WMC-WPC Comments on DNR Draft Water Condition Lists

Craig Summerfield <csummerfield@wmc.org>

Wed 12/6/2023 8:46 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>
Cc:Minahan, Kristi L - DNR <Kristi.Minahan@wisconsin.gov>;Patrick Stevens <Stevens@wipaper.org>

3 attachments (2 MB)

WMC-WPC 2024 Water Condition Lists Comments - 2023.12.6.pdf; WMC-WPC-MWFPA Comments on Draft WisCALM Guidance - 2023.2.24.pdf; WPC-WMC Impaired Waters List 2022 Comments - 2021.10.1.pdf;

Attached are comments from Wisconsin Manufacturers & Commerce and the Wisconsin Paper Council regarding the DNR's draft 2024 water condition lists. In addition, two prior sets of comments are attached for reference purposes.

Please confirm receipt and let me know of any questions.

Sincerely,

Craig Summerfield
Director of Environmental & Energy Policy

WMC

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Madison, WI 53703
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December 6, 2023

Wisconsin Department of Natural Resources
c/o Kristi Minahan, Water Quality, WY/3
P.O Box 7921
Madison, WI 53707

Sent Via Email to DNRWYWaterbodyAssessments@wisconsin.gov

RE: Comments on 2024 Water Condition Lists

Dear Ms. Minihan,

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

I. Introduction

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 to make Wisconsin the most competitive state in the nation to do business.

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.

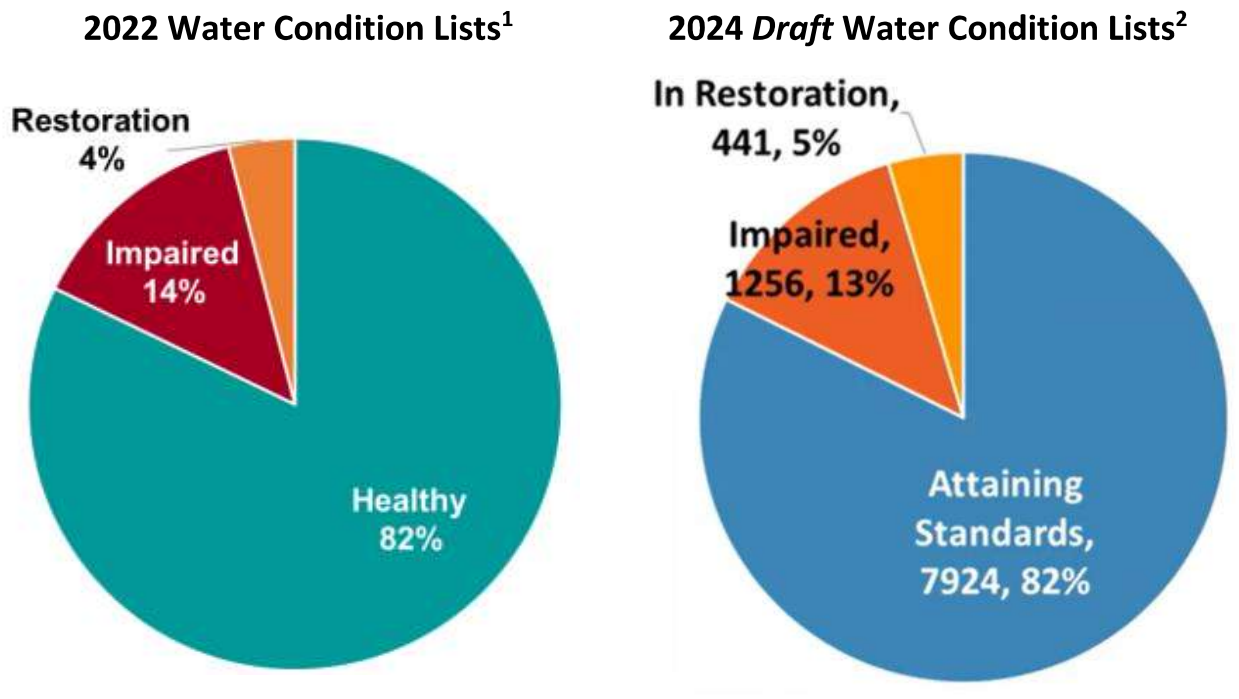
WMC and WPC members may be impacted by the proposed 2024 Water Condition Lists, particularly the impaired waters list. Wisconsin is required to create an impaired water list under Section 303(d) of the Clean Water Act. Per state and federal law, a listing on the impaired waters list creates an obligation for a Total Daily Maximum Load (TMDL) analysis. TMDL's may be used as the basis to impose discharge limitations on Wisconsin manufacturers and other qualifying Wisconsin Pollutant Discharge Elimination System (WPDES) permittees.

II. Background

The Department of Natural Resources (DNR) is proposing to delist 22 waterbodies from the impaired waters list, with a total of 37 pollutant listings removed. DNR is proposing to add 51 waterbodies, or 81 listings total.

The vast majority of water bodies assessed continue to be healthy. According to DNR, 82% of assessed waters are "attaining standards." In 2022, DNR data also showed that 82% of assessed waters were attaining standards, or "healthy." Notably, the percentage of impaired waters *decreased* and the percentage of waters in a restoration plan *increased* as compared to 2022.

Figure 1: 2022 Water Condition Lists vs. 2024 Draft Water Condition Lists



[1] Source: Wisconsin's Water Quality Report to Congress, page 7. Accessed via https://dnr.wisconsin.gov/topic/SurfaceWater/Congress.html#:~:text=2022%20Water%20Quality%20Report%20Key,%2C%20and%20PFOS%20(14%25).

[2] Source: 2024 Water Condition List Updates: Public Information Meeting: November 20, 2023. Accessed via https://dnr.wisconsin.gov/topic/SurfaceWater/ConditionLists.html

III. DNR Needs to Remove "Unknown" Pollutant Listings from Section 303(d) Impaired Waters List.

DNR has once again proposed new listings on the impaired waters list for "unknown" causes. In the 2022 impaired waters list, DNR added 4 new listings for "unknown pollutants." In the draft 2024 impaired water list, DNR has proposed 26 such listings. As we did in our comments submitted two years ago, WMC and WPC again strongly object to this practice.

Wisconsin law – both statute and rule – requires DNR to only utilize water quality standards promulgated via statute or rule in order to list a waterbody as "impaired" on the Section 303(d) list. For these 26 listings, DNR appears to be relying on criteria outlined in its Wisconsin Consolidated Assessment and Listing Methodology (WisCALM) 2024.

However, WisCALM 2024 is a guidance document that does not have the force of 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]." Moreover, as noted by the Wisconsin Supreme Court:

> [Guidance documents] are not law, they do not have the force or effect of law, and they provide no authority for implementing or enforcing standards or conditions. They simply "explain" statutes and rules, or they "provide guidance or advice" about how the executive branch is "likely to apply" a statute or rule. They impose no obligations, set no standards, and bind no one. They are communications about the law— —they are not the law itself. They communicate intended applications of the law——they are not the actual execution of the law. Functionally, and as a matter of law, they are entirely inert. That is to say, they represent nothing more than the knowledge and intentions of their authors.

See SEIU v. Vos, 2020 WI 67, ¶102.

Wisconsin administrative code is also clear that guidance cannot be used to list a waterbody on the impaired waters list. As noted in NR 102.53(2), "only water quality standards that have been promulgated via statute or rule may be considered for the purposes of listing a waterbody on the section 303(d) list."

Listing a waterbody on the section 303(d) list on the basis of guidance is plainly unlawful. WMC and WPC objected to this listing on the 2022 list, and renew this objection for the 2024 list. We urge DNR to remove the proposed 26 new listings with "cause unknown."

IV. DNR Should Remove Listings Based on Fish Advisories from Section 303(d) List.

DNR appears to be again listing waterbodies on the basis of fish advisories. In the 2022 impaired water list, DNR added 14 listings on the basis of "PFOS Contaminated Fish Tissue." In the draft 2024 impaired water list, DNR has proposed 9 new such listings.

As we noted in comments submitted earlier this year on the draft 2024 WisCALM, WMC and WPC again object to the use of fish advisories as a basis for 303(d) listings. Such a practice 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 noted previously, the establishment of a TMDL may ultimately result in discharge limits being imposed on WPDES permittees.

To the extent that these 9 new PFAS listings are based on fish advisories, such a listing may be allowed under 2024 WisCALM, but is not authorized by state statute or a promulgated rule. Thus, listings based on such fish advisories are unlawful and must be removed.

V. DNR Needs to Remove Listings Based on "Macrophytes" from Section 303(d) List.

DNR has proposed 18 new listings based on "macrophytes," or aquatic plant degradation. DNR indicates that this is a new listing for 2024, but does not explain its explicit statutory authorization for this listing.

Presumably, DNR is again relying on 2024 WisCALM guidance as a basis for such listings. As explained previously in these comments, such listings would not be permitted under state statute and administrative code, and would therefore be unlawful. WMC and WPC urge DNR tor remove the 18 new listings based on "macrophytes."

VI. Conclusion

To ensure the proposed 2024 impaired waters list conforms to state law, WMC and WPC urge DNR to remove the following listings:

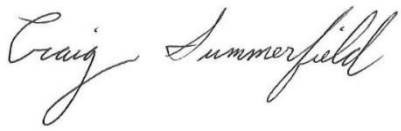
- 26 listings based on an "unknown" pollutant
- 9 listings that may be based on PFOS fish advisories

- 18 listings based on “macrophytes”

For additional information, we have incorporated via enclosures prior comments submitted on DNR’s draft 2022 water condition lists as well as the draft 2024 WisCALM document.

Thank you for the opportunity to comment on this matter. Please do not hesitate to contact us with any questions.

Sincerely,



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

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

Enclosures:
WMC-WPC Impaired Waters List 2022 Comments – 2021.10.1
WMC-WPC-MWFPA Comments on Draft WisCALM Guidance – 2023.2.24

TO: Ashley Beranek – WQ/3

FROM: Wisconsin Manufacturers & Commerce
Wisconsin Paper Council
Midwest Food Products Association

DATE: February 24, 2023

RE: Comments on draft Wisconsin 2024 Consolidated Assessment and Listing Methodology (WisCALM) for CWA Section 303(d) and 305(b) Integrated Reporting – Assessment Guidance for 2023-2024

Submitted via e-mail to DNRWYWaterbodyAssessments@wisconsin.gov

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These comments are submitted on behalf of Wisconsin Manufacturers and Commerce (WMC), Wisconsin Paper Council (WPC), and Midwest Food Products Association (MWFPA).

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 over $18 billion.

WMC is the largest general business association in Wisconsin, representing approximately 3,800 member companies of all sizes, and from every sector of the economy. Since 1911, our mission has been to make Wisconsin the most competitive state in the nation to do business. WMC members depend on fair, predictable environmental standards that do not unduly target or harm Wisconsin businesses.

MWFPA is a trade association founded in 1905 representing the food processing industry in the states of Wisconsin, Minnesota, and Illinois. MWPFA's purpose includes advocating on public policy issues including food safety, workforce, and environmental regulations.

I. Introduction

The Clean Water Act requires states to publish a list of all waters not meeting water quality standards, as well as an overall report on the surface water quality status of all waters in the state. These reports must be provided to the EPA every two years.

Corresponding with this update, the Wisconsin DNR typically publishes an update to "Wisconsin's Consolidated Assessment and Listing Methodology" (WisCALM). This guidance document, once implemented, is used by DNR staff to guide its assessment of water quality data.

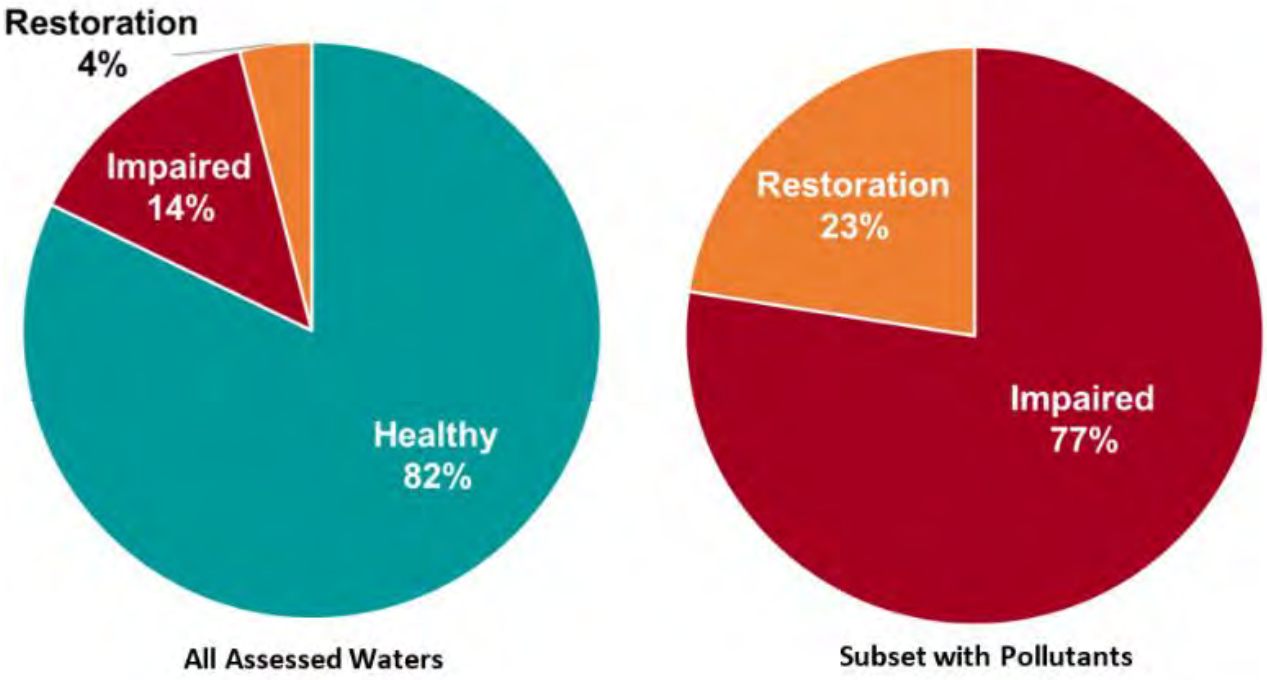
To begin, it should be noted that any regulatory changes by the DNR do not take place in a vacuum. Wisconsin's regulated community – including members of WMC, WPC, and MWFPA – contend with a myriad of state and federal water quality regulations. At this time, our members are contending with the implementation of new surface water quality regulations for PFOA and PFOS, a proposed antidegradation rulemaking that may make obtaining wastewater discharge permits more difficult, and several other burdensome regulations. Manufacturing is the backbone of Wisconsin's economy, and DNR staff should consider the impact of any new regulations on Wisconsin's papermakers, food processors, and other manufacturers.

It must also be stressed that a guidance document cannot impose any new requirements on the regulated community. As held by the Wisconsin Supreme Court, guidance documents "are not law, they do not have the force or effect of law, and they provide no authority for implementing or enforcing standards or conditions." *See SEIU v. Vos, 2020 WI 67 102.* Any new requirements on the regulated community found in this guidance document are unlawful, and the DNR must instead promulgate a rule.

II. Most of Wisconsin Waters Have Good Water Quality

Wisconsin has a long history of protecting its waters, and most Wisconsin waters are healthy. In the *Wisconsin Quality Report to Congress 2022*, the Department of Natural Resources (DNR) reported that 82% of the waters assessed were healthy. In addition, for those waters that are impaired, 23% have a restoration plan in place.

Figure 1: Percentages of Healthy Waters & Impaired Waters w/Restoration Plan



**Source: Wisconsin's Water Quality Report to Congress 2022*

III. The DNR can only rely on promulgated water quality standards to list a waterbody as impaired.

As acknowledged in the draft WisCALM guidance, the DNR recently updated its relevant administrative code related to waterbody assessments and water quality standards. This rulemaking was WY-23-13, or Clearinghouse Rule 19-094. WMC and WPC raised a number of concerns with this rulemaking throughout the rulemaking process. A central concern we shared was the use of unlawful guidance as a basis to list a waterbody as "impaired" on the Section 303(d) list of the federal Clean Water Act. Under federal law, a waterbody listed on the Section 303(d) list requires a Total Maximum Daily Load (TMDL) analysis. A waterbody with an EPA-approved TMDL may impose new limits on permitted entities that discharge into a section 303(d)-impaired waterbody, including manufacturers.

Thankfully, the Legislature stepped in and requested important modifications to Clearinghouse Rule 19-094, and the DNR agreed to incorporate these changes. The relevant section of the rule is below, with the changes underlined:

> "(2) INDIVIDUAL WATERBODY ASSESSMENTS AND SECTION 303 (D) LIST. (a) The department shall identify and report on waters not meeting any applicable water quality standard <u>prescribed under statute or a promulgated rule</u> pursuant to section 303 (d) of the Clean Water Act, 33 USC 1313 (d), and 40 CFR 130.7 (b) and 130.10 (b) (2). The department shall assess individual waterbodies that have sufficient and readily available datasets, as specified in the department's water quality standards and assessment protocols, to determine whether a

> waterbody is attaining water quality standards. The department determines whether a waterbody's designated uses are supported by evaluating attainment of its water quality criteria and biological assessment thresholds. The department shall assess data collected from a waterbody against each applicable water quality standard or assessment threshold independently, unless a combined assessment procedure is specified in rule. The department shall report any waters not attaining applicable water quality standards to the U.S. EPA. Only water quality standards that have been promulgated via statute or rule may be considered for the purposes of listing a waterbody on the section 303 (d) list."

This change was approved by the Natural Resources Board, and ultimately incorporated into the current administrative code (See NR 102.51(2)). The change affirmed that the DNR can only utilize water quality standards that are lawfully enacted via statute or rule as a basis to list a waterbody as impaired under section 303(d) of the federal Clean Water Act. Moreover, the agency cannot use unlawful guidance to list a waterbody as impaired.

Moreover, NR 102.03(6) rule defines "Section 303 (d) list" as the following:

> "(6) "Section 303 (d) list" means a list of waters ***that do not attain water quality standards*** **(emphasis added)** and require a total maximum daily load analysis, as specified under section 303 (d) of the Clean Water Act, 33 USC 1313 (d)."

Thus, in the absence of a waterbody failing to obtain a promulgated water quality standard, the waterbody may not be listed on the section 303(d) list.

