

P.O. Box 1607

Waukesha, WI 53187-1607

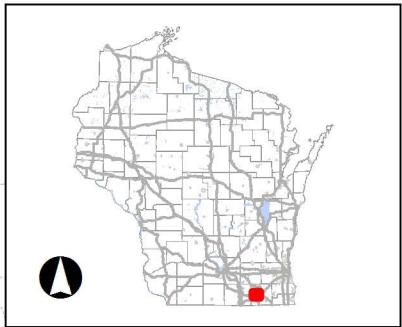
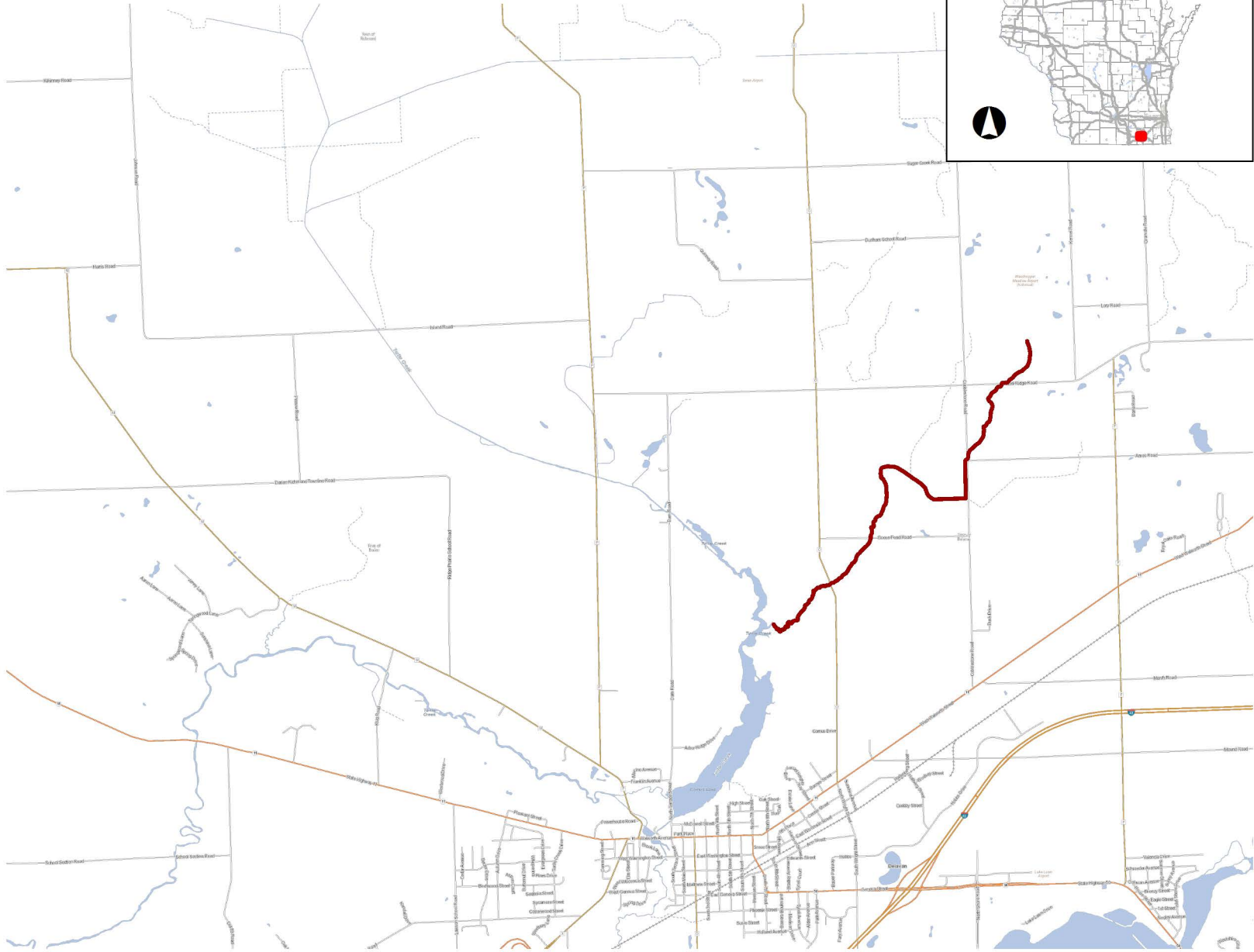
[sewrpc.org/news](http://sewrpc.org/news)



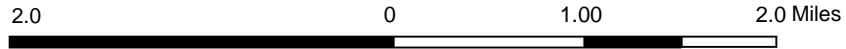




# Proposed Impairment Listing on CTH O Tributary



- Legend**
- Pending 303(d) Stream Changes**
- Other
  - Proposed for List
  - Addition
  - Deletion
  - Delist
- Pending 303(d) Lake Changes**
- Other
  - Proposed for List
  - Addition
  - Deletion
  - Delist
- Municipality**
- State Boundaries**
- County Boundaries**
- Major Roads**
- Interstate Highway
  - State Highway
  - US Highway
- County and Local Roads**
- County HWY
  - Local Road
- Railroads**
- Tribal Lands**
- Rivers and Streams**
- Intermittent Streams**
- Lakes and Open water**



NAD\_1983\_HARN\_Wisconsin\_TM

1: 63,360

**DISCLAIMER:** The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

## Notes

---

**From:** Stephanie Prellwitz <stephanie@greenlakeassociation.org>  
**Sent:** Tuesday, September 28, 2021 4:29 PM  
**To:** DNR WY Waterbody Assessments  
**Cc:** Beranek, Ashley E - DNR; Schaal, Carroll - DNR; Searle, Greg - DNR; Johnson, Ted M - DNR; Bolha, David A - DNR; Evensen, Eric D - DNR  
**Subject:** Public Comment Recommending the Addition of Green Lake to the Draft 2022 Water Condition Lists for High Phosphorus Concentration  
**Attachments:** 2021-09-24 Public Comment for 2022 Draft Impairment Listing FINAL.pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Water Quality Coordinator Beranek,

Please see attached for a letter from members of the Green Lake Association, Green Lake Sanitary District, and Lake Management Planning Team as it relates to adding Green Lake to the 2022 Impaired Waters and Restoration Waters List for its high phosphorus concentrations.

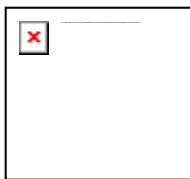
We look forward to your consideration and response.

With gratitude,  
Stephanie Prellwitz

---

**\*PLEASE NOTE\*** I will be on **maternity leave** from approximately early October 2021 through January 2022.

Please **update your address book**, as my email address has changed from .com to .org. My new email is [stephanie@greenlakeassociation.org](mailto:stephanie@greenlakeassociation.org)



Stephanie Prellwitz | Executive Director  
492 Hill Street, Suite 205  
PO Box 364 · Green Lake, WI 54941  
(920) 294-6480 | office  
[www.greenlakeassociation.org](http://www.greenlakeassociation.org) | web  
[Facebook](#) | [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)



GREEN LAKE  
ASSOCIATION  
WE CARE FOR OUR LAKE

Ashley Beranek, DNR Surface Water Quality Assessments Coordinator  
Department of Natural Resources  
PO Box 7921  
Madison, Wisconsin 53707

September 28, 2021

**Re: Public Comment Recommending the Addition of Green Lake to the Draft 2022 Water Condition Lists for High Phosphorus Concentration**

Dear Water Quality Coordinator Beranek,

The Green Lake Association is part of the Green Lake Management Planning Team (LMPT) and works closely with the Wisconsin Department of Natural Resources to design and implement measures to improve the water quality of Big Green Lake, Green Lake County, Wisconsin.

The quality of Green Lake's streams and lake is measured by extensive, high-quality data provided by the US Geological Survey (funded by the Green Lake Sanitary District). Through this monitoring program, we became aware that Green Lake's in-lake phosphorus levels exceeded its water quality criteria of 15 µg/L.

This is not the first time that Green Lake's in-lake phosphorus levels exceeded its water quality criteria, and the Green Lake LMPT was previously supportive of 303(d)-listing Green Lake as impaired for its high phosphorus levels in 2020 based on ongoing conversations with our Lake Management Specialist.

Yet, when the 2020 Impaired Waters and Restoration Waters List was published, we found Green Lake was not 303(d)-listed as impaired for its high phosphorus levels. When we reviewed the draft 2022 water conditions list, we again noticed that Green Lake was missing from the 2022 Draft Impaired Waters and Restoration Waters Lists for its high phosphorus concentration.

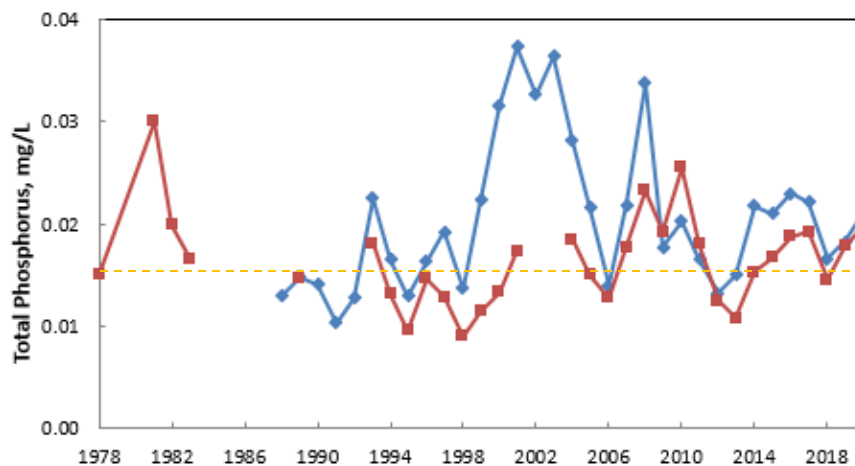
We are aware that Green Lake is currently 303(d)-listed as an impaired (under the "restoration waters" category since we have a lake management plan) for low dissolved oxygen in its thermocline and the listed pollutant is phosphorus.