IV. Section 2.5.4 of the Proposed Guidance May Violate NR 102.

In response to the enactment of Clearinghouse Rule 19-094, the DNR included a new section in the draft WisCALM guidance titled "Water Quality Criteria vs Biological Assessment Thresholds," or Section 2.5.4. The section appears to provide two separate avenues for listing a waterbody as impaired, as described in the table below:

Table 1: DNR Description of Different Types of Impaired Water Listings

<table>
<tr><th></th><th>Used to derive permit limits?</th><th>Parameter Examples</th><th>Shown on 303(d) list as</th><th>Actions toward improvement</th></tr>
<tr><td rowspan="2">Water Quality Criteria (describe the water itself)</td><td rowspan="2">Yes</td><td>Toxics, Nutrients, Sediment</td><td>"Pollutant"</td><td>- Permit limits
- TMDLs</td></tr>
<tr><td>DO, pH</td><td rowspan="2">"Observed effect" of degradation (aka "Impairment")</td><td rowspan="2">- Habitat restoration
- Watershed work
- Invasive species mgmt.
- Site-specific criteria</td></tr>
<tr><td>Biological Assessment Thresholds (describe living things)</td><td>No</td><td>Plants, fish, insects, algae</td></tr>
</table>

**Source: DNR draft WisCALM 2024 Guidance Document, pg. 12*

This section goes on to describe the differences between "water quality criteria" and "biological assessment thresholds." Some important passages are highlighted below:

> "…**Only water quality criteria for Pollutants are used to set discharge permit limits or to set targets for Total Maximum Daily Load (TMDL) analyses (Table 5) (emphasis added).**
> "Biological assessment thresholds describe the condition of the living things within the waterbody, such as plants, fish, aquatic insects, and algae. They are used to determine the health of an aquatic life community and whether designated uses are supported. Aquatic life communities may be impacted by pollutants or by other factors such as physical impacts (stream bank erosion, dams), invasive species, or climate change. Therefore, there are a wide range of actions that may be taken to address biological degradation, commonly including WISCONSIN DEPARTMENT OF NATURAL RESOURCES – WISCALM 2024 12 habitat restoration, watershed work, and invasive species management. **Whether biological assessment thresholds are codified or in guidance, or are narrative or numeric, they are not used for setting permit limits. Listings that result from biological assessments are "Observed Effects", also known as "Impairments," and do not determine permit limits or TMDL allocations (Table 5) (emphasis added).**
> "In cases where an observed effect has been documented but it is unclear whether a specific pollutant is one of the underlying causes (e.g. available data indicate pollutants are attaining their respective water quality criteria), the department would evaluate what stressors are affecting the waterbody before determining whether to list a specific pollutant as a cause."

First and foremost, our coalition agrees with the DNR's affirmation in the guidance that a "biological assessment threshold" cannot be used as a basis for establishing permit limits for regulated sources. Thus, we generally support the inclusion of the statement clarifying that "biological assessment thresholds…are not used for setting permit limits." If the DNR were to do otherwise, it would be a clear violation of NR 102.51(2), and therefore unlawful.

However, we are still concerned by the DNR's plan in relation to Section 303(d) listings. It appears the DNR intends to not only include on the Section 303(d) list waterbodies that fail to meet a promulgated water quality standard, but also waterbodies based on the results of a biological assessment.

Including biological assessments is inconsistent with the plain language of NR 102. As noted previously, NR 102.51(2) states that "only water quality standards that have been promulgated via statute or rule may be considered for the purposes of listing a waterbody on the section 303(d) list." In addition, NR 102.03(6) defines the "Section 303(d) list" as "a list of waters that do not attain water quality standards and require a total daily maximum load analysis." **Consequently, we request that DNR clarify in the WisCALM guidance that waterbodies will not be placed on the 303(d) list based upon biological assessments.**

There are also practical concerns about listing waterbodies on the 303(d) list when there is no exceedance of a promulgated water quality standard. Our coalition is concerned if a waterbody is listed on the section 303(d) list for reasons other than an exceedance of a water quality standard, an obligation will still be created for a TMDL. We note that under the DNR's prior practice, all impaired waterbodies on the state's 2022 section 303(d) Impaired Waters List were assigned a TMDL category of "low to high."

In summary, the DNR's acknowledgement that it cannot use biological assessment thresholds as a basis for permit limits is welcome. However, its plan for "two types of section 303(d) listings" injects uncertainty into the process and still appears to be unlawful. Thus, we urge the DNR to specify in the guidance that only water quality standards promulgated by statute or rule can be used to list a waterbody as impaired on the section 303(d) list.

V. The use of fish consumption advisories for listing on the 303(d) list appears unlawful.

Section 8.3 of the WisCALM guidance provides "Waterbodies may be designated as impaired on the 303(d) list based on the level of fish consumption advice…" Insofar as fish advisories are being used as regulatory purposes, such use is not authorized by law.

Initially, we note that the 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. As noted previously, 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 a section 303(d) impairment listing.

VI. The draft guidance sets surface water criteria for PFOA and PFOS not found in statute or rule.

Two updates in the draft guidance relate to PFAS, specifically PFOA and PFOS. The first update, in Section 8.2 of the guidance, is summarized in the table below:

Table 2: Wisconsin DNR surface water criteria for PFOS and PFOA.

Indicator	Threshold (ng/L)	Minimum Data Requirement	Duration & Frequency
PFOS	8*	2 values within a 3-year period	>1 exceedance within a 3-year period
PFOA	95**		
* For all waters except those that cannot naturally support fish and do not have downstream waters that support fish. **Surface waters not designated as public drinking water supply. See 8.5.6 PFOA for drinking water criteria.			

**Source: DNR draft WisCALM Guidance Document, pg. 59*

In relation to the "threshold" column above, the table accurately describes the state's numeric criteria for PFOA and PFOS. These standards were established in WY-23-19, or Clearinghouse Rule 21-083. Per NR 102.04(8)(d)1., the state's relevant surface water quality standards are generally 8 ppt for PFOS, and 95 ppt for PFOA (subject to exceptions).

However, the draft guidance also establishes thresholds to list a waterbody as impaired, defined as two or more exceedances within a three-year period, provided the samples are collected at least 30 days apart. Such a standard is not found in administrative code, nor state statute. In addition, the DNR did even attempt to provide a peer-reviewed, scientific justification as to why making an impairment decision based on only two samples is appropriate.

The second PFAS update in the draft guidance is found in Section 8.5.6. This section notes the state criterion of 20 ppt for PFOA for surface waters used for drinking water. This standard was also established in CR 21-083.

However, the draft guidance again establishes a threshold of two or more exceedances within a three-year period to list a waterbody as impaired. Again, this standard is not found in administrative code, nor state statute.

Under s. 227.10(1), "each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute." The DNR has failed to promulgate a rule establishing the "two or more exceedances" threshold. Thus, this section of the guidance may be unlawful.

VII. Conclusion

Although we appreciate the DNR's assurance that "biological assessment thresholds" cannot trigger a TMDL or permit limits, our organizations still have several key concerns with the draft WisCALM 2024 guidance document. These concerns include the following:

- The DNR's plan to list waterbodies as impaired under Section 303(d) without utilizing water quality standards promulgated via statute or rule.
- The use of fish advisories to list a waterbody as impaired.
- Making impairment determinations for PFOA and PFOS based upon two samples, in the absence of a specific rule or statutory authority,

Before finalizing the draft WisCALM 2024 guidance, our coalition urges the Department to carefully review the proposed guidance to ensure compliance with ch. 227 of the statutes, as well as compliance with NR 102, as amended by the Joint Committee for the Review of Administrative Rules.

cc: Sen. Steve Nass, co-chair, Joint Committee for the Review of Administrative Rules
Rep. Adam Neylon, co-chair, Joint Committee for the Review of Administrative Rules

October 1, 2021

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

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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:

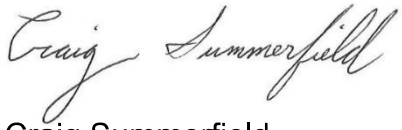
- The removal of the aforementioned waterbodies - Biron Flowage, Petenwell Lake, Lake Monona, Starkweather Creek, and W. Br. Starkweather Creek – that were listed due to PFOS fish consumption advisories, as this is an unlawful use of these advisories.
- The removal of the stretch of the Wisconsin River 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

Water Quality question

Ann Silberman <yoshisma3@yahoo.com>

Tue 11/7/2023 9:19 AM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

Hello,
What are the locations listed as “local water?” I appreciate the list but could not find any information on these listings. Are they so bad that they are blocked somehow? Thanks for your help.

Ann Silberman

Public Comment On Updated Water Condition Lists

Forest Jahnke <fjahnke@crawfordstewardship.org>

Wed 11/29/2023 5:17 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>;Minahan, Kristi L - DNR <Kristi.Minahan@wisconsin.gov>

Thank you for soliciting public comment on the DNR's updated water condition lists.
My name is Forest Jahnke, and I'm a resident of Crawford County, a landowner with multiple springs and creeks on my shared property, and the Programs Coordinator of Crawford Stewardship Project, a 501c3 non-profit organization working here in southwestern Wisconsin on land and water use issues. We have been coordinating volunteers for the DNR/UWEx Water Action Volunteers (WAV) program for fifteen years, and faithfully submitting data annually, which has led to impairment listings for several streams of concern in Crawford County.

I would first note that the map of impaired waters in Crawford County looks much like a map of the monitored streams in the County, which is highly concerning in an area known internationally for trout fishing and many other clean water based businesses. More monitoring is clearly needed, as well as serious plans to mitigate further contamination, yet over the years we have experienced reduced support from the DNR in your own WAV monitoring program, and there is not one single stream in the county with a restoration plan. Meanwhile, the DNR has recently permitted the largest farm in Crawford County, Roth Feeder Pig, to build a second facility of triple the size, which would make them the largest hog CAFO in the state. We have clearly documented issues in the streams below their existing facility, and have demonstrated alarming results in our last few years of baseline monitoring streams around the proposed facility. The fact that the entire Mississippi bordering Crawford Co is now listed as impaired is yet another indicator that there are serious issues here that are not being addressed.

I have to take issue with the statement in your news release on this topic that, "Placing waters on the Impaired Waters List means those waters require a restoration plan to improve aquatic habitat, recreation opportunities or fish consumption." In my understanding, derived from your DNR guidelines, this is misleading. The reality that I can see is that impairment status means that the DNR plans to perhaps come up with a restoration plan at some point, but there is no timeline, the criteria for prioritizing bodies of water is untransparent, and again, even with partners on the ground here like Crawford Stewardship Project and the Tainter Creek Farmer Led Watershed Council we have yet to see a single restoration plan for one of these streams and we are not covered by a TMDL plan.

Even in surrounding counties, Grant has sixteen restoration plans, Richland has two, and Vernon has six. We are used to being ignored out here, but after all our years of collaboration with the department, I find it hard to swallow that there is such a lack of resources being dedicated to our small streams under threat by the very operations that the DNR continues to permit. None of the additional protective conditions or monitoring which are available to the DNR have been added, despite clear science to support added conditions, broad public outcry and county government calling for more due diligence

before permitting.

As a general note, with the drought conditions in the past years, we hope that this is being factored in when noting reductions in phosphorus in water. Before a stream is removed from the impaired list for phosphorus, it should be observed meeting the standards under normal or rainier than normal conditions as a true test.

Furthermore, we request that the DNR take on more responsibility (or at least provide more direct support) for monitoring around CAFOs and other industries you permit, and that the local water quality monitoring be considered when permitting CAFOs and other industrial facilities. The DNR should endeavor to create baseline data before permitting potentially polluting industries, so impacts can be quantified.

Finally, we request that the DNR add more parameters to the WAV program that would help indicate health and safety concerns (*Staph. aureus*, antibiotic resistant bacteria, *E. coli*, etc.) particularly in areas with high inputs of liquid manure.

We hope that the department can procure sufficient funding and staff to make these changes and expansions to your surface water monitoring, and suggest that (particularly in karstic areas such as southern, western, and eastern Wisconsin) groundwater be considered as intimately connected to surface water in your evaluations, both in terms of quality and quantity.

We appreciate the opportunity to comment, and hope our concerns are taken into account. We represent over 1000 supporters in the region who not only support the values of clean water for all, but directly volunteer to contribute to your department's data collection.

Sincerely,
Forest Jahnke
--

2009-2022

Potential Pathogens and Total Phosphorus

FULL REPORT

Water Quality Monitoring (WQM) Program

Omaru Heras

WQM Program Coordinator

P.O. BOX 284,
Gays Mills, WI 54631

608-632-7021 / +52 954 125 7582

oheras@crawfordstewardship.org

www.crawfordstewardship.org

DATA PARAMETERS INCLUDED IN THIS REPORT

Monthly baseline monitoring data is reported in the Surface Water Integrated System (https://dnrx.wisconsin.gov/swims/login.jsp) and can be seen on the Surface Water Data Viewer (https://dnrmaps.wi.gov/H5/?Viewer=SWDV).
Lab testing is run by Leuther Lab LLC (# 55-235), AgSource lab (# 55-424) and the Wisconsin State Lab of Hygiene (WSLH).
Lab data is sent every end of the season to the Laboratory Coordinator of the Wisconsin Department of Natural Resources (DNR).

Escherichia coli (E. coli):

- Pollution indicator of fecal pathogens (i.e., *Salmonella* and *Cryptosporidium*).
- Lives in warm blooded animal feces.
- Certain strains cause serious or even lethal digestive problems in humans.
- Humans and hog feces carry over one million *E. coli* per gram.
- The safety standard for rivers is below 126 cfu/100mL. 1000 cfu/100mL mandates closing of public beaches.
- *170,000 E. coli colony forming units (cfu) were found in 2019, over 1,300 times the standard!*

Total Phosphorus (TP):

- Pollution indicator nutrient.
- Low levels of TP (up to 0.075 mg/L) are naturally found in surface waters, but high amounts cause "eutrophication":
  Excess algae and plant growth ➥ Death and decomposition ➥ Oxygen levels drop dramatically ➥ Die-off of fish and other aquatic organisms
- The most widespread water pollutant in Wisconsin due to: soil erosion, manure lagoons and septic systems, detergents and runoff from farmland or lawns.
- *The highest TP result was seen in 2019: 4.22 mg/L, 56 times the standard!*

Background (heterotrophic) bacteria:

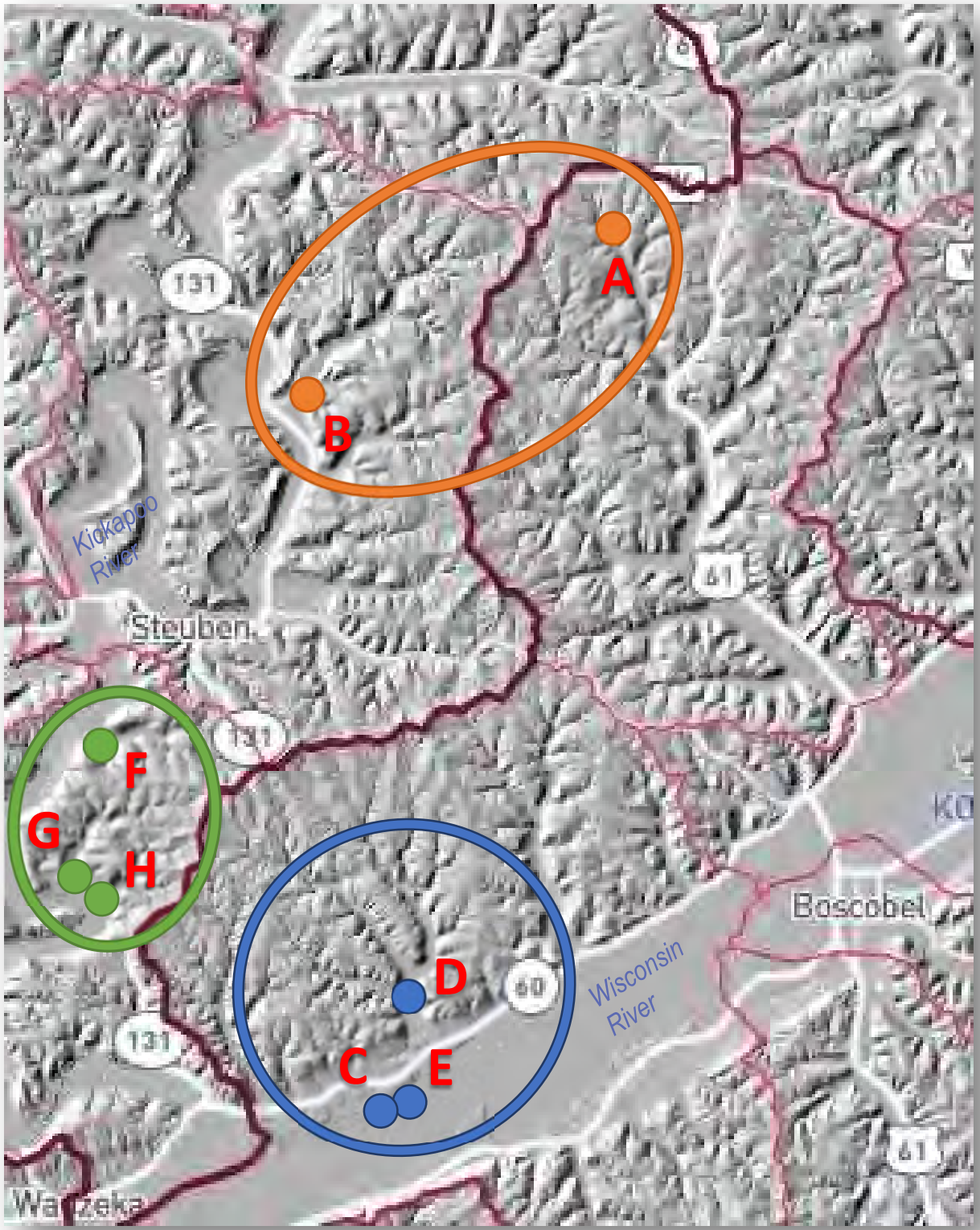
- Depend on other organisms or decomposed organic matter to survive.
- Some of the parasitic species can cause cholera and tetanus; *E. coli* also belongs to this group.
- *91,000,000 cfu/100 mL background bacteria found in just one sample in 2019! Over 50,000/100mL is considered high background bacteria.*

Staphylococcus aureus (S. aureus):

- Water quality and MRSA (Methicillin Resistant *S. aureus*) indicator bacteria.
- MRSA is a very dangerous and infectious bacteria that may seriously affect skin, respiratory system, blood, create toxicity shock, and more. It has been linked to pig and dairy CAFO´s.

Precipitation: can create large pulses of water that move quickly over and through the ground, carrying nutrients and pathogens from manure sources, agricultural fields, lawns, septic systems, etc., into surrounding water bodies and groundwater. Nutrient runoff contributes to the eutrophication of aquatic ecosystems.

INDEX



ALL SITES LOCATION MAP

Crawford County

ZONE 1 (Scott & Haney Townships):

A. Station A: #10044917 (Richland Creek), ***impaired****

B. Station B: #10044132 (Shaw Hollow Creek-Kickapoo River - Taylor Ridge Rd. bridge)

ZONE 2 (Wauzeka Township):

C. Station #10032119 (WI River Tributary, 0.5 mi SE of STH 60 and Knob Ln Intersection), ***impaired****

D. Station #10032123 (Boydtown Creek)

E. Station #10052569 (Unnamed 5035112 at Spring), ***impaired****

ZONE 3 (Marietta Township):

F. Station #10052670 Unnamed (5034616)

G. Station #10052671 Unnamed (5034666)

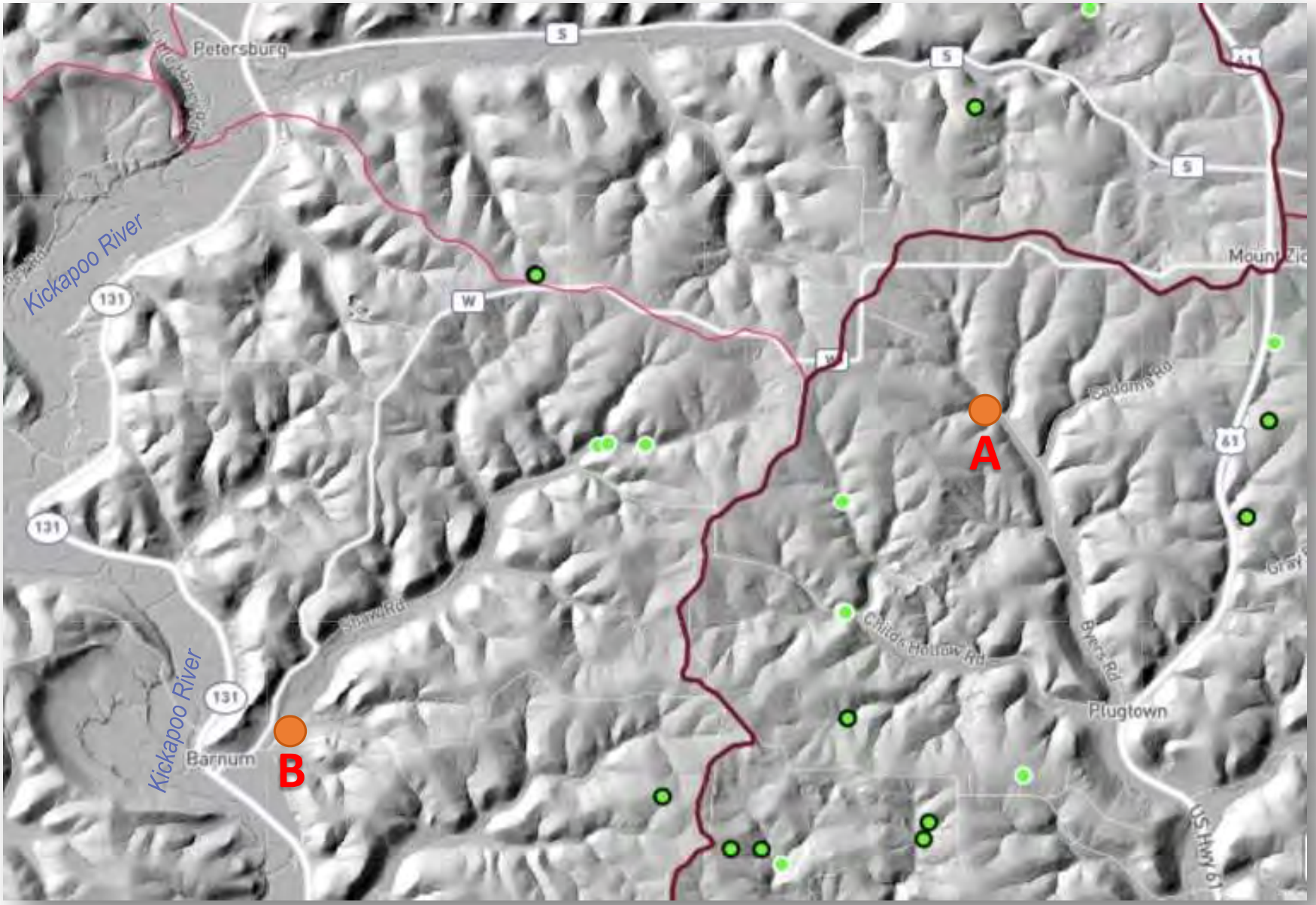
H. Pending: Station #10052699 Spring to Kickapoo River

****Impaired**: Waters that do not meet WQS (Water Quality Standards) are placed on Wisconsin's Impaired Waters List -also known as the 303(d) list-, under Section 303(d) of the CWA (Federal Clean Water Act).*

Watershed boundary

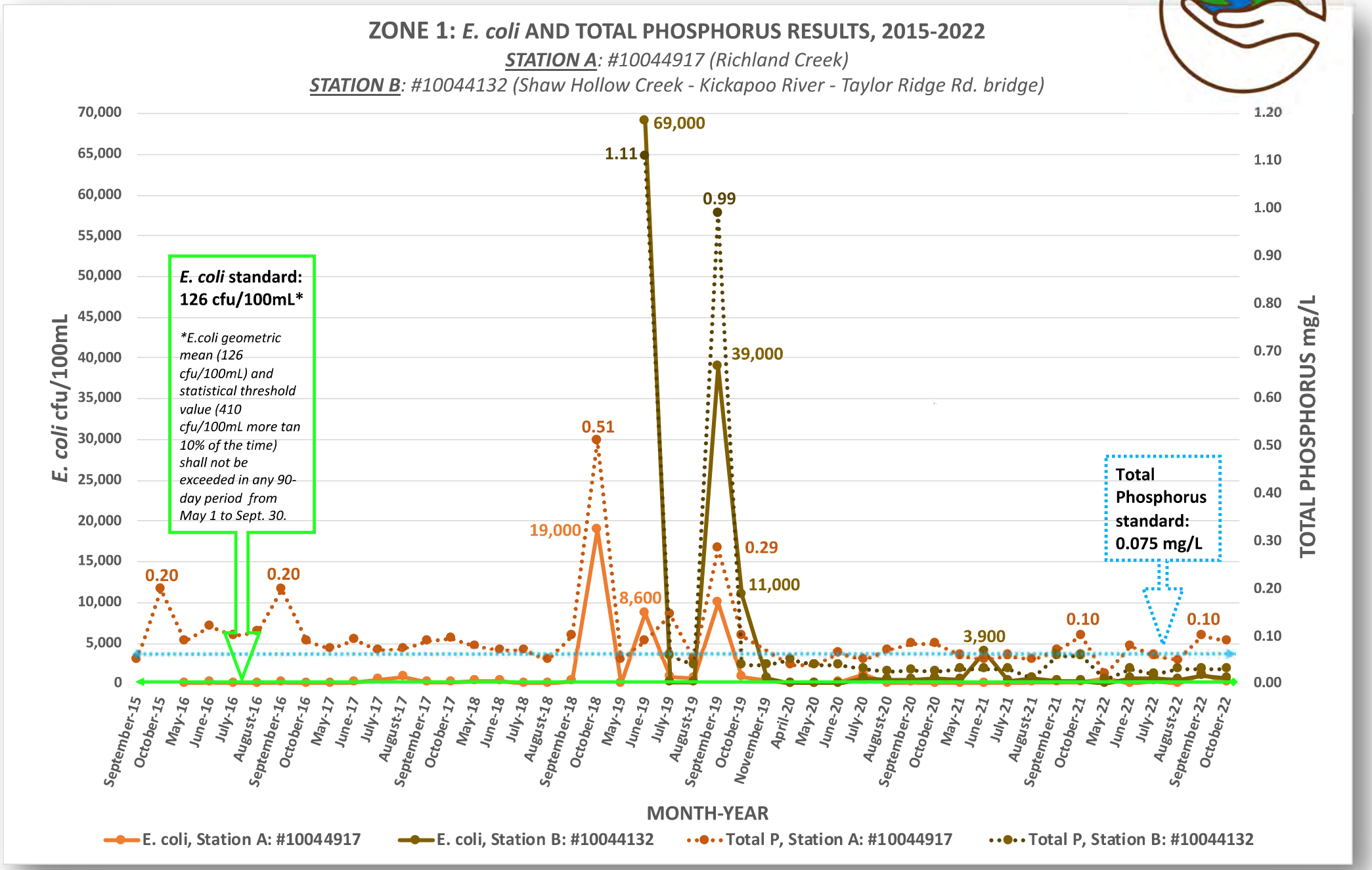
Sub-watershed boundary

ZONE 1: Site location map

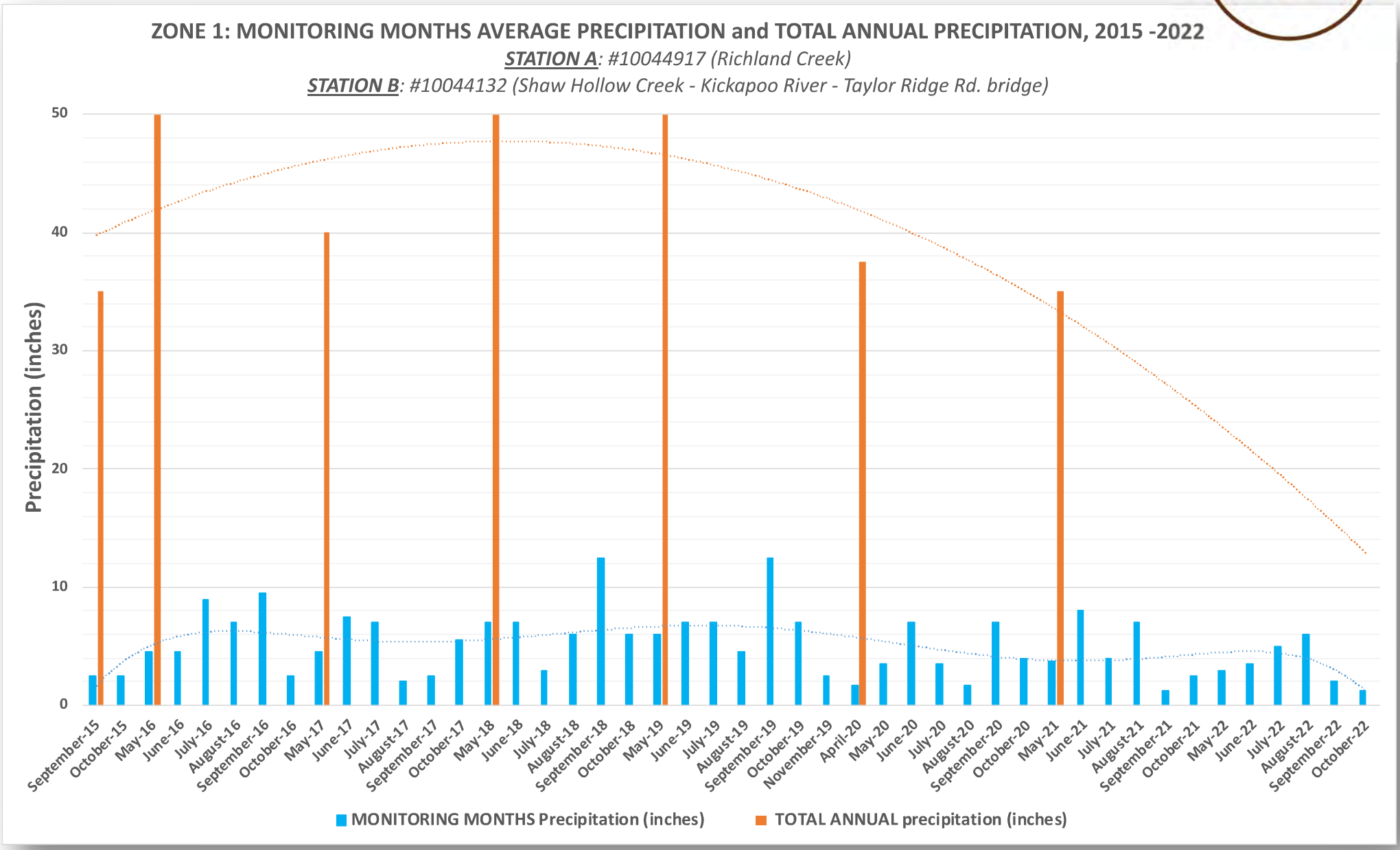


* *As identified by CSP´s Karst Landscapes and Groundwater Susceptibility Survey of Crawford Co.*

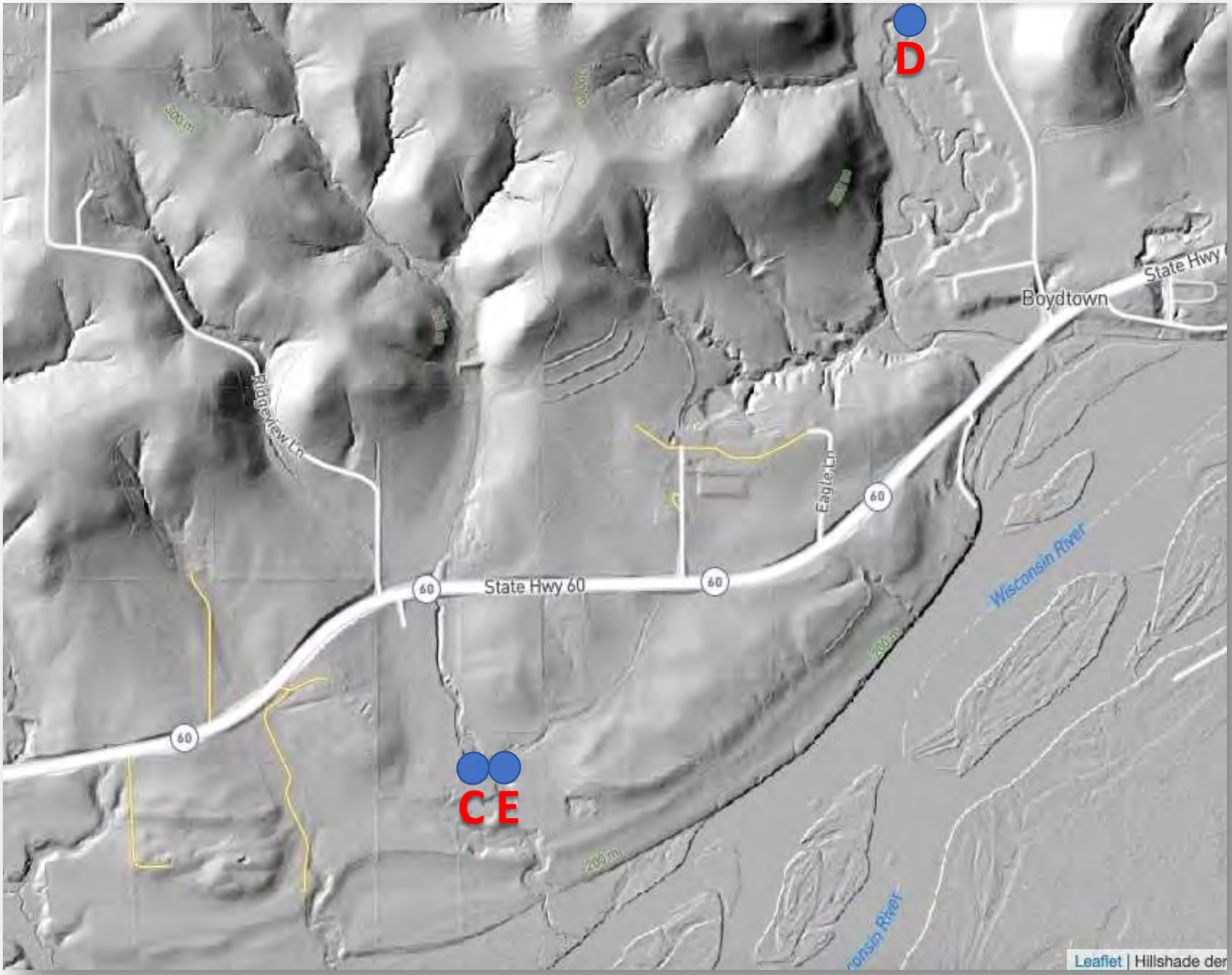
ZONE 1: *E. coli* and **Total Phosphorus** results, 2015 - 2022



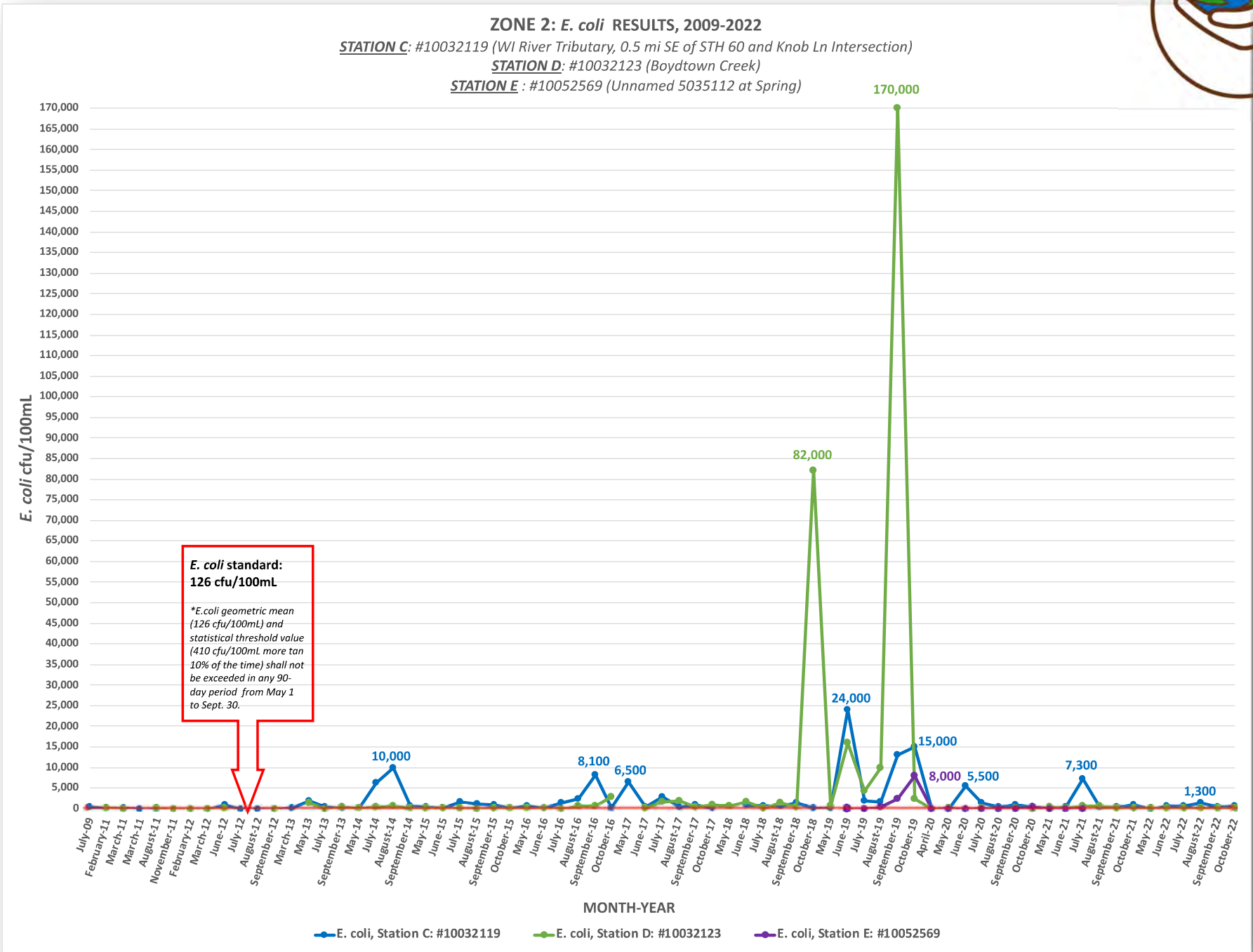
ZONE 1: Monitoring Months Average Precipitation and Total Annual Precipitation (inches), 2015 - 2022