Yet, a lake study recently completed by the US Geological Survey and Michigan Technological University—with a final report approved by the WDNR in 2021—quantifies *two different phosphorus reductions* required to hit *two different water quality criteria/targets*: one for phosphorus (a maximum of 15 µg/L) and one for dissolved oxygen (a minimum of 5 mg/L).



Between the study period of 2014-2018, the WDNR-funded research determined that Green Lake received an average of 19,800 pounds of phosphorus annually and Green Lake's in-lake phosphorus concentration was 19 µg/L.

The following graph from this WDNR-approved report (2021, *Diagnostic and Feasibility Study Findings: Water-Quality Improvements for Green Lake, Wisconsin*) validates how summer near-surface total phosphorus concentration in Green Lake's east end (blue diamonds) and its west end (red squares) exceeds Green Lake's 0.15 mg/L (or 15 µg/L) water quality criteria (dotted yellow line). Note the USGS took over lake monitoring in 2004.



The 2021 Diagnostic & Feasibility study specifically quantified:

1. A 46% reduction of controllable sources of phosphorus (or 7,760 lbs/year) is required to achieve an in-lake phosphorus concentration of 15 µg/L, and
2. A 57% reduction of controllable sources of phosphorus (or 9,550 lbs/year) is required to improve dissolved oxygen concentrations in the metalimnion to 5 mg/L fewer than 25% of the years (criteria established by the WDNR).

Therefore, achieving a 46% reduction in phosphorus (to meet our water quality criteria of 15 µg/L) would still leave Green Lake impaired for its metalimnetic oxygen minima. This demonstrates that a single impairment listing is insufficient; not listing Green Lake as impaired for *both* low dissolved oxygen and phosphorus is an incomplete portrayal of our water quality challenges.

**Therefore, we strongly urge the WDNR to add Green Lake to the 2022 Draft Impaired Waters and Restoration Waters Lists as 303(d)-listed for phosphorus with the impairment specification as pollutant unknown** (or whichever impairment specification the WDNR supports).

It is possible for lakes to be 303(d)-listed as impaired multiple times under multiple criteria, and we believe this is no exception. Including Green Lake on the 303(d) list as impaired for exceeding



its water quality criteria for phosphorus is a more accurate representation of our water quality challenges.

We are exceptionally grateful for the WDNR's ongoing guidance and funding in our collective water quality efforts. We appreciate your partnership and your consideration on this matter.

Sincerely,

**Green Lake LMPT Members**

Paul Gunderson, Green Lake County Land Conservation Department  
Derek Kavanaugh, Green Lake County Land Conservation Department  
Chris Hamerla, Golden Sands RC&D  
Stephanie Prellwitz, Green Lake Association  
Paul Tollard, Fond du Lac County Land & Water Conservation Department  
Lisa Reas, Green Lake Sanitary District

Rich Diemer  
Sharon Dolan  
Mark Franzen  
Jim Hebbe  
Brad Price  
Mike Regan  
Jeff Shadick  
Jim Trubshaw  
Bob Wallace  
Jennifer Fjelsted  
Kathy Murtell  
Kristen Rasmussen  
John Singer  
Tina Solberg

**Green Lake Association  
Board of Directors & Staff**

Kent DeLucenay, President  
Gary Mecklenburg, Vice President  
Bill Mulligan, Treasurer  
Dick Martens, Secretary  
Deb Bierman  
Mat Boerson

**Green Lake Sanitary District Commissioners**

Jerry Specht, President  
Ken Bates  
Justin Ellis

cc:

Carroll Schaal, Natural Resources Program Manager  
Gregory Searle, Field Operations Director  
Ted Johnson, Water Resources Management Specialist for Green Lake County  
David Bolha, Water Resources Management Specialist for Green Lake County

---

**From:** Bob Kalhagen <bobkalhagen@gmail.com>  
**Sent:** Monday, August 30, 2021 6:08 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Lake Waubesa

CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have fished lakes Monona and Waubesa for many years. I have read all the information on the health effects PFOS and PFAS can possible cause when eating fish from our local lakes and streams all the way down to the Rock river. I am curious why there are no signs posted on lake Waubesa.

There is one sign posted on Monona Bay warning on fish consumption. Babcock County Park is a popular camping and fishing area for out of state tourists. Many local fisherman also utilize the Babcock boat landing at The East end of lake Waubesa. I'm sure some of them may not have information on the current health hazards on eating fish from this lake. Since the contamination levels are just as bad in lake Waubesa, isn't it prudent to have information on the possible health hazards posted here as well?

Also, the daily bag limit on panfish is 25 fish per day. The advisory on eating fish is one meal per week. What does one meal per week consist of. I have not seen any information or guideline as to what one meal per week is. Is one meal 6 ounces of un-cooked meat per week, or maybe it is 8 ounces of un-cooked meat per week. Do fisherman possibly think 25 fish is one meal per week. I'm sure that is way over the suggested amount.

Thank You.