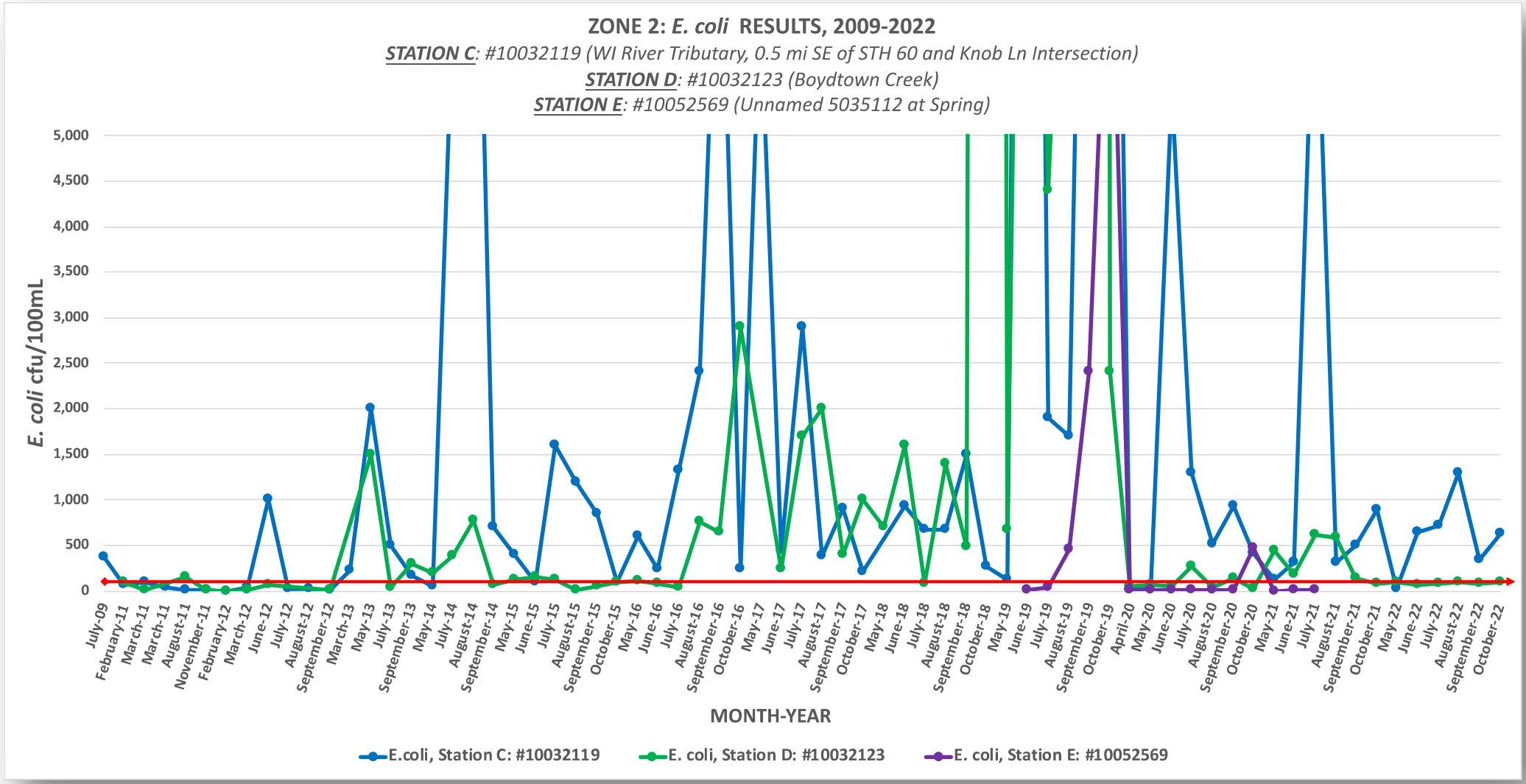
ZONE 2: Site location map



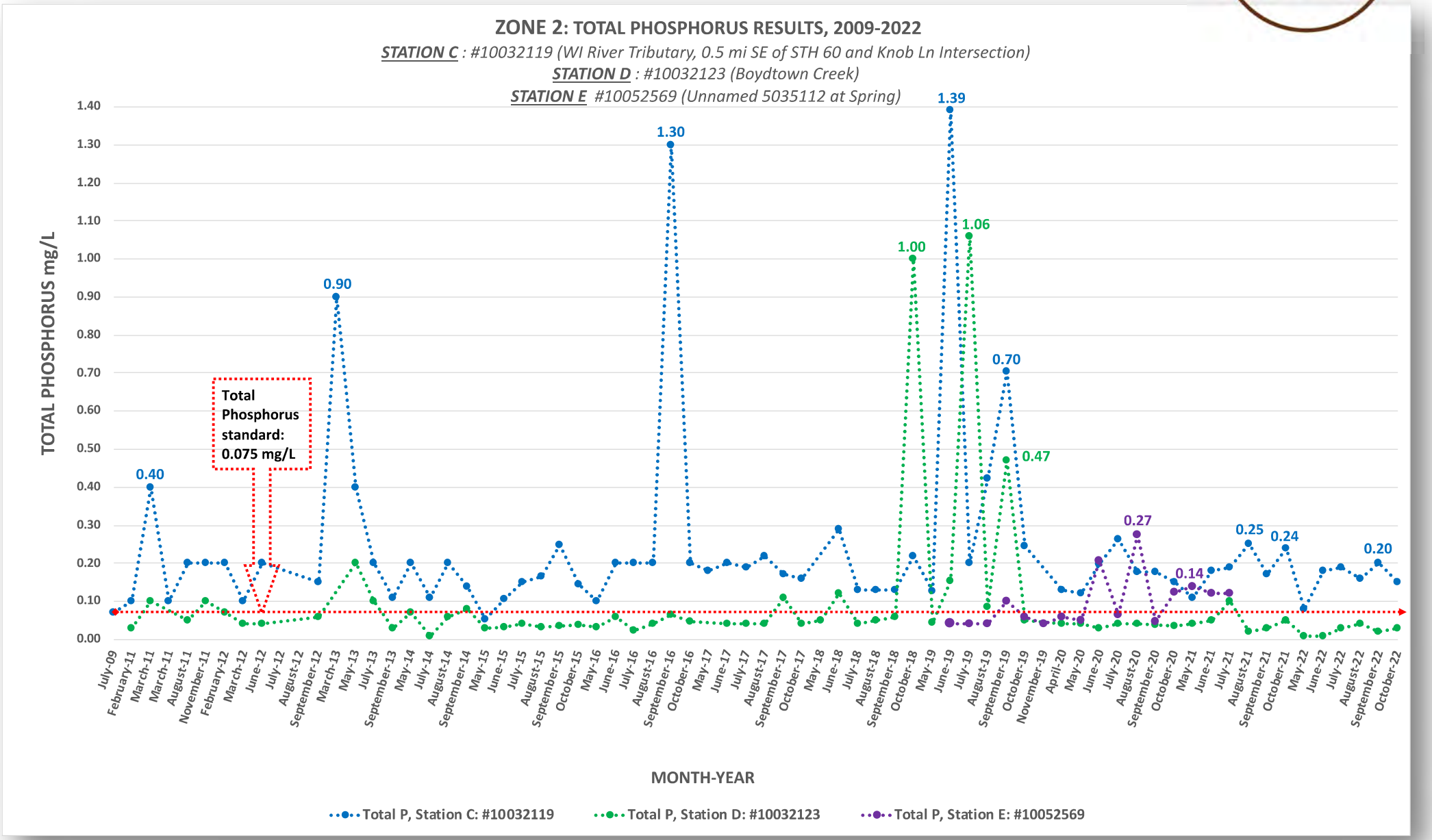
ZONE 2: *E. coli* results (0 up to 170,000 cfu/100mL), 2009 - 2022



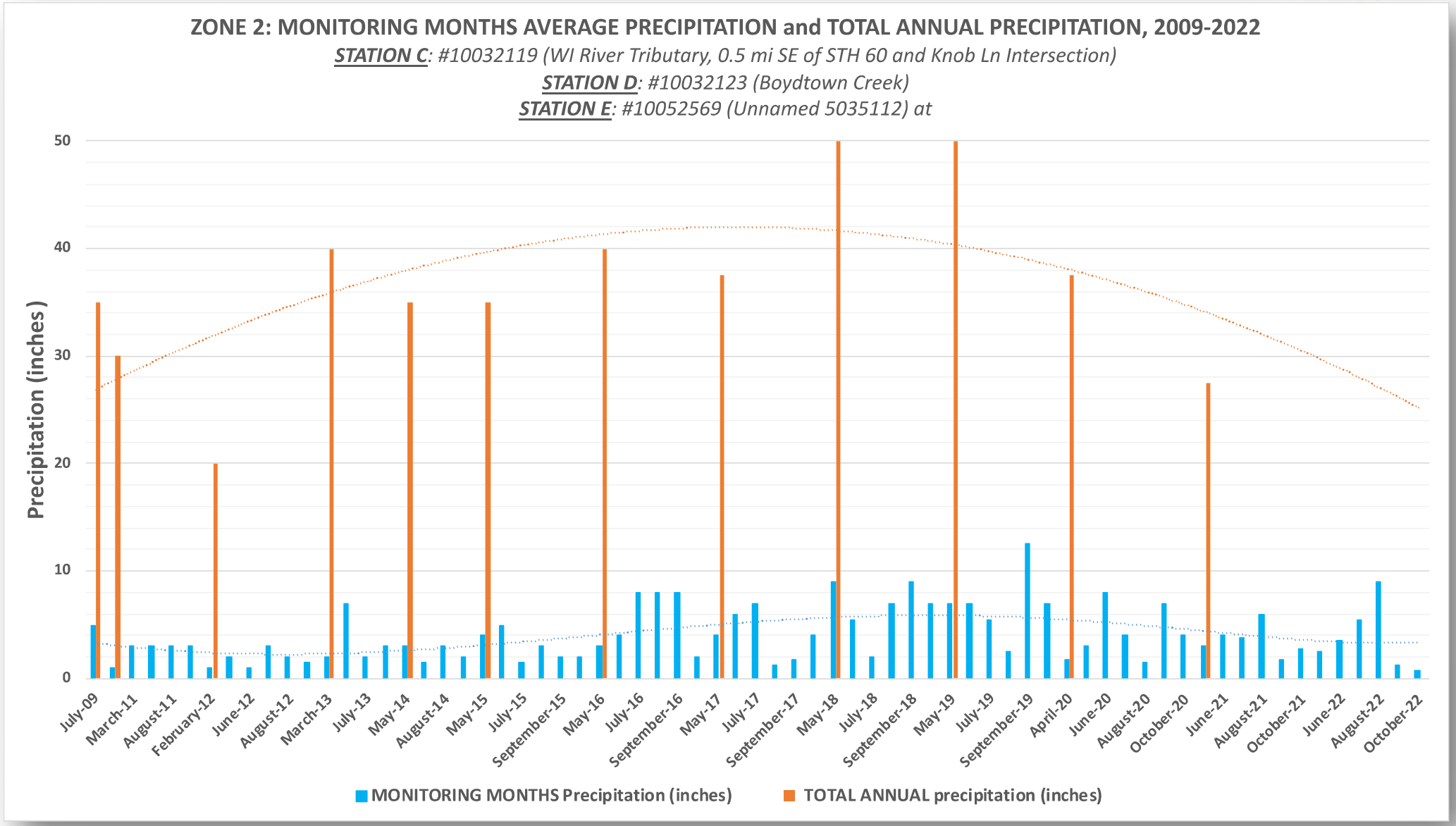
ZONE 2: *E. coli* results (0 up to 5,000 cfu/100mL), 2009 - 2022



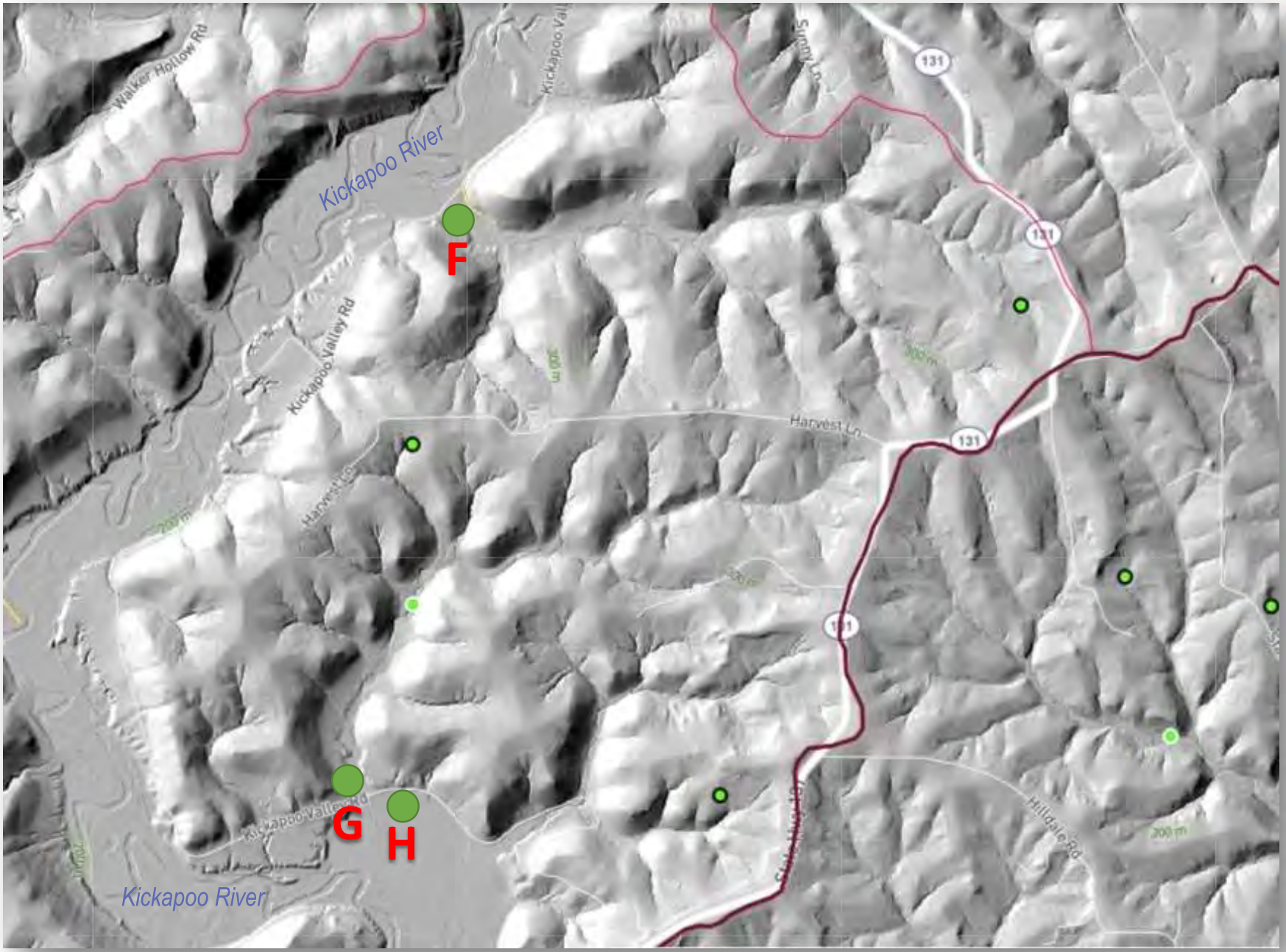
ZONE 2: Total Phosphorus results, 2009 - 2022



ZONE 2: Monitoring Months Average Precipitation and Total Annual Precipitation (inches), 2009 - 2022



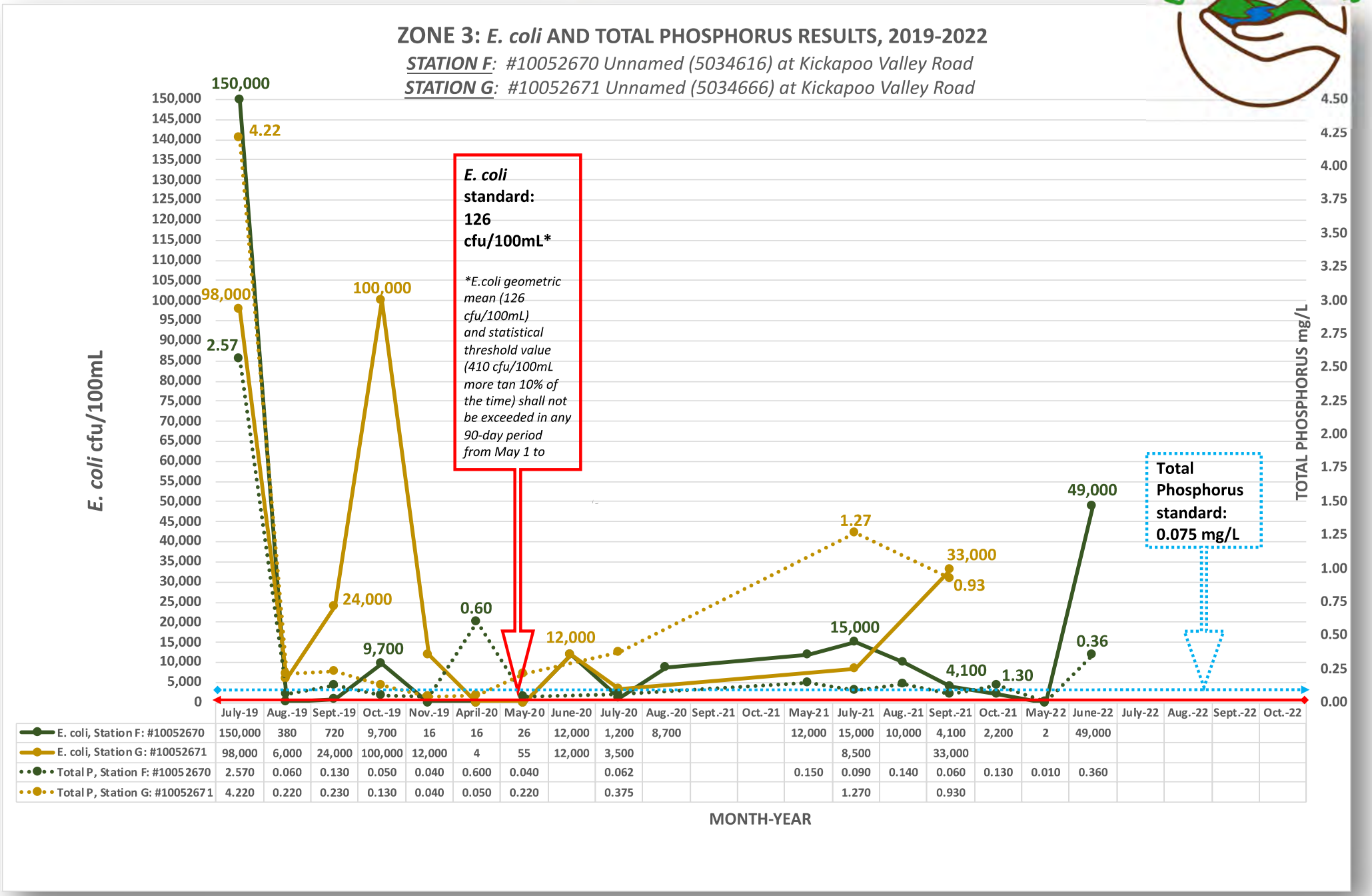
ZONE 3: Site location map



- Watershed boundary
- Sub-watershed boundary
- Possible sinkhole*
- Probable sinkhole*

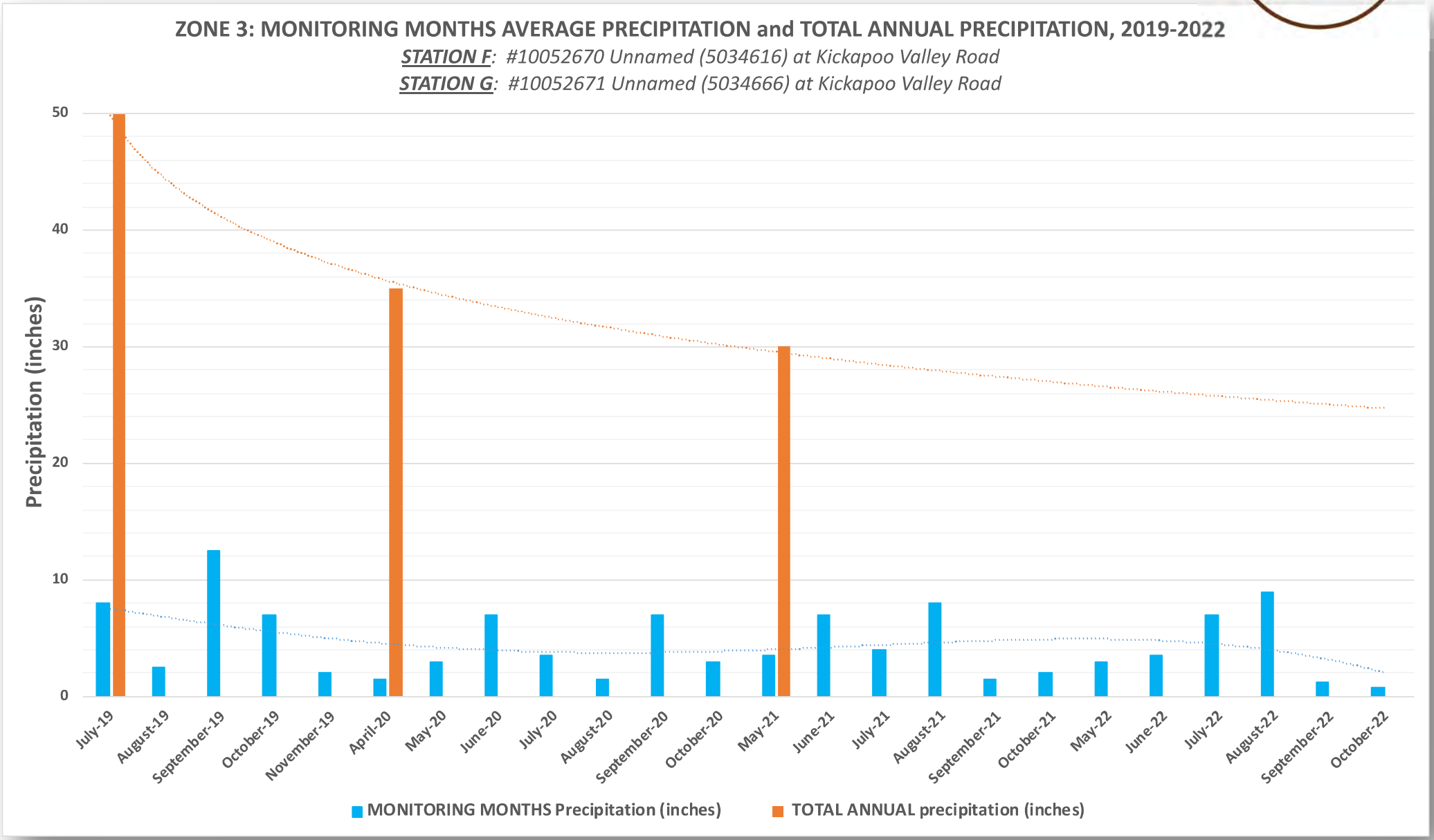
* *As identified by CSP´s Karst Landscapes and Groundwater Susceptibility Survey of Crawford Co.*

ZONE 3: *E. coli* and Total Phosphorus results, 2019 - 2022

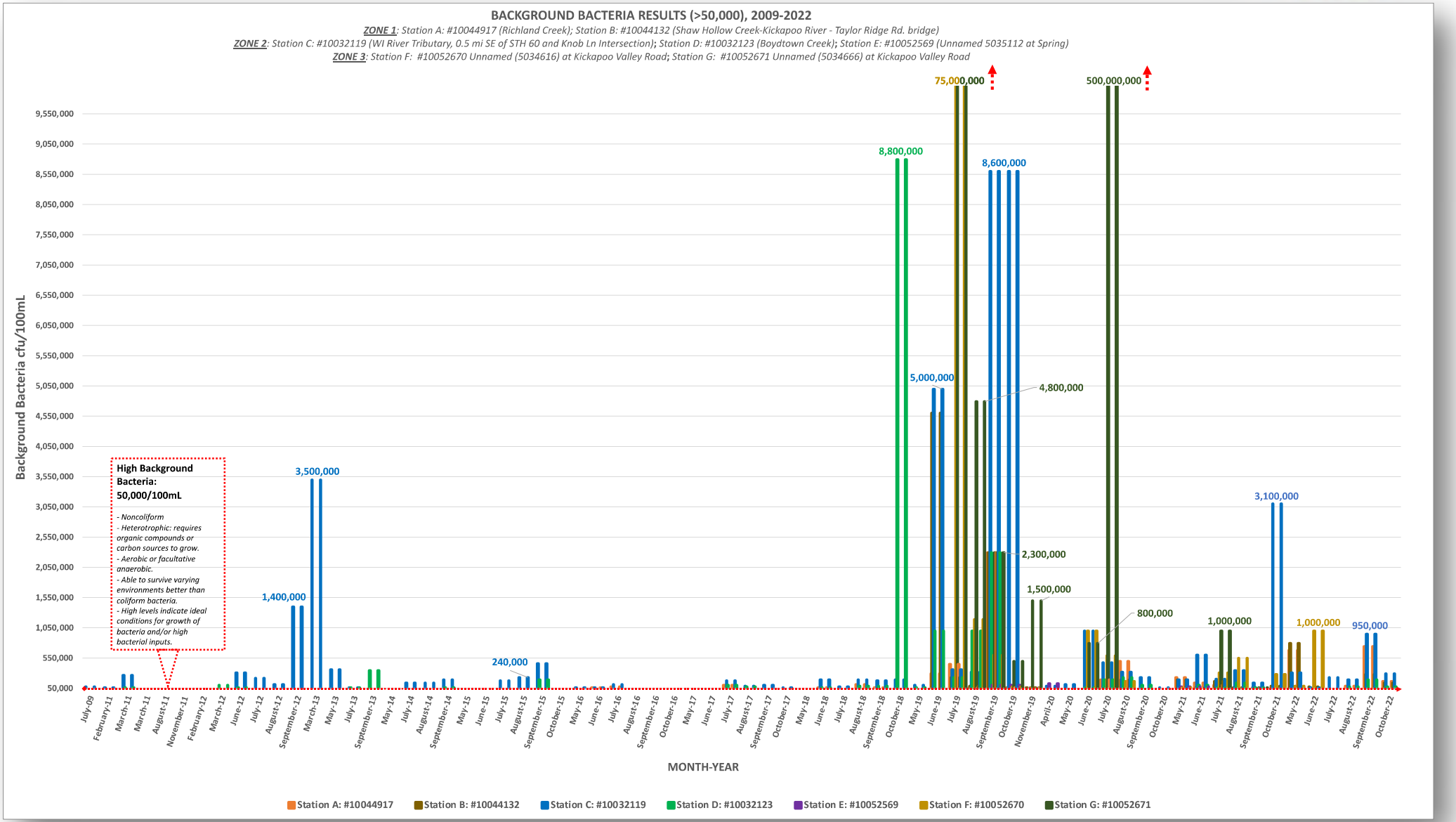


	July-19	Aug.-19	Sept.-19	Oct.-19	Nov.-19	April-20	May-20	June-20	July-20	Aug.-20	Sept.-21	Oct.-21	May-21	July-21	Aug.-21	Sept.-21	Oct.-21	May-22	June-22	July-22	Aug.-22	Sept.-22	Oct.-22
E. coli, Station F: #10052670	150,000	380	720	9,700	16	16	26	12,000	1,200	8,700			12,000	15,000	10,000	4,100	2,200	2	49,000				
E. coli, Station G: #10052671	98,000	6,000	24,000	100,000	12,000	4	55	12,000	3,500					8,500		33,000							
Total P, Station F: #10052670	2.570	0.060	0.130	0.050	0.040	0.600	0.040		0.062				0.150	0.090	0.140	0.060	0.130	0.010	0.360				
Total P, Station G: #10052671	4.220	0.220	0.230	0.130	0.040	0.050	0.220		0.375					1.270		0.930							

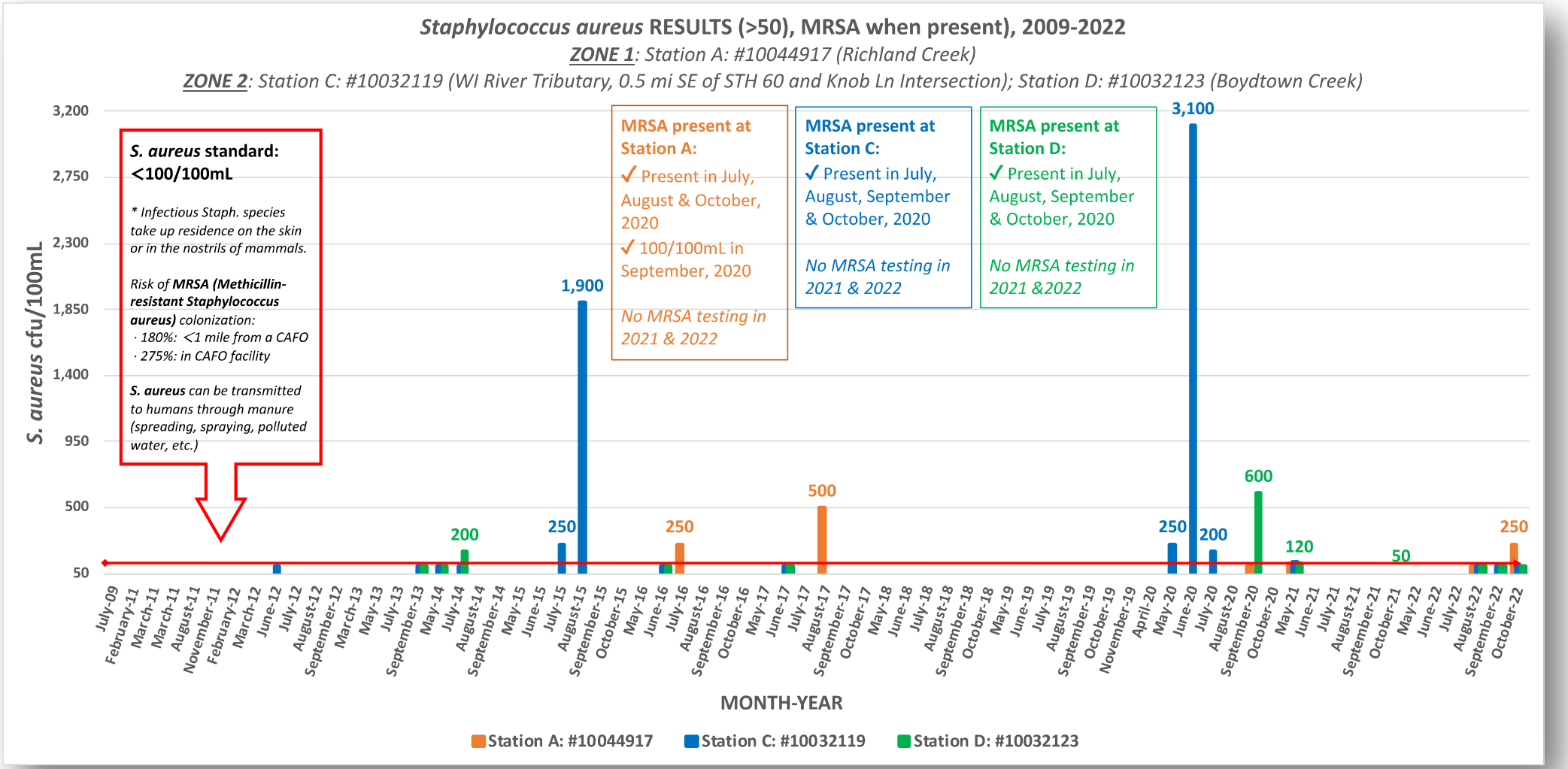
ZONE 3: Monitoring Months Average Precipitation and Total Annual Precipitation (inches), 2019 - 2022



ZONES 1-3: Background Bacteria results (>50,000), 2009 - 2022



ZONES 1&2: *Staphylococcus Aureus* results with MRSA (when present and/or tested for), 2009 - 2022



SOME REFERENCES

- CSP Surface Water Monitoring Program
- The Phosphorus Rule
- Water Condition Lists
- Water Condition Viewer
- Impaired Water Search
- Livestock-Associated Methicillin and Multidrug Resistant Staphylococcus aureus Is Present among Industrial, Not Antibiotic-Free Livestock Operation Workers in North Carolina
- CSP Regional Karst Geology Viewer

www.crawfordstewardship.org

WATER QUALITY MONITORING (WQM) PROGRAM TIMELINE 2008 - 2018

2008 — CSP and VSN[1], through WAV Program[2], start monitoring health impacts, air emissions and water quality near proposed CAFO´s[3] in Crawford Co. and Vernon Co.

2009 — CSP expands monitoring of water quality near feeder pig CAFO near Wauzeka, Crawford Co.

2011 — CSP sponsored a meeting in Wauzeka with SRWN[4], WI Sierra Club, DNR, VSN, WAV program, and local water monitors to begin formulating a statewide water quality and CAFO monitoring program throughout WI state.

2012 — CSP starts monitoring creeks near frac-sand mine sites in the area for chemicals, breaches, and turbidity of the water.

2013 — CSP was funded and awarded by the WCBM Partnership Program[5] for monitoring sand mine operations along the WI River near Bridgeport and Boscobel sand mines.

2014 — CSP encounters the highest Phosphorus (TP)[6] levels so far; noticeable algae overgrowth; and antibiotic[7] resistant bacteria in Wauzeka streams.

2015 — CSP expands the Water Quality Monitoring Program to include a watershed of an expanding large dairy farm in Town of Haney, Crawford Co.

2016 — Volunteers Ellen Brooks and Dave Hackett win the WI WAV Stream Monitoring Award for Adult Volunteers category.

2017 — CSP supported Richland Stewardship Project in their WQM around an expanding dairy CAFO along the WI River. CSP and VSN start working together in WQM trainings.

2018 — Volunteers Debbie and Bill Hiller win the WI WAV Stream Monitoring Award. CSP found the highest E.coli levels[8] so far; and antibiotic resistant bacteria in Wauzeka stream.

Station #10032119 (near Wauzeka, meets WI River)

Boydtown creek or Station #10032123 (near Wauzeka, meets WI River)

Richland creek, Station #10044917 (near Wauzeka, meets WI River)

Station # 10052569
(near Wauzeka, meets WI River)

Station # 10044132
(Barnum, meets Kickapoo River)

Stations # 10052670 & 10052671
(Steuben, meets Kickapoo River)

[1] Crawford Stewardship Project (CSP); Valley Stewardship Network (VSN)

[2] Water Action Volunteers (WAV), coordinated through a partnership between the University of Wisconsin Cooperative Extension and the WI Department of Natural Resources (DNR)

[3] Concentrated animal feeding operation (CAFO)

[4] Sustain Rural Wisconsin Network (SRWN)

[5] Wisconsin Citizen Based Monitoring Partnership Program (WCBM)

[6] Total Phosphorus (TP) = 1.3 mg/L and *E.coli* = 10,000 cfu/100 mL (Station #10032119); ***Total Phosphorus standard: 0.075 mg/L***

[7] Chloramphenicol: an antibiotic banned or restricted in U.S. meat. Can cause plasmatic anemia in humans.

[8] *E. coli* = 82,000 cfu/100 mL (Station #10032123) and 19,000 cfu/100 mL (Station #10044917); ***E. coli standard: 126 cfu/mL***

WATER QUALITY MONITORING (WQM) PROGRAM TIMELINE 2019 - 2022

Sites of concern:

1. **Station #10032119 (Wauzeka Twp., meets WI River)**
2. **Boydtown creek or Station #10032123 (Wauzeka Twp., meets WI River)**
3. **Richland creek, Station #10044917 (Wauzeka Twp., meets WI River)**
4. **Spring, Station # 10052569 (Wauzeka Twp., meets WI River)**
5. **Shaw Hollow creek, Station # 10044132 (Haney Twp., meets Kickapoo River)**
6. **Stations # 10052670 (Marietta Twp., meets Kickapoo River)**
7. **Station # 10052671 (Marietta Twp, meets Kickapoo River)**

[9] *E. coli* = 170,000 = cfu/100 mL (Station #10032123); and, Total Phosphorus (TP) = 4.22 mg/L (Station # 10052671)
[10] Background Bacteria = 500,000,000/100 mL (Station # 10052671); ***High Background Bacteria: 50,000/100mL***
[11] *S. aureus*= 3,100/100 mL (Station #10032119); and, MRSA = 100/100 mL (Station #10044917); ***S. aureus and MRSA standard: <100/100mL***

Water condition list

01wjhughes <01wjhughes@gmail.com>

Mon 11/13/2023 1:44 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

What measures are in place to alert the public of the comprised water and aquatic species to limit exposure and ensure public safety? Internet access or knowledge cannot be assumed.