---

**From:** Adam Bauer <Adam.Bauer@goodinco.com>  
**Sent:** Tuesday, August 17, 2021 7:42 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Silver Birch Lake Pepin County

Hello,

I have recreated on Silver Birch Lake my whole life. Fishing has gradually deteriorated over the last 15 years. I know the dnr did a water study on the lake and it was deemed a highly Eutrophic lake. I did some research and Silver Birch appears on the impaired waters list. It has a 5A designation and described with high phosphorus. My question is on the impaired waters list it says 5A means bad conditions exist, but more research needs to be done before action. Is there anything I can do to get the ball rolling on some action on this? It would be great if you could give me a response.

Adam Bauer  
715-556-5944

Here is a copy of the water study for your reference

<https://www.co.pepin.wi.us/vertical/sites/%7B379104F9-0DE8-498C-8406-82AD4E352E4A%7D/uploads/SilverBirchLakeStudy.pdf>

---

---

---

**From:** Timm P. Speerschneider <tps@dewittllp.com>  
**Sent:** Friday, October 1, 2021 2:22 PM  
**To:** DNR WY Waterbody Assessments; Beranek, Ashley E - DNR  
**Subject:** stream c comments  
**Attachments:** FMC Comments re. Stream C (02690039x9CDD3).pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

please see the attached comments --if you have any questions , feel free to contact me—thanks you for your attention to this matter

**Timm P. Speerschneider**

Ph: 608.252.9319

[tps@dewittllp.com](mailto:tps@dewittllp.com)



October 1, 2021

**VIA EMAIL**

Wisconsin Department of Natural Resources  
c/o Ashley Beranek, Water Quality  
P.O. Box 7921, Madison, WI 53707  
Email: DNRWYWaterbodyAssessments@wisconsin.gov; ashley.beranek@wisconsin.gov

RE: Comments on Stream C - Rusk County, Wisconsin

Dear Ms. Beranek:

We are providing the following brief written comments on behalf of Flambeau Mining Company ("FMC") regarding Stream C, Rusk County, Wisconsin. As you may know, Stream C lies entirely within FMC property. FMC objects to the proposed addition of the upper reach of Stream C to the listing. FMC believes that DNR was correct in 2012 when it did not include the upper reach in the initial listing:

Department staff determined that only the data from Stream C below Copper Park Lane would be used for CWA assessment purposes. This determination was made because Stream C clearly meets the WDNR definition of a stream below Copper Park Lane and the Department has defined assessment criteria for streams. Above Copper Park Lane Stream C becomes a headwater wetland complex and the Department does not currently have established wetland assessment criteria.

(2012 listing document on DNR website)

Further, FMC objects to the change in Source Category (now referred to as Pollutant Source in the draft 2022 listing) as there are no new data or circumstances which support a change from the initial designation in 2012.

If you have any questions regarding these comments, please contact me directly at 608-252-9319 or [tps@dewittllp.com](mailto:tps@dewittllp.com).

Very truly yours,

**DeWitt LLP**



Timm P. Speerschneider  
TPS:rl

---

**From:** Amanda Alvis <AAlvis@aquaeter.com>  
**Sent:** Wednesday, August 25, 2021 8:43 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Impaired waters question

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

If a site discharges to a water that is not listed as impaired, but that water connects to an impaired water further downstream, would that upstream segment be held to impaired water sampling criteria or just the discharge to the impaired stream?

Thank you.

Amanda J. Alvis  
**AquAeTer, Inc.**  
Brentwood, TN 37027  
615.393.8110 (Direct)

*This message, including any documents, files, or attachments, is intended solely for the holder of the e-mail address to which it has been directed. It should not be disseminated, distributed, copied, or forwarded to any other persons. If you received the email in error, please advise the sender immediately by return e-mail and delete this message.*

---

**From:** Matt Giese <outlook\_FE0998484120B846@outlook.com> on behalf of Matt Giese <mkgiese@midwestce.com>  
**Sent:** Monday, August 16, 2021 12:31 PM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Comments regarding water quality

Hello Ashley,

In my opinion there are 2 major issues that are related to water quality in our streams, rivers and bays.

- 1) Increase of hydraulic loading due to installation of agricultural drain tile. This allow the water to flow faster to the tributaries and rivers. It increases the flow and reduces the duration.
- 2) Stream bank erosion caused by invasive species. Approximately 30 years ago there was an effective campaign to remove livestock from stream banks. The unintended consequence was the invasive species including phragmites, willow and buckthorn took over the stream banks creating a dense monoculture which choked out the native, deep rooted indigenous plants and trees.

These invasives have a shallow root system that succumb to water when the rivers crest during peak flows. In short, the debris from these invasives gets washed away. This debris creates obstructions (dams) in which water is routed around the dam and causes a great deal of erosion.

Let me know if you would like further information or discussion.

Thanks,

Matt Giese

920-371-6433

Sent from [Mail](#) for Windows

---

---

**From:** Richard Swanson <swanson29035@gmail.com>  
**Sent:** Saturday, August 28, 2021 11:02 AM  
**To:** DNR WY Waterbody Assessments  
**Subject:** Water...