Sent from my Verizon, Samsung Galaxy smartphone

Baker Lake Impaired Status

Nancy Vogt <nancyvogt27@gmail.com>

Mon 11/6/2023 7:09 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

I was surprised to see Baker Lake in Vilas County was changed from 2B to 5A. Our Lake District has a Water Quality Committee that has participated in CMLN testing, and both phosphorus and chlorophyll have been decreasing. In addition, there was no blue-green algae bloom this year. The Committee just reported to the Lake District Board two weeks ago that water quality on Baker is improving. Hopefully Secchi readings are not the only parameter that is considered, since Baker Lake has significant tannins which may make the Secchi readings an unreliable measure of water quality.

Thank you for the opportunity to provide feedback on the new listings.

Nancy Vogt
Conover

Kentuck Lake - Vilas/Forest County

Eric Maciolek <mtmplat@gmail.com>

Mon 11/27/2023 11:09 AM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

The DNR proposal to remove most of the water quality impairment listings for Kentuck Lake in 2024 is good news. I have 2 distinct concerns I would like to address.
1.The failure to address the remaining impairment -crappie/mercury contamination (1998). The DNR does have the crappie samples in their possession. The samples have been submitted to the lab for testing. However as of this time the testing has not been performed due to scheduling. I have requested updates on the testing March 15,2023, June 6,2023, August 17,2023, September 10,2023 and November20,2023 – only to be informed that testing will NOT be completed in time for the 2024 report. WHY NOT? I understand scheduling concerns, priorities and staffing levels. I do not understand why the potential to address the remaining Kentuck Lake impairment gets little consideration. This inactivity pushes the next data update to 2025. Complete removal of the Kentuck Lake impairment listings has been our goal – do not let this opportunity expire! I am requesting a win/win for Kentuck Lake and the citizens of Wisconsin .Addressing the draft 2024 water condition list NOW , would make the news GREAT not just good.

2.Kentuck Lake water quality data presently shows a direct correlation between a strong walleye population and the resulting large zooplankton population. Walleye stocking is scheduled for even years (2024). For the past 5 decades Kentuck Lake has seen 10 year walleye population explosion/collapse cycles. These collapses co-inside with poor water quality years. Numerous Kentuck Lake stakeholder meetings have been held over the years. It has been identified that a new metric must be developed to preclude walleye collapse as in the past. Presently we wait for 3 consecutive years of poor recruitment before implementing proposed action. A new action plan to preclude this failure has been widely accepted by all stakeholders – but little progress has occurred -WHY? Please do not let this critical management plan update fall into oblivion. Failure to act now most likely will put Kentuck lake back on the impaired list again. Failure now is not an option.

Respectfully,

Mark Maciolek
Kentuck Lake

From: Timm P. Speerschneider <tps@dewittllp.com>
Sent: Wednesday, November 8, 2023 9:35 AM
To: Beranek, Ashley E - DNR <Ashley.Beranek@wisconsin.gov>
Subject: whitefish lake and stram c listings

Ashley—hope all is well—I have a couple of questions on the whitefish lake and stream c listings and water detail—I want to make sure that I understand the listings and water detail—it appears that the water detail has not been updated to reflect the proposed 2024 changes –is there an explanation for the proposed delisting of whitefish lake—also it appears that there is some confusing language on the stream c water detail—would you have a few minutes to discuss—thanks, timm

Timm P. Speerschneider
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2 E. Mifflin Street, Suite 600
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Re: Lake. Beulah. East Troy. Township

john theisen <jtheisen@gmail.com>

Sat 11/18/2023 12:25 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

On Fri, Nov 17, 2023 at 11:05 AM john theisen <jtheisen@gmail.com> wrote:

> To whom it may concern
>
> There is a channel leading ing to lake Beulah on the east side of the lake
>
> This channel w as hand dug in the !950. It was 12 feet deep
>
> It is now. Eight feet deep. The rest is pollution
>
> The surface of the water in the summer is completely covered by
>
> Algae and pollution.
>
> The channel empties into the lake after a heavy storm.
>
> The pollution goes from the middle lake to a smalle lake where the outlet dam is located. This spreading the algae and pollution.
>
> John. Theisen.
>
> Resident. Lake. Beulah.

From: Willger, Christopher J - DNR <ChristopherJ.Willger@wisconsin.gov>
Sent: Tuesday, October 24, 2023 11:17 AM
To: Beranek, Ashley E - DNR <Ashley.Beranek@wisconsin.gov>
Subject: Large river listings and TP delistings

Hi Ashley,

Circling back on this, and was just curious how some of this fell out. Like I noticed that the Chippewa wasn't on my proposed list, and I thought there would be a bunch on the WI river. Where did we end up with some of the Chl A data and large rivers?

Also, could you possibly provide me a list of all the waters delisted for TP? Depending on what a pain it is, just this cycle or if it's easy enough, over the last 10 years? Pat Oldenburg and I are working on a water quality restoration document, and I think it would be good for us to review some of the waters that have been delisted.

If you're too busy, don't worry about it, I can probably dig that information myself. Just was thinking about it after your presentation this morning.

Thanks,

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Chris Willger
Water Quality Biologist – Water Quality Bureau/Environmental Management Division
Wisconsin Department of Natural Resources
1300 W. Clairemont Ave.
Eau Claire, WI 54701
Cell: (715) 492-0823
Christopherj.willger@wi.gov


dnr.wi.gov

Reply
Forward

(No subject)

djhrica@yahoo.com <djhrica@yahoo.com>

Mon 11/13/2023 4:34 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>

Our waters need help Fox lake Dodge Co needs help.Remove All dams Milwaukee river Thiensville Grafton right on down fish ladders not working well at all removal of the dams works Wabeka great example fisherman Joe seen so

RE: Comments re. draft 2024 Water Condition Lists (continued)

Drake, Wendy (she/her/hers) <drake.wendy@epa.gov>

Wed 12/6/2023 5:23 PM

To:DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>
Cc:Beranek, Ashley E - DNR <Ashley.Beranek@wisconsin.gov>

1 attachments (915 KB)

DRAFT2024WaterConditionLists_WED-Comments.xlsx;

P.S. I'm resending these comments, because I meant to attach the spreadsheet I added comments to in blue in case it's helpful to review these within the document itself. The comments are in column S of the "InRestorationList" worksheet and column T of the "NewListings" worksheet.

Wendy Drake (she/her/hers) | U.S. EPA, Region 5, Water Division, Watersheds and Wetlands Branch
77 West Jackson Boulevard, WW-16J | Chicago, IL 60604 | 312-886-6705 | drake.wendy@epa.gov

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From: Drake, Wendy (she/her/hers)
Sent: Wednesday, December 6, 2023 5:13 PM
To: DNR WY Waterbody Assessments <DNRWYWaterbodyAssessments@wisconsin.gov>
Cc: ashley.beranek@wisconsin.gov
Subject: Comments re. draft 2024 Water Condition Lists (continued)

Good afternoon,

Here are the comments and questions I have on the draft Wisconsin 2024 Integrated Report documentation (Water Condition Lists) available for public comment, including the two I sent last week, which are comments #1 and #2 below. I also may have more questions after the 2024 cycle assessments are uploaded into/promoted to ATTAINS now that the new version of ATTAINS is available as of 12/5/23. I recognize that the previous version of ATTAINS was likely preventing WDNR and other states from promoting the 2024 cycles in ATTAINS.

1. **Category 3:** We noticed that the published water condition lists don't include Category 3, which "… is for waterbodies with insufficient data for a clear general or full assessment, or ambiguous assessment results where an attainment determination cannot be made." The waterbodies in category 3 would be helpful to include as part of the water condition lists to understand how many waterbodies have not been assessed.

2. **Designated uses:** We also noticed that the lists don't include the designated uses associated with each waterbody, which also would be helpful to include. For example, given the information provided in the spreadsheet (DRAFT2024WaterConditionLists_WEB.xlsx), we're not able to determine the status of Lake Winnebago, Lake Michigan shoreline, or Lake Superior shoreline for Public Water Supply Use Attainment.

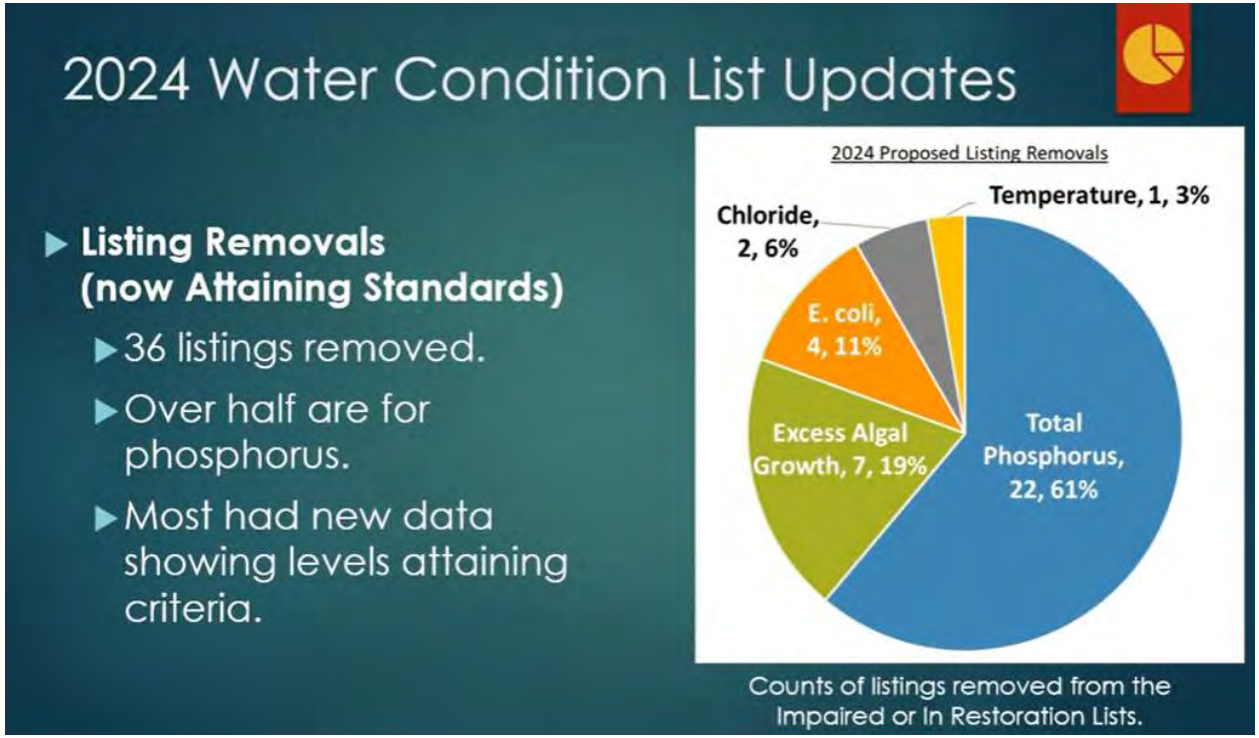
3. **TMDLs:**
   a. I noticed a few differences between the numbers of new listings in the 2024 water condition lists fact sheet and the spreadsheet. The **attached** spreadsheet includes these same comments in the column S of the "InRestorationList" worksheet. For example, the fact sheet indicates that there are new listings that will be placed directly on the list of Waters in Restoration, which are covered by TMDLs, including:
      i. Milwaukee River Basin TMDL (8)
         A. However, when I filter the "InRestorationList" worksheet in the spreadsheet for "Cycle Listed" (column G) = "2024" and "TMDL" (column R) = "Milwaukee River Basin TMDL," I count 6 instead of 8 waterbodies. The spreadsheet does not include Menomonee River (WI6876528) with total phosphorus (TP) cause (column I) and degraded fish community impairment (column J) or Zablocki Park Creek (WI10028282) with TP cause and impairment unknown, which are included on p. 11 of the Draft 2024 Water Condition List Updates PDF file. **Is the spreadsheet accurate?**
      ii. Upper Fox-Wolf Basin TMDL (4)
         A. Note: The webinar presentation on 11/20/2023 clarified that Schoenik Lake is not covered, so there are 4 instead of 5 new listings in this basin.
         B. When I filter the "InRestorationList" worksheet in the spreadsheet for "Cycle Listed" (column G) = "2024" and "TMDL" (column R) = "Upper Fox Wolf River TMDL," I noticed that the water body "Local Water" (WI10028615) has a TP cause and "NA" for impairment on p. 11 of the draft 2024 Water Condition List updates file, and the spreadsheet says that this waterbody has a "degraded habitat" impairment for TP. **Is the spreadsheet impairment accurate? Also, what does "NA" mean in the impairment column?** (Note: I realize ATTAINS may have additional information about what "NA" means related to this assessment unit, which I'll check when the 2024 cycle is promoted to ATTAINS.)
      iii. Northeast Lakeshore TMDL (3)
         A. When I filter the "InRestorationList" worksheet in the spreadsheet for "Cycle Listed" (column G) = "2024" and "TMDL" (column R) = "Northeast Lakeshore TMDL," I count 2 instead of 3 waterbodies. The spreadsheet does not include Barr Creek (WI10006211), which is included on p. 11 of the draft 2024 Water Condition List updates. **Is the spreadsheet accurate?**
      iv. Wisconsin River Basin TMDL (1)—No comments, except for the one immediately below.
   b. On p. 11 of the draft 2024 Water Condition List updates, several waterbodies have a new pollutant cause (column I) of TP, and the corresponding new impairment (column J) of "impairment unknown." This is also the case for some waterbodies in the "NewListings" worksheet of the spreadsheet. **I am interested in understanding more about the "new" TP causes identified in the draft 2024 Water Condition List updates that include "impairment unknown." (I am also relatively new to my position and am still learning WDNR's assessment process.) Can WDNR further explain these instances—that is, why the impairments are unknown when TP has exceeded water quality standards?** (Note: I realize ATTAINS may have additional information about what "impairment unknown" means related to these assessment units with a TP cause, which I'll check when the 2024 cycle is promoted to ATTAINS.) For example, here's a list of the four waterbodies for which this is the case on p. 11:
      i. Milwaukee River Basin: Zablocki Park Creek (WI10028282)
      ii. Northeast Lakeshore: Horseshoe Lake (WI1000119) and Stony Creek (WI10025681)
      iii. Wisconsin River Basin: Webster Creek (WI10008112)

4. **Impaired waters list additions:**

a. The fact sheet and draft 2024 Water Condition List updates indicate that there are 81 listings newly listed on the impaired waters list or waters in restoration list (on p. 1 of each of these two files), but the pie chart on p. 2 of the draft 2024 Water Condition List updates indicates there are 80. **Which is correct?**

b. In the "NewListings" worksheet in the spreadsheet, Manitowoc River (WI10026294), indicates that the 2024 proposed listing category (column L) is 4A. **Why is this waterbody categorized as 4A if there isn't a TMDL listed in column N?**

5. **List deletions:** The fact sheet and draft 2024 Water Condition List updates indicate that there are *37* former listings that are now proposed for deletion from the list (on pp. 2 and 1, respectively). However, the draft 2024 listing removals in the 2024 Water Condition List updates on p. 9 and the "ListingRemovals" worksheet in the spreadsheet both show *38*. Also, the slide from the 11/20/2023 webinar indicated that there were *36* listings removed (see screenshot below). **Which is correct?**



Thanks,

Wendy

Wendy Drake (she/her/hers) | U.S. EPA, Region 5, Water Division, Watersheds and Wetlands Branch
77 West Jackson Boulevard, WW-16J | Chicago, IL 60604 | 312-886-6705 | drake.wendy@epa.gov

Waterbody Name	Water Type	Size	Start Mile	End Mile	AU Category	Cycle Listed	Source	Pollutant (Cause)	Impairment (Observed Effect)	Listing Category	TMDL Approval Year	WBIC	WDNR AU ID	EPA AU ID	Counties	TMDL	EPA Comments/Questions
Horseshoe Lake	LAKE	21			4A	2024	NPS	Total Phosphorus	Impairment Unknown	4A	2023	64200	9853	WI10000119	Manitowoc	Northeast Lakeshore	Why is the impairment unknown for TP? I have a similar question for other waterbodies.
Kinnickinnic River	RIVER	2.3	3.2	5.5	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	15100	9974	WI10008007	Milwaukee	Milwaukee River Basin	For the Milwaukee River Basin, this spreadsheet does not include Menomonee River (WI6876528) with total phosphorus cause (column I) and degraded fish community impairment (column J) or Zablocki Park Creek (WI10028282) with total phosphorus cause and impairment unknown, which are included on p. 11 of the Draft 2024 Water Condition List Updates PDF file. Is this spreadsheet accurate?
Kinnickinnic River	RIVER	4.4	5.5	9.9	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	15100	3899425	WI10027436	Milwaukee	Milwaukee River Basin	
Local Water	RIVER	3.3	0	3.3	4A	2024	NPS	Sediment/Total Suspended Solids	*Degraded Habitat* , Degraded Biological Community	4A	2023	5026964	3992145	WI10028615	Fond du Lac	Upper Fox Wolf Basins	
Local Water	RIVER	3.3	0	3.3	4A	2024	NPS	Total Phosphorus	Degraded Habitat	4A	2023	5026964	3992145	WI10028615	Fond du Lac	Upper Fox Wolf Basins	This waterbody has a total phosphorus cause and "NA" for impairment (column J) on p. 11 of the Draft 2024 Water Condition List Updates PDF file. Is this spreadsheet impairment accurate?
Menomonee River	RIVER	3.6	2.7	6.3	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	16000	10017	WI10026421	Milwaukee	Milwaukee River Basin	
Menomonee River	RIVER	12.2	12.6	24.8	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	16000	8104655	WI8104656	Washington, Waukesha, Milwaukee	Milwaukee River Basin	
South 43rd Street Ditch	RIVER	1.2	0	1.2	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	15900	9981	WI10000209	Milwaukee	Milwaukee River Basin	
Stony Creek	RIVER	8.3	0	8.3	5A	2024	NPS	Total Phosphorus	Impairment Unknown	4A	2023	96100	10219	WI10025681	Door, Kewaunee	Northeast Lakeshore	For the Northeast Lakeshore, this spreadsheet does not include Barr Creek (WI10006211), which is included on p. 11 of the Draft 2024 Water Condition List Updates PDF file. Is the spreadsheet accurate? Also, why is the impairment unknown for TP? I have a similar question for other waterbodies.
Unnamed Trib to Silver Creek	RIVER	2.9	0	2.9	4A	2024	NPS	Sediment/Total Suspended Solids	Degraded Habitat	4A	2023	146900	5476590	WI10030980	Green Lake	Upper Fox Wolf Basins	
Unnamed Trib to Silver Creek	RIVER	8.1	0	8.1	4A	2024	NPS	Sediment/Total Suspended Solids	Degraded Habitat	4A	2023	147700	5476567	WI10030965	Fond du Lac	Upper Fox Wolf Basins	
Webster Creek	RIVER	6.1	0	6.1	4A	2024	NPS	Total Phosphorus	Impairment Unknown	4A	2019	1305700	13072	WI10008112	Juneau	Wisconsin River Basin	Why is the impairment unknown for TP? I have a similar question for other waterbodies.
Wilson Park Creek	RIVER	3.5	0	3.5	5A	2024	PS/NPS	E. coli	Recreational Restrictions - Pathogens	4A	2023	15200	9975	WI10000203	Milwaukee	Milwaukee River Basin	

From: Drake, Wendy (she/her/hers) <drake.wendy@epa.gov>
Sent: Wednesday, January 31, 2024 5:11 PM
To: Beranek, Ashley E - DNR <Ashley.Beranek@wisconsin.gov>; Minahan, Kristi L - DNR <Kristi.Minahan@wisconsin.gov>
Subject: WDNR 303(d) list review

Hi Ashley and Kristi.