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I live in Kewaunee county and was thankful that the State of Wisconsin made some changes with the rule NR151...you identified 13 counties with unique geology issues and made changes. This was a huge step forward for all of the counties...especially Kewaunee....my county has over 100,000 cows and they produce in ONE-DAY what 2,000,000-2,500,000 people will. All this manure then needs to be spread onto and into the fields of Kewaunee. We are in our mess not because of the animals...they have done nothing wrong...the problem is with their...OWNERS..! I have some suggestions that would really help....1. No spreading of liquid manure on any fields with less than 20 feet of soil to bedrock or groundwater whichever comes first. 2. Increase all setback to 50 feet on waterways...creeks...streams...lakes...etc and 500 feet from private wells. 3. Limit the amount of liquid manure on fields with 20+ feet of soil to 3000 gallons per acre/per year. Spreading their manure over more and safer acres would really help. 4. Put in place the Well Monitoring systems that the Supreme Court just approved...my county has 16 CAFO's...use the TOOLS given to you. 5. Get signed land contracts from renters and have the field tested BEFORE it gets into the NMP's. 6. Get real time reporting on all HIGH CAPACITY WELLS...until we really know how much water is used it becomes difficult to come up with solid numbers for their NMP's. Farmers created this pollution issue when they brought millions of gallons of clean fresh water into their barns...and...farmers can fix it. 7. Stop spreading of liquid manure on fields with DRAIN TILES in them...with liquid manure these tiles are just sewer pipes moving the problem off the field and into our water systems...STOP THIS PRACTICE.

These are just a few suggestions...the ones I believe could quickly make a HUGE difference.

Thank you...RICHARD SWANSON

---

**From:** Socha, Julianne <socha.julianne@epa.gov>  
**Sent:** Friday, October 1, 2021 7:44 PM  
**To:** Beranek, Ashley E - DNR  
**Subject:** Wisconsin 2022 Draft Integrated Report  
**Attachments:** WI\_2022IR\_PN\_EPAComments\_20211001.pdf

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Ashley,  
Attached please find EPA's comments on the public notice Wisconsin 2022 Draft Integrated Report.

*Julianne*

Julianne Socha  
Watersheds Section | Watersheds & Wetlands Branch  
Water Division | Region 5 | U.S. EPA  
77 W. Jackson Blvd. WW-16J | Chicago IL 60604  
312-886-4436 | socha.julianne@epa.gov

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

1. In addition to making Wisconsin’s list of impaired waters available for public review, Wisconsin Department of Natural Resources (WDNR) also sought comments from the public on the addition of several assessment unit/pollutant combinations to three EPA-approved basin Total Maximum Daily Loads (TMDLs), i.e., Wisconsin River Basin TMDL, Upper Fox/Wolf River (UFWR) Basins TMDL, and Milwaukee River Basin TMDL. The following comments relate to the addition of waters to these three TMDLs.

a.) Table 1 below identifies assessment unit/pollutant combinations that were included in Category 5 on Wisconsin’s 2020 Integrated Report ( WI 2020 IR). In the Wisconsin Public Notice Draft 2022 Impaired Waters and Restoration Waters Lists (WI 2022 Draft IR), these combinations were included in Category 4A, i.e., Wisconsin’s Restoration Waters List, as having an approved TMDL. In the 2022 Organization Public Comment cycle in the Assessment, Total Maximum Daily Load Tracking and Implementation System (2022 Public Comment ATTAINS) these combinations were included in Category 4A and associated with a TMDL Action ID. However, EPA did not find these combinations to be part of an approved basin TMDL, nor did EPA find these combinations in the WI 2022 Draft IR, Waters New to TMDLs worksheet. Please clarify if it is WDNR’s intent to revise the approved TMDLs to add the assessment unit/pollutant combinations in Table 1.

<b>Table 1</b>				
<b>EPA Assessment Unit ID</b>	<b>Official Assessment Unit Name</b>	<b>Local Name (if different from Official Name)</b>	<b>Pollutant</b>	<b>WDNR proposed associated TMDL &amp; Action ID from ATTAINS</b>
WI10000777	Arrowhead River		Total Phosphorus	UFWR TMDL WI-2020-001
WI10000762	Big Slough		Total Phosphorus	UFWR TMDL WI-2020-001
WI10008453	Black Creek		Total Phosphorus	UFWR TMDL WI-2020-001
WI6902216	Black Otter Creek		Total Phosphorus	UFWR TMDL WI-2020-001
WI6902219	Black Otter Creek		Total Phosphorus	UFWR TMDL WI-2020-001
WI10035880	East Branch Fond Du Lac River		Total Phosphorus	UFWR TMDL WI-2020-001
WI10000459	Little Creek		Total Phosphorus	UFWR TMDL WI-2020-001
WI10000441	Mack Creek	Mack (Brown. Spring) Creek	Total Phosphorus	UFWR TMDL WI-2020-001
WI10000112	Mud Lake		Total Phosphorus	UFWR TMDL WI-2020-001
WI10026432	Spring Creek		Total Phosphorus	UFWR TMDL WI-2020-001

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

<b>Table 1</b>				
<b>EPA Assessment Unit ID</b>	<b>Official Assessment Unit Name</b>	<b>Local Name (if different from Official Name)</b>	<b>Pollutant</b>	<b>WDNR proposed associated TMDL &amp; Action ID from ATTAINS</b>
WI10025373	Unnamed		Total Phosphorus	UFWR TMDL WI-2020-001
WI10036152	Unnamed	Local Name	Total Phosphorus	UFWR TMDL WI-2020-001
WI10036155	Unnamed	Paukotuk-Candlish Creek	Total Phosphorus	UFWR TMDL WI-2020-001
WI10037740	Unnamed	Unnamed (Brothertown) Creek	Total Phosphorus	UFWR TMDL WI-2020-001
WI10039421	Unnamed	Unnamed Trib to Pigeon River	Total Phosphorus	UFWR TMDL WI-2020-001
WI10039630	Unnamed	Unnamed Trib to S Br Pigeon River	Total Phosphorus	UFWR TMDL WI-2020-001
WI10039782	Unnamed	Unnamed Trib to Pigeon River	Total Phosphorus	UFWR TMDL WI-2020-001
WI10000294	West Branch Milwaukee River <sup>1</sup>		Total Phosphorus	Milwaukee TMDL WI_04040003

b.) WI10000203, Wilson Park Creek, total phosphorus and chloride was included in Category 5 of the WI 2020 IR, and both of these pollutants are included in the WI 2022 Draft IR, Impaired Waters List worksheet. However, in the 2022 Public Comment ATTAINS, total phosphorus is in Category 4A and associated with the Milwaukee TMDL, WI\_04040003. Please clarify whether this assessment unit is being added to the Milwaukee TMDL for total phosphorus.

c.) WI10000950, Parsons Creek, total suspended solids (TSS) is included on the WI 2022 Draft IR, Waters New to TMDLs, associated with the UFWR Basin TMDL. However, in the WI 2020 IR, TSS for this assessment unit was already associated with TMDL Action ID 33692 (Parsons Creek TMDL). EPA review of the pollutants and assessment units associated with Action 33692 in ATTAINS does not include WI10000950 for TSS or any other pollutant. Please clarify whether the WI 2020 IR incorrectly associated this assessment unit with Action 33692 and whether TSS for this assessment unit should be associated with the UFWR Basin TMDL.

d.) As discussed during our call on September 27, 2021, and in my September 29, 2021 email, further action will be needed by both WDNR and EPA to add waters to the three approved basin TMDLs prior to

<sup>1</sup> In the ATTAINS 2022 Organization Public Comment cycle, WI10000294, West Branch Milwaukee River, total phosphorus, is also associated with Action ID 161635758, East and West Branches of the Milwaukee River PWS Plan.

***EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment***

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

Wisconsin's submission of its 2022 final IR to EPA. EPA looks forward to working with WDNR to take the appropriate actions to address these TMDL revisions.

2. Please review Wisconsin's information in ATTAINS for the 2022 cycle to confirm that Organization IR Category entries under Use Attainment are consistent with EPA IR Category for each designated use and consistent with the Organization IR Category and EPA IR Category for the Assessment Unit. Below are two examples where the Organization IR Category for a specific Use Attainment is inconsistent with other IR category entries. EPA will continue to review information in ATTAINS for the 2022 cycle and if additional similar inconsistencies are found EPA will provide this information to WDNR.

Ex. 1: WI10001975, South Squaw Creek, Use Attainment Org IR Category for Fish and Aquatic Life is 5A while the Assessment Unit Organization IR Category and the EPA IR Category are 4A. Designated Uses have EPA IR categories of either 3 or 4A.

Ex. 2: WI10024761, Selner Park Beach (City of Kewaunee), Lake Michigan, Use Attainment Org IR Category for Fish and Aquatic Life is 5A while the Assessment Unit Organization IR Category is 2B and the EPA IR Category is 2. Designated Uses have EPA IR categories of either 2 or 3.

3. WI10024761, Selner Park Beach (City of Kewaunee), Lake Michigan, is included on the WI 2022 Draft IR, Listing Removals worksheet to delist E. coli, however, the 2022 Public Comment ATTAINS does not include a delisting reason or a delisting comment. Please add both to ATTAINS.

The 2022 Public Comment ATTAINS for this assessment unit also includes the comment "TMDL=813". EPA could not find a TMDL associated with this assessment unit. Please explain this comment.

4. WI10008643, Unnamed (local water name is Deer Creek), is included on the WI 2022 Draft IR, Listings Removals worksheet to delete the pollutant Elevated Water Temperature. The WI 2020 IR included temperature as an observed effect, temperature was not included as part of the approved 2020 category 5. Please clarify whether temperature should be deleted in the 2022 cycle.