Thank you for the extra time to review WDNR's 303(d) list. Here are several more questions. Also, would it be okay if I sent you any remaining comments by next Friday, February 9? I apologize for the delay on this.

1. Data solicitation: Can you forward a copy of the data solicitation that WDNR published for public notice (e.g., in fall or winter 2022)?
2. TMDL Actions:
   a. *Data clean up:* WDNR and EPA previously agreed to clean up associations with TMDL actions between 2022 and 2024. Have these been resolved?
      i. In addition, the email exchange between Julianne Socha and Ashley Beranek between March 26-28, 2022, mentions two AUIDs requiring changes: WI9123346 and WI10004273 (Porcupine Creek). Was this resolved? I can forward this email exchange if that would be helpful.
   b. *Updated TMDLs:* I reviewed the AUIDs added to Category 4A as a result of the updated TMDLs that Kevin Kirsch sent to Dave Werbach earlier this month on 1/8, and I've attached my comments/questions after comparing the attached AUIDs with the "2024 – organization public comment snapshot" in ATTAINS. See the file named: 2024_Updates_Corrections_Additional_Data_Final wed.xlsx.
3. Categories 5A and 5R: Do the 259 AUIDs in the "2024 - organization public comment snapshot" in ATTAINS with changes from category 5A to 5R between 2022 and 2024 have advance restoration plans (ARPs) (e.g., WI6923087/North Fork Eau Claire River/TP/FAL)? It's my understanding that WDNR has been using 5A as the default category for impaired waters (TMDL needed) instead of category 5A/5-Alt, which, at the national level, previously reflected waterbodies with alternative restoration approaches, and this category is now going to be considered 5R (ARP). I'm wondering if the required change from category 5A/5-Alt (alternative restoration approach) to 5R (ARP) documented in the 2024 IR memo on p. 5 affects WDNR and if additional changes need to be made to in ATTAINS given WDNR's state-specific category definition for 5A, which didn't refer to ARPs/alternative restoration approaches.

Thanks again, and please let me know if you have any questions.

Wendy

Wendy Drake (she/her/hers) | U.S. EPA, Region 5, Water Division, Watersheds and Wetlands Branch
77 West Jackson Boulevard, WW-16J | Chicago, IL 60604 | 312-886-6705 | drake.wendy@epa.gov

Wendy Drake (wed): ATTAINS-related comments/questions for WDNR are highlighted yellow after reviewing the "2024 - organization public comment snapshot" in ATTAINS.

What are the dates of the comment period?: Nov. 6 to Dec. 6 2023

Upper Fox-Wolf TMDL: wed: TP and TSS/sediment; **Action ID: WI-2020-001_2024**

Schoenick Lake is not covered; it does not have a calculated loading capacity. Should be listed as Category: 5A

Official Name	Waterbody Name	WATERS ID (AU ID)	WBIC	EPA ID	County	Start Mile	End Mile	Pollutant Source	Impairment(s)	Pollutant	TMDL Subbasin(s)	Waterbody Criteria (ug/L)	Subbasin Target (ug/L)	Downstream Target (ug/L)	EPA comments
Unnamed	Local Water	3992145	5026964	WI10028615	Fond du Lac	0	3.26	NPS	Unknown	TP	87	75	75	75	wed: No comment; TP added to 4A in ATTAINS (fish and aquatic life (FAL) and recreation).
Unnamed	Local Water	3992145	5026964	WI10028615	Fond du Lac	0	3.26	NPS	Degraded Habitat	TSS	87	12	12	12	wed: No comment; TSS added to 4A in ATTAINS (FAL).
Unnamed	Unnamed Trib to Silver Creek	5476567	147700	WI10030965	Fond du Lac	0	8.14	NPS	Degraded Habitat	TSS	87	12	12	12	wed: I don't see this parameter (TSS) in ATTAINS for this AUID. Is WDNR planning to add this to ATTAINS for the final 2024 IR? (I only see TP (FAL) in category 4A for this AUID, although this isn't a new category in 2024, and the Action ID for TP is WI-2020-001.)
Unnamed	Unnamed Trib to Silver Creek	5476590	146900	WI10030980	Green Lake	0	2.93	NPS	Degraded Habitat	TSS	19	12	12	12	wed: Same comment as cell P12 above; I don't see this parameter (TSS) in ATTAINS for this AUID. Is WDNR planning to add this to ATTAINS for the final 2024 IR? (I see TP (FAL) in category 4A for this AUID, although this isn't a new category in 2024, and the Action ID for TP is WI-2020-001.)

NE Lakeshore TMDL: wed: TP/TSS; Action ID WI-2023-NEL-2024

Waterbody Name	WATERS ID	WBIC	EPA ID	COUNTY	Start Mile	End Mile	Source Category	Impairment Indicator(s)	POLLUTANT	Waterbody Criteria (ug/L)	TMDL Subbasin	Subbasin Target (ug/L)	
Barr Creek	18212	50200	WI10006211	Sheboygan	0	3.38	NPS	High Phosphorus Levels	Total Phosphorus	75	S9	75	wed: No comment; TP added to 4A in ATTAINS (FAL).
Stony Creek	10219	96100	WI10025681	Door and Kewaunee	0	8.26	NPS	Impairment Unknown	Total Phosphorus	75	K54	75	wed: TP added to 4A in ATTAINS (previously category 3), and TSS was added to category 4A (previously category 5). Should TSS be included as a separate row in this table? In addition, the associated action ID for TSS is WI-2023-NEL--should it be changed to WI-2023-NEL-2024? Also, both of these parameters--TP and TSS--now say delisted in ATTAINS. Is this correct?

Milwaukee TMDL: wed: TP, TSS, and fecal coliform/E. coli; WI_04040003_2024

Waterbody Name	WATERS ID (AU ID)	WBIC	EPA ID	County	Start Mile	End Mile	Pollutant Source	Impairment(s)	Pollutant	TMDL Subbasin(s)	Waterbody Criteria (ug/L)	Subbasin Target (ug/L)	
Kinnickinnic River	9974	15100	WI10008007	Milwaukee	3.16	5.49	PS/NPS	Recreational Restrictions	E. coli	KK-7	126	Varies by Flow	wed: No comment; E. coli added to 4A in ATTAINS.
Kinnickinnic River	3899425	15100	WI10027436	Milwaukee	5.49	9.93	PS/NPS	Recreational Restrictions	E. coli	KK-2	126	Varies by Flow	wed: I do not see E. coli as a parameter for this AUID in ATTAINS. Should it be added in ATTAINS? I only see fecal coliform that was added to 4A in a previous cycle (Action ID WI_04040003).
Menomonee River	10017	16000	WI10026421	Milwaukee	2.66	6.27	PS/NPS	Recreational Restrictions	E. coli	MN-16	126	Varies by Flow	wed: No comment; E. coli added to 4A in ATTAINS.
Menomonee River	8104655	16000	WI8104656	Milwaukee, Washington, Waukesha	12.61	24.81	PS/NPS	Recreational Restrictions	E. coli	MN-10, MN-6	126	Varies by Flow	wed: I do not see E. coli as a parameter for this AUID in ATTAINS. Should it be added in ATTAINS?
Menomonee River	6876527	16000	WI6876528	Washington	24.81	30.14	NPS	Degraded Fish Community	TP	MN-1	75	75	wed: TP changed from category 2 to 4a. However, this parameter says delisted even though parameter attainment changed to "not meeting criteria" and parameter status named changed from "meeting criteria" to "cause." Should the delisting status be changed from "Y" to "N"? (Action IDs: WI_04040003_PP, WI_04040003_2024, WI_04040003)
South 43rd Street Ditch	9981	15900	WI10000209	Milwaukee	0	1.16	PS/NPS	Recreational Restrictions	E. coli	KK-3	126	Varies by Flow	wed: Same comment as P26; I do not see E. coli as a parameter for this AUID in ATTAINS. Should it be added in ATTAINS? I only see fecal coliform that was added to 4A in a previous cycle (Action ID WI_04040003).

Zablocki Park Creek	3987849	5036633	WI10028282	Milwaukee	0	0.9	NPS	Impairment Unknown	TP	KK-6	75	75	wed: TP changed from category 3 to 4A. However, AUID name in ATTAINS is "Unnamed." Should this be updated to "Zablocki Park Creek" in ATTAINS? In addition, the delisting status is "Y" instead of "N," and the delisting reason is "DELISTING_4A" Is this correct? The attainment code name is "not supporting," and the parameter attainment is "not meeting criteria." (Action IDs: WI_04040003_PP, WI_04040003_2024)
Wilson Park Creek	9975	15200	WI10000203	Milwaukee	0	3.5	PS/NPS	Recreational Restrictions	E. coli	KK-4	126	Varies by Flow	wed: No comment; E. coli added to 4A in ATTAINS.

Wisconsin River Basin TMDL: wed: TP; WI-2019-001_2024

Waterbody Name	WATERS ID (AU ID)	WBIC	EPA ID	County	Start Mile	End Mile	Pollutant Source	Impairment(s)	Pollutant	TMDL Subbasin(s)	Waterbody Criteria (ug/L)	Subbasin Target (ug/L)	Downstream Target (ug/L)	
Webster Creek	13072	1305700	WI10008112	Juneau	0	6.08	NPS	Impairment Unknown	TP	246	75	100	51	wed: No comment; TP added to 4A in ATTAINS.

From: Drake, Wendy (she/her/hers) <drake.wendy@epa.gov>
Sent: Friday, February 9, 2024 4:37 PM
To: Beranek, Ashley E - DNR <Ashley.Beranek@wisconsin.gov>; Minahan, Kristi L - DNR <Kristi.Minahan@wisconsin.gov>
Subject: WDNR draft 303(d) list review

Hi Ashley and Kristi,

I've completed my review of the information in ATTAINS (2024 - organization public comment snapshot) and the information WDNR provided during the public comment period. In addition to the comments I previously sent on 11/30/23, 12/6/23, and 1/31/24, here are the additional comments I have after comparing the information WDNR made available during the comment period to ATTAINS, as well as comparing the 2022 and 2024 cycles (snapshots) in ATTAINS.

GENERAL QUESTIONS:

1. **Public comments:** What changes is WDNR planning to make based on public comments, or will this be clear in WDNR's responses to the comments? If it's possible to receive the public comments and WDNR's responses before the final IR submission to EPA, that would be helpful.
2. **ATTAINS Organizational Final – Internal Review Status:** Will there be time for one more quick EPA review when WDNR promotes the public comment cycle to "Organization Final – Internal Review Status" in ATTAINS before WDNR promotes to "Organization Final Action – Submittal Status" in ATTAINS and submits the final IR to EPA?

SPECIFIC QUESTIONS:

1. **Category 5:** There are 1,527 AUIDs in category 5 in ATTAINS (2024 - organization public comment snapshot), and 1,482 AUIDs in category 5 in WDNR's "ImpairedWatersList" worksheet in the "DRAFT2024WaterConditionLists.xlsx" spreadsheet made available during the public comment period (here). See specific questions in the "EPA comments" column in these three worksheets in the attached "**WI_2024_303(d)ListReview_PN_2-9-24.xlsx**" spreadsheet:
   a. "Category 5 – Table 1" includes Category 5 waters not in ATTAINS (2024 - Organization Public Comment Snapshot) and included in WDNR's "ImpairedWatersList" worksheet
   b. "Category 5 – Table 2" includes Category 5 waters in ATTAINS (2024 - Organization Public Comment Snapshot) and not included in WDNR's "ImpairedWatersList" worksheet
   c. "Category 5R"
2. **Category 4A:** There are 631 AUIDs in category 4A in ATTAINS, and 669 AUIDs in category 4A in WDNR's "InRestorationList" worksheet.
   a. See specific questions in the "EPA comments" column in the "Category 4A" worksheet in the attached spreadsheet.
   b. See also comments previously sent on 1/31/24 related to the updated TMDLs in the spreadsheet named: "2024_Updates_Corrections_Additional_Data_Final wed.xlsx."

3. **Category 2:** See general questions in the “EPA comments” column in the “Category 2” worksheet of the attached spreadsheet.
4. **Delistings:** See specific questions in the “EPA comments” column in the “Delistings” worksheet in the attached spreadsheet related to delistings not in ATTAINS (2024 - Organization Public Comment Snapshot) and included in WDNR’s "ListingRemovals" worksheet.

Thanks very much, and please let me know if you have any questions or if it makes sense to meet to discuss any of these comments or this process in general. I’d also appreciate your feedback about what I can do to improve this process in the future as I continue to learn this program.

Wendy

Wendy Drake (she/her/hers) | U.S. EPA, Region 5, Water Division, Watersheds and Wetlands Branch
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Category 5

Table 1. Category 5 waters not in ATTAINS (2024 - Organization Public Comment Snapshot) and included in WDNR's "ImpairedWatersList" worksheet

#	Waterbody Name (Local)	Water Type	Size (Acres or Miles)	Start Mile	End Mile	AU Category	Cycle Listed	Source	Pollutants (Causes)	Impairments (Observed Effects)	Observed Effect (EPA)	Listing Category	TMDL Priority	WBIC	WDNR AU ID	EPA AU ID	Counties	Notes	EPA COMMENTS
1	Silver Lake	LAKE	515.97			5A	2024	NPS	Cause Unknown	Degraded Aquatic Plant Community (Macrophytes)	Aquatic Plants (Macrophytes)	5A	Low	747900	10434	WI10000535	Kenosha	New listing.	These 19 AUID/parameter combinations were not in ATTAINS (2024 - organization public comment snapshot), but they were in the "ImpairedWatersList" worksheet in the "DRAFT2024WaterConditionLists.xlsx" spreadsheet posted on WDNR's website during the public comment period. Should they be added to ATTAINS?
2	Ivanhoe Lake	LAKE	46.04			5A	2024	NPS	Cause Unknown	Degraded Aquatic Plant Community (Macrophytes)		5A	Low	756700	10454	WI10000550	Walworth	New listing.	Same comment as above (see cell U8).
3	Long Lake	LAKE	71.82			5A	2024	NPS	Cause Unknown	Degraded Aquatic Plant Community (Macrophytes)		5A	Low	1236600	13447	WI10002675	Richland, Sauk	New listing.	Same comment as above (see cell U8).
4	West Branch Sugar River	RIVER	11.17	7.65	18.82	5A	2024	NPS	Cause Unknown	Elevated Water Temperature		5A	Low	886100	13659	WI10002826	Dane	New listing.	Same comment as above (see cell U8).
5	Platte River	RIVER	37.8	0	37.8	5P	2012	NPS	Total Phosphorus	Impairment Unknown		5P	Low	943600	13865	WI10002941	Grant		Same comment as above (see cell U8).
6	Beaver Lake	LAKE	61.98			5C	2024	NPS	Cause Unknown	Excess Algal Growth		5C	Low	2960600	128402	WI10007538	Vilas	New listing.	Same comment as above (see cell U8).
7	Found Lake	LAKE	336.36			5A	2024	NPS	Cause Unknown	Excess Algal Growth		5A	Low	1593800	128476	WI10007601	Vilas	New listing.	Same comment as above (see cell U8).
8	Scattering Rice Lake (Eagle Chain)	LAKE	263.28			5A	2018	NPS	Cause Unknown	Excess Algal Growth		5A	Low	1600300	128607	WI10007713	Vilas		Same comment as above (see cell U8).
9	Baker Lake	LAKE	36.57			5A	2024	NPS	Cause Unknown	Excess Algal Growth		5A	Low	1626400	128836	WI10007924	Vilas	New listing.	Same comment as above (see cell U8).
10	Trib To Brewery Creek	RIVER	2.25	0	2.25	5A	1998	PS/NPS	Cadmium	Acute Aquatic Toxicity		5A	Low	928700	353179	WI10008473	Iowa		Same comment as above (see cell U8).
11	Trib To Brewery Creek	RIVER	2.25	0	2.25	5A	1998	PS/NPS	Lead	Acute Aquatic Toxicity		5A	Low	928700	353179	WI10008473	Iowa		Same comment as above (see cell U8).
12	Trib To Brewery Creek	RIVER	2.25	0	2.25	5A	1998	PS/NPS	Mercury	Acute Aquatic Toxicity		5A	Low	928700	353179	WI10008473	Iowa		Same comment as above (see cell U8).
13	Trib To Brewery Creek	RIVER	2.25	0	2.25	5A	1998	PS/NPS	Zinc	Acute Aquatic Toxicity		5A	Low	928700	353179	WI10008473	Iowa		Same comment as above (see cell U8).
14	Pike Lake	LAKE	203.69			5A	2024	NPS	Cause Unknown	Excess Algal Growth		5A	Low	1406300	424474	WI10008656	Marathon	New listing.	Same comment as above (see cell U8).
15	Ellwood Lake	LAKE	129.58			5A	2024	NPS	Cause Unknown	Degraded Aquatic Plant Community (Macrophytes)		5A	Low	650500	901777	WI10009786	Florence	New listing.	Same comment as above (see cell U8).
16	Local Water	LAKE	5.21			5A	2024	NPS	Cause Unknown	Degraded Aquatic Plant Community (Macrophytes)		5A	Low	5573776	36160	WI10022034	Sauk	New listing.	Same comment as above (see cell U8).
17	Trump Coulee Creek	RIVER	7.71	0	7.71	5A	1998	NPS	Total Phosphorus	Low DO		5A	Low	1800600	14414	WI10026663	Jackson, Trempealeau		Same comment as above (see cell U8).
18	E. Br. Pecatonica River	RIVER	21.9	33.12	55.02	5P	2014	PS/NPS	Total Phosphorus	Impairment Unknown		5P	Low	897800	13737	WI10038760	Lafayette, Iowa		Same comment as above (see cell U8).
19	Unnamed Stream	RIVER	1.71	0	1.71	5A	2024	NPS	Total Phosphorus	Impairment Unknown		5A	Medium	258000	8111237	WI10044544	Waupaca	New listing.	Same comment as above (see cell U8).