5. WI10005887, Trout Brook, was included in WI 2020 IR Category 5 as not meeting criteria for fecal coliform and not supporting recreation use. This assessment unit has been retired in ATTAINS and is not included on the WI 2022 Draft IR. During our call on September 27, 2021, you indicated that this assessment unit was resegmented into two new assessment units in order to remove the portion of this assessment unit that is a Tribal water. Please explain the resegmentation and the current listing status of the two new assessment units so EPA can confirm with the information in ATTAINS.



**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

6. WI10001479, Dorn Creek, was included in WI 2020 IR Category 5 as not meeting criteria for E. coli and not supporting recreation use, and total phosphorus and TSS were included in Category 4A with fish and aquatic life use not supporting. The total phosphorus and TSS listings in Category 4A were associated with three different actions, i.e., 111887507, 169275042, and 41145. Action 41145 is the Rock River TMDL. The other two actions are implementation and implementation funding type actions. WI 2022 Draft IR, Impaired Waters List worksheet, includes E. coli not meeting criteria with recreation use not supporting, and total phosphorus not meeting criteria with fish and aquatic life use not supporting. This is consistent with information in the 2022 Public Comment ATTAINS. Please explain why WI10001479 for total phosphorus is changing categories from 4A to 5.

As mentioned above, TSS was also included in Category 4A in the WI 2020 IR. The 2022 Public Comment ATTAINS continues to show TSS in Category 4A with the associated action 41145. The two implementation related actions are no longer associated with TSS. EPA reviewed the assessment units and parameters associated with the Action 41145, Rock River TMDL, and did not find TSS or total phosphorus. Please confirm that TSS, and if appropriate total phosphorus, for WI10001479, Dorn Creek, are included in the Rock River TMDL.

7. Wisconsin is proposing to move several listings for pollutants identified as cause unknown in Category 5 of the WI 2020 IR to Category 2 in the WI 2022 Draft IR. Delisting comments included in the 2022 Public Comment ATTAINS indicate that during recent assessments total phosphorus was identified as the pollutant causing the impairment. EPA has no comments on Wisconsin's decision to identify total phosphorus as the pollutant causing the impairment. However, EPA is reviewing information in ATTAINS to confirm that the pollutant previously identified as cause unknown is correctly managed in ATTAINS. EPA will contact WDNR if additional discussion is necessary.

8. When EPA compared the WI 2020 IR to the 2022 Public Comment ATTAINS this comparison identified many assessment units being moved from Category 5Alt to Category 5. During our discussion on September 27, 2021, you indicated that the 2022 Public Comment ATTAINS does not correctly identify all the assessment units included in Category 5Alt, however, the WI 2022 Draft IR made available to the public at <https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html>, does correctly identify the assessment units that should be included in Category 5Alt.<sup>2</sup> EPA will continue to compare the assessment units listed in Category 5Alt on the WI 2022 Draft IR with information in ATTAINS. EPA will contact WDNR if additional information is needed to justify the Category 5Alt listings.

9. EPA reviewed information available in the WI 2022 Draft IR available at <https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html>, information available in the 2022 Public Comment ATTAINS, as well as comparing the aforementioned to the WI 2020 IR. Table 2 below

---

<sup>2</sup> Wisconsin uses Category 5W to identify assessment units that are placed in EPA Category 5Alt.

***EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment***

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

identifies either inconsistencies or comments related to listings for specific assessment units. Please provide clarification for the assessment units and their associated listings included in Table 2.

EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment  
 October 1, 2021

<b>Table 2</b>							
<b>Assessment Unit ID</b>	<b>Assessment Unit Name</b>	<b>Parameter Name</b>	<b>Use Name</b>	<b>WI 2020 IR</b>	<b>WI 2022 Draft IR, Impaired Waters List</b>	<b>2022 Public Comment ATTAINS</b>	<b>EPA Comment</b>
WI6901968	Pecatonica River	Total Phosphorus (TP)	Fish & Aquatic Life (FAL)	Assessment unit (AU) /parameter not included.	AU/parameter included, not included in Additions worksheet.	AU/parameter not included.	WI 2022 Draft IR identifies year first listed as 2012. This AU is not found in AU module in ATTAINS. Please clarify if this is a new listing in the 2022 cycle.
WI9123346	Porcupine Creek	TP	FAL	AU/parameter not included.	AU/parameter included, not included in Additions worksheet.	AU/parameter included.	WI 2022 Draft IR identifies year first listed as 2018. ATTAINS AU module indicates that a modification to this AU was made. Please provide further clarification to identify changes made to this listing between 2020 and 2022.
WI10038903	Trempealeau River	TP	FAL	AU/parameter not included.	AU/parameter included, not included in Additions worksheet.	AU/parameter not included.	WI 2022 Draft IR identifies year first listed as 2018. ATTAINS AU module indicates this AU was split. Please provide further clarification to identify change made to this listing between 2020 and 2022.
WI10004359	Big Moon Lake	TP	Recreation (Rec) & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.
WI10005039	Bone Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.
WI10006014	Chippewa River	Polychlorinated Biphenyls (PCB)	Fish Consumption (FC) & FAL	AU/parameter included for both uses.	AU/parameter listed only for FC use.	AU/parameter included for both uses.	Please confirm whether PCB and FAL should be included in the 2022 cycle.

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

<b>Table 2</b>							
<b>Assessment Unit ID</b>	<b>Assessment Unit Name</b>	<b>Parameter Name</b>	<b>Use Name</b>	<b>WI 2020 IR</b>	<b>WI 2022 Draft IR, Impaired Waters List</b>	<b>2022 Public Comment ATTAINS</b>	<b>EPA Comment</b>
WI10008884	Chippewa River	PCB	FC & FAL	AU/parameter included for both uses.	AU/parameter listed only for FC use.	AU/parameter included for both uses.	Please confirm whether PCB and FAL should be included in the 2022 cycle.
WI10008488	Columbus Mill Pond	PCB	FC & FAL	AU/parameter included only for FAL.	AU/parameter listed only for FC.	AU/parameter included only for FAL.	FC use in ATTAINS is in Category (Cat) 3. Please confirm whether FC use has been assessment for this parameter. Please confirm whether this AU/parameter for FAL should have been included on the WI 2022 DRAFT IR.
WI10006666	Coon Fork Flowage	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10004500	Deep Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.
WI10004681	Eau Claire Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10000133	Gass Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10007625	Kentuck Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

<b>Table 2</b>							
<b>Assessment Unit ID</b>	<b>Assessment Unit Name</b>	<b>Parameter Name</b>	<b>Use Name</b>	<b>WI 2020 IR</b>	<b>WI 2022 Draft IR, Impaired Waters List</b>	<b>2022 Public Comment ATTAINS</b>	<b>EPA Comment</b>
WI10003528	Lac Sault Dore	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.
WI10009847	Leota Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10005131	Long Trade Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10003679	Lower Park Falls Flowage	Mercury (Hg)	FC & FAL	AU/parameter included for both uses.	AU/parameter listed only for FC use.	AU/parameter included for both uses.	Please confirm whether Hg and FAL should be included in the 2022 cycle.
WI10025433	Mississippi River	Hg	FC & Wildlife <sup>3</sup>	AU/parameter included for both uses.	AU/parameter listed only for wildlife use.	AU/parameter included for both uses.	Please confirm whether Hg and FC should be included in the 2022 cycle.
WI10007385	Mud Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10004479	Poskin Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10005130	Round Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.

<sup>3</sup> In ATTAINS, Wildlife use is identified as General.

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

<b>Table 2</b>							
<b>Assessment Unit ID</b>	<b>Assessment Unit Name</b>	<b>Parameter Name</b>	<b>Use Name</b>	<b>WI 2020 IR</b>	<b>WI 2022 Draft IR, Impaired Waters List</b>	<b>2022 Public Comment ATTAINS</b>	<b>EPA Comment</b>
WI10000326	Shea Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10008190	Sheboygan River	PCB	FC & FAL	AU/parameter included for both uses.	AU/parameter listed only for FC.	AU/parameter included for both uses.	Please confirm whether PCB and FAL should be included in the 2022 cycle.
WI10008717	Spirit Lake	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10007188	Spirit River Flowage	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for Rec use.	AU/parameter included for both uses.	Please confirm whether TP and FAL should be included in the 2022 cycle.
WI10001549	Tripp Lake (Trapp)	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.
WI10008643	Unnamed	TP & TSS	FAL	AU/TP listed for FAL use. AU/TSS listed for FAL use.	AU/TP listed for Rec use. AU/TSS listed for FAL use.	AU/TP listed for FAL use AU/TSS listed for FAL use.	ATTAINS has AU for Rec use in Cat 3.
WI10008146	Upper Kelly Creek	TP	Rec & FAL	AU/parameter included for both uses.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and REC should be included in the 2022 cycle.

**EPA Comments on Wisconsin Public Notice 2022 Draft Water Condition List and Wisconsin ATTAINS 2022 Organization Public Comment**

October 1, 2021

To: Ashley Beranek, WDNR

From: Julianne Socha, EPA, Region 5

<b>Table 2</b>							
<b>Assessment Unit ID</b>	<b>Assessment Unit Name</b>	<b>Parameter Name</b>	<b>Use Name</b>	<b>WI 2020 IR</b>	<b>WI 2022 Draft IR, Impaired Waters List</b>	<b>2022 Public Comment ATTAINS</b>	<b>EPA Comment</b>
WI10006733	Ward Lake	TP	Rec & FAL	AU/parameter listed only for Rec use.	AU/parameter listed only for FAL use.	AU/parameter included for both uses.	Please confirm whether TP and Rec, as listed on WI 2020 IR, are being delisted in the 2022 cycle. Please confirm if TP and FAL, as listed on WI 2022 Draft IR, is an addition in the 2022 cycle.
WI10000122	Weyers Lake	TP	Rec & FAL	AU/parameter for both uses included.	AU/parameter included only for Rec use.	AU/parameter included for both uses.	Please confirm whether AU should include listing for TP and FAL.
WI10005159	Wood Lake	TP	Rec & FAL	AU/parameter for both uses included.	AU/parameter included only for FAL use.	AU/parameter included for both uses. .	Please confirm whether AU should include listing for TP and Rec.