Category 5

Table 2. Category 5 waters in ATTAINS (2024 - Organization Public Comment Snapshot) and not included in WDNR's "ImpairedWatersList" worksheet

#	AUID	ASSESSMENT_UNIT_NAME	PARAMETER_CODE_NAME	PARAM_IR_CATEGORY_ID	PREV_PARAM_IR_CATEGORY_ID	PARA<_IR_CATEGORY_SUMMARY	PARAMETER_STATUS_NAME	DELISTED	USE_NAME	ATTAINMENT_CODE_NAME	PARAMETER_ATTAINMENT	FIRST_LISTED_CYCLE	CWA303D_PRIORITY_RANKING	ASSOC_ACTION_IDS	OVERALL_STATUS	EPA COMMENTS
																These 65 AUID/parameter combinations were in ATTAINS (2024 - organization public comment snapshot), but they were not in the "ImpairedWatersList" worksheet in the "DRAFT2024WaterConditionLists.xlsx" spreadsheet posted on WDNR's website during the public comment period. Should they be added to WDNR's "ImpairedWatersList" worksheet/database?
1	WI10000132	Carstens Lake	PHOSPHORUS, TOTAL	5R	5A	CHANGED	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2014	High	209673751		
2	WI10000148	Mud Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High		Not Supporting	Same comment as above (see cell S8).
3	WI10000158	Branch River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
4	WI10000162	Round Lake	PHOSPHORUS, TOTAL	5R	5A	CHANGED	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2016	High	199367686, 168913111		Same comment as above (see cell S8).
5	WI10000173	Boot Lake	PHOSPHORUS, TOTAL	5R	5A	CHANGED	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2016	High	199367686		Same comment as above (see cell S8).
6	WI10000174	South Branch Ma	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2012	High		Not Supporting	Same comment as above (see cell S8).
7	WI10000180	Pine Creek	POLYCHLORINATED BIPHENYLS (PCBS)	5	5	--	Cause	N	Fish and Aquatic Life | Fish Consumption	Not Supporting | Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
8	WI10000181	Pine Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2016	High		Not Supporting	Same comment as above (see cell S8).
9	WI10000201	Black Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High		Not Supporting	Same comment as above (see cell S8).
10	WI10000270	Batavia Creek	CAUSE UNKNOWN	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2016	Low		Not Supporting	Same comment as above (see cell S8).
11	WI10000307	King Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2022	High		Not Supporting	Same comment as above (see cell S8).
12	WI10000308	Unnamed	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High		Not Supporting	Same comment as above (see cell S8).
13	WI10000309	Twin Hill Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
14	WI10000316	Johnson Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2022	High		Not Supporting	Same comment as above (see cell S8).
15	WI10000318	Jambo Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High		Not Supporting	Same comment as above (see cell S8).
16	WI10000326	Shea Lake	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
17	WI10000368	East Twin River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2014	High		Not Supporting	Same comment as above (see cell S8).
18	WI10000369	East Twin River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2014	High		Not Supporting	Same comment as above (see cell S8).
19	WI10002678	East Branch Hone	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2024	Low		Not Supporting	Same comment as above (see cell S8).
20	WI10003547	Solberg Lake	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2016	Low		Not Supporting	Same comment as above (see cell S8).
21	WI10003781	South Turtle Lake	CAUSE UNKNOWN	5	5	--	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2018	Low		Not Supporting	Same comment as above (see cell S8).
22	WI10006069	Calvin Creek	PHOSPHORUS, TOTAL	5R	5A	CHANGED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High	209673751		Same comment as above (see cell S8).
23	WI10006087	West Twin River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	High		Not Supporting	Same comment as above (see cell S8).
24	WI10006088	West Twin River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	High		Not Supporting	Same comment as above (see cell S8).
25	WI10006105	East Twin River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	High		Not Supporting	Same comment as above (see cell S8).
26	WI10006106	Luxemburg Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
27	WI10006556	Amber Lake	CAUSE UNKNOWN	5	5	--	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2014	Low		Not Supporting	Same comment as above (see cell S8).
28	WI10007337	Little Bearskin Lak	PHOSPHORUS, TOTAL	5	5	--	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2016	Low		Not Supporting	Same comment as above (see cell S8).
29	WI10007625	Kentuck Lake	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2014	Low		Not Supporting	Same comment as above (see cell S8).
30	WI10007646	Little Crooked Lak	CAUSE UNKNOWN	5	5	--	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2014	Low		Not Supporting	Same comment as above (see cell S8).
31	WI10007685	Twin Lakes (North	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2016	Low		Not Supporting	Same comment as above (see cell S8).
32	WI10007713	Scattering Rice La	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2018	Low		Not Supporting	Same comment as above (see cell S8).

#	AUID	ASSESSMENT_UNIT_NAME	PARAMETER_CODE_NAME	PARAM_IR_CATEGORY_ID	PREV_PARAM_IR_CATEGORY_ID	PARA<_IR_CATEGORY_SUMMARY	PARAMETER_STATUS_NAME	DELISTED	USE_NAME	ATTAINMENT_CODE_NAME	PARAMETER_ATTAINMENT	FIRST_LISTED_CYCLE	CWA303D_PRIORITY_RANKING	ASSOC_ACTION_IDS	OVERALL_STATUS	EPA COMMENTS
33	WI10008797	Unnamed	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	High		Not Supporting	Same comment as above (see cell S8).
34	WI10008797	Unnamed	TOTAL SUSPENDED SOLIDS (TSS)	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	High		Not Supporting	Same comment as above (see cell S8).
35	WI10008814	Branch River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
36	WI10008821	Kewaunee River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
37	WI10024761	Selner Park Beach	ESCHERICHIA COLI (E. COLI)	5	2	CHANGED	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2024	Low		Not Supporting	Same comment as above (see cell S8).
38	WI10025677	Kewaunee River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2016	High		Not Supporting	Same comment as above (see cell S8).
39	WI10026294	Manitowoc River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2012	High		Not Supporting	Same comment as above (see cell S8).
40	WI10027170	Ephraim Beach, L	ESCHERICHIA COLI (E. COLI)	5	2	CHANGED	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2024	Low		Not Supporting	Same comment as above (see cell S8).
41	WI10027186	Sand Bay Beach 1	ESCHERICHIA COLI (E. COLI)	5	5	--	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2022	Low		Not Supporting	Same comment as above (see cell S8).
42	WI10027788	Fish Creek	CHLORIDE	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	Low		Not Supporting	Same comment as above (see cell S8).
43	WI10028615	Unnamed	CAUSE UNKNOWN	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2018	Low		Not Supporting	Same comment as above (see cell S8).
44	WI10029380	Wind Point Lighth	ESCHERICHIA COLI (E. COLI)	5R	5A	CHANGED	Cause	N	RECREATION	Not Supporting	Not meeting criteria	2022	Low	161788007		Same comment as above (see cell S8).
45	WI10036460	Point Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
46	WI10037981	Stony Brook	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2022	High		Not Supporting	Same comment as above (see cell S8).
47	WI10038520	Sheboygan River	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).
48	WI10279446	Platte River	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2012	Low		Not Supporting	Same comment as above (see cell S8).
49	WI10279449	Platte River	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2012	Low		Not Supporting	Same comment as above (see cell S8).
50	WI10279754	East Branch Pecat	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2014	Low		Not Supporting	Same comment as above (see cell S8).
51	WI10279757	East Branch Pecat	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2014	Low		Not Supporting	Same comment as above (see cell S8).
52	WI10280051	Unnamed	CADMIUM	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
53	WI10280051	Unnamed	LEAD	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
54	WI10280051	Unnamed	MERCURY	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
55	WI10280051	Unnamed	ZINC	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
56	WI10280054	Unnamed	CADMIUM	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
57	WI10280054	Unnamed	LEAD	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
58	WI10280054	Unnamed	MERCURY	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
59	WI10280054	Unnamed	ZINC	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
60	WI10280829	Trump Coulee Cre	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
61	WI10280961	Trump Coulee Cre	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
62	WI10280963	Trump Coulee Cre	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	Low		Not Supporting	Same comment as above (see cell S8).
63	WI10290457	Eagle Creek	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2022	High		Not Supporting	Same comment as above (see cell S8).
64	WI10290460	Eagle Creek	PHOSPHORUS, TOTAL	5		ADDED	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2022	High		Not Supporting	Same comment as above (see cell S8).
65	WI6970300	Fischer Creek	PHOSPHORUS, TOTAL	5	5	--	Cause	N	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2020	High		Not Supporting	Same comment as above (see cell S8).

Category 5R/5W

#	Waterbody Name (Local)	Water Type	Size (Acres or Miles)	Start Mile	End Mile	AU Category	Cycle Listed	Source	Pollutants (Causes)	Impairments (Observed Effects)	Listing Category	TMDL Priority	WBIC	WDNR AU ID	EPA AU ID	Counties	Notes	EPA Comments
1	Lower Pine Creek	RIVER	7.01	6.99	14	5W	2024	NPS	Total Phosphorus	Impairment Unknown	5W	Low	2085300	15756	WI10025712	Barron, Dunn	New listing.	Which EPA-approved document(s) is WDNR using to justify category 5R/5W for Lower Pine Creek? ATTAINS shows Action ID 159131240, the July 2015, "A River Runs Through Us: A Water Quality Strategy for the Land and Waters of the Red Cedar River Basin." Is WDNR adding this AUID to category 5R based on this 2015 report? If so, why now and is there updated information to support this waterbody's 5R/5W categorization? Has any additional action has been taken since the report was written in 2015?

Category 4A

#	ASSESSMENT_UNIT_ID	ASSESSMENT_UNIT_NAME	PARAMETER_CODE_NAME	PREV_PARAMETER_CODE_NAME	PARAM_IR_CATEGORY_ID	PREV_PARAM_IR_CATEGORY_ID	PARA<_IR_CATEGORY_SUMMARY	PARAMETER_STATUS_NAME	DELISTED	DELISTED_REASON	USE_NAME	ATTAINMENT_CODE_NAME	PARAMETER_ATTAINMENT	FIRST_LISTED_CYCLE	ORG_PARAM_IR_CATEGORY_ID	CWA303D_PRIORITY_RANKING	ASSOC_ACTION_IDS	OVERALL_STATUS	EPA COMMENTS
1	WI10000119	Horseshoe Lake	PHOSPHORUS, TOTAL	PHOSPHORUS, TOTAL	4A	2	CHANGED	Cause	N		Fish and Aquatic Life | | RECREATION	Not Supporting | Not Supporting	Not meeting criteria	2024		Low	WI-2023-NEL-2024	Not Supporting	I don't see this AUID/parameter combination in the updated TMDLs spreadsheet from Kevin Kirsch received on 1/8/24 (see file named 2024_Updates_Corrections_Additional_Data_Final wed.xlsx sent to WDNR on 1/31/24). (However, Horseshoe Lake is included the updated TMDL (appendix O, p. 4) dated 1/9/2024.)
2	WI8104653	Menomonee River	ESCHERICHIA COLI (E. COLI)		4A		ADDED	Cause	N		RECREATION	Not Supporting	Not meeting criteria	2024	4A		WI_04040003_2024	Not Supporting	Should this AUID be added to the "updated TMDLs" spreadsheet (see 1/8/24 email from Kevin Kirsch and file named "2024_Updates_Corrections_Additional_Data_Final wed.xlsx sent to WDNR on 1/31/24")?
3	WI10000163	North Branch Manitowoc River	PHOSPHORUS, TOTAL	PHOSPHORUS, TOTAL	4A	5A	CHANGED	Cause	N		Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	4A		225182066, WI-2023-NEL	Not Supporting	I don't see this AUID/parameter combination in Table 1 of Appendix A of the decision document in ATTAINS (see file named "(2023.10.30)_CL_DD_Northeast Lakeshore TMDL (WI).pdf").
4	WI10280829	Trump Coulee Creek	TOTAL SUSPENDED SOLIDS (TSS)		4A		ADDED	Cause	N		Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998			10694	Not Supporting	Why is this AUID being added now? TMDL (sediment) approved in 2004.
5	WI10280963	Trump Coulee Creek	TOTAL SUSPENDED SOLIDS (TSS)		4A		ADDED	Cause	N		Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998			10694	Not Supporting	Same comment as above; see cell V9.
6	WI10280961	Trump Coulee Creek	TOTAL SUSPENDED SOLIDS (TSS)		4A		ADDED	Cause	N		Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998			10694	Not Supporting	Same comment as above; see cell V9.
7	WI10044544	Unnamed	PHOSPHORUS, TOTAL	PHOSPHORUS, TOTAL	4A	3	CHANGED	Cause	Y	DELISTING_4A	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2024	4A		UpperFoxWolf_Protection2020, WI-2020-001_2024	Not Supporting	I don't see this AUID/parameter combination in the updated TMDLs spreadsheet from Kevin Kirsch received on 1/8/24 (see file named 2024_Updates_Corrections_Additional_Data_Final wed.xlsx sent to WDNR on 1/31/24). Also, what does the "DELISTING_4A" delisting reason mean in this and other rows? The AUIDs with this comment say "Y" instead of "N" in the DELISTING column.
8	WI10028752	Unnamed	PHOSPHORUS, TOTAL	PHOSPHORUS, TOTAL	4A	5	CHANGED	Cause	Y	DELISTING_4A	Fish and Aquatic Life	Not Supporting	Not meeting criteria	2016	4A		WI-2023-NEL	Not Supporting	This AUID is called "Silver Stream" in the decision document in ATTAINS for Action ID WI-2023-NEL--see Appendix A, p. 6 in Table 1 in the file named "(2023.10.30)_CL_DD_Northeast Lakeshore TMDL (WI).pdf." Should the assessment unit name be updated in ATTAINS?
9	WI10008796	Unnamed	TOTAL SUSPENDED SOLIDS (TSS)	TOTAL SUSPENDED SOLIDS (	4A	5	CHANGED	Cause	Y	DELISTING_4A	Fish and Aquatic Life	Not Supporting	Not meeting criteria	1998	4A		WI-2023-NEL	Not Supporting	I don't see this AUID/parameter combination in Table 1 of Appendix A of the decision document in ATTAINS (see file named: "(2023.10.30)_CL_DD_Northeast Lakeshore TMDL (WI).pdf").
10																			See also the ATTAINS-related questions re. the updated TMDLs received from Kevin Kirsch on 1/8/24 in the file: "2024_Updates_Corrections_Additional_Data_Final wed.xlsx" sent to WDNR on 1/31/24.
11	WI10000201	Black Creek	PHOSPHORUS, TOTAL																WI-2023-NEL: In rows 11-41, should these AUID/parameter combinations from Appendix A of the decision document posted in ATTAINS ("file named "(2023.10.30)_CL_DD_Northeast Lakeshore TMDL (WI).pdf") be included in ATTAINS as Category 4A? In ATTAINS, Black Creek shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000201/TP) to category 4A? Rows 11-37 are from "Table 1. Streams and impairment listings on the WDNR 2022 303(d) list addressed in this TMDL report" in Appendix A of the decision document.
12	WI10000158	Branch River	PHOSPHORUS, TOTAL																In ATTAINS, Branch River's TP impairment is in category 5 and there are no associated actions. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000158/TP) to category 4A?
13	WI10008814	Branch River	PHOSPHORUS, TOTAL																Same comment as above; should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10008814/TP) to category 4A?
14	WI10006069	Calvin Creek	PHOSPHORUS, TOTAL																Same comment as above; should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10006069/TP) to category 4A? It's currently in category 5R.
15	WI10006105	East Twin River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10006105/TP) to category 4A?
16	WI10000368	East Twin River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000368/TP) to category 4A?
17	WI10000369	East Twin River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000369/TP) to category 4A?
18	WI6970300	Fischer Creek	PHOSPHORUS, TOTAL																In ATTAINS, Fischer Creek shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI6970300/TP) to category 4A?
19	WI10000318	Jambo Creek	PHOSPHORUS, TOTAL																In ATTAINS, Jambo Creek shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000318/TP) to category 4A?

#	ASSESSMENT_UNIT_ID	ASSESSMENT_UNIT_NAME	PARAMETER_CODE_NAME	PREV_PARAMETER_CODE_NAME	PARAM_IR_CATEGORY_ID	PREV_PARAM_IR_CATEGORY_ID	PARA<_IR_CATEGORY_SUMMARY	PARAMETER_STATUS_NAME	DELISTED	DELISTED_REASON	USE_NAME	ATTAINMENT_CODE_NAME	PARAMETER_ATTAINMENT	FIRST_LISTED_CYCLE	ORG_PARAM_IR_CATEGORY_ID	CWA303D_PRIORITY_RANKING	ASSOC_ACTION_IDS	OVERALL_STATUS	EPA COMMENTS
20	WI10000316	Johnson Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000316/TP) to category 4A?
21	WI10025677	Kewaunee River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10025677/TP) to category 4A?
22	WI10008821	Kewaunee River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10008821/TP) to category 4A?
23	WI10000307	King Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000307/TP) to category 4A?
24	WI10006106	Luxemburg Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10006106/TP) to category 4A?
25	WI10026294	Manitowoc River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10026294/TP) to category 4A?
26	WI10000148	Mud Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000148/TP) to category 4A?
27	WI10000180	Pine Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000180/TP) to category 4A?
28	WI10000181	Pine Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000181/TP) to category 4A?
29	WI10036460	Point Creek	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10036460/TP) to category 4A?
30	WI10038520	Sheboygan River	PHOSPHORUS, TOTAL																In ATTAINS, Sheboygan River shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10038520/TP) to category 4A?
31	WI10000174	South Branch Manitowoc River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000174/TP) to category 4A?
32	WI10037981	Stony Brook	PHOSPHORUS, TOTAL																In ATTAINS, Stony Brook shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10037981/TP) to category 4A?
33	WI10000309	Twin Hill Creek	PHOSPHORUS, TOTAL																In ATTAINS, Twin Hill Creek shows an "Org IR Category" as 4A and an "EPA IR Category" as 5. Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000309/TP) to category 4A?
34	WI10000308	Unnamed	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000308/TP) to category 4A?
35	WI10008797	Unnamed	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10008797/TP) to category 4A?
36	WI10006087	West Twin River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10006087/TP) to category 4A?
37	WI10006088	West Twin River	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10006088/TP) to category 4A?
38	WI10000173	Boot Lake	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000173/TP) to category 4A? (This AUID is also associated with Action ID 199367686 CalMan Lakes Nine Key Plan (ARP).) Rows 38-41 are from "Table 2. Lakes and impairment listings on the WDNR 2022 303(d) list addressed in this TMDL report" in Appendix A of the decision document.
39	WI10000132	Carstens Lake	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000132/TP) to category 4A? (This AUID is also associated with Action ID 199367686 CalMan Lakes Nine Key Plan (ARP). The Organization IR Category is 5W, and the EPA IR Category is 5R.)
40	WI10000162	Round Lake	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000162/TP) to category 4A? The Organization IR Category is 5W, and the EPA IR Category is 5R, but there are no associated actions. The comments indicate "...This lake is covered by a watershed plan: CalMan Lakes Watershed Plan (2028)."
41	WI10000326	Shea Lake	PHOSPHORUS, TOTAL																Should Action ID "WI-2023-NEL" be added as an associated action to change this AUID/parameter combination (WI10000326/TP) to category 4A?

Category 2

#	ASSESSMENT_UNIT_ID	ASSESSMENT_UNIT_NAME	PARAMETER_CODE_NAME	PARAM_IR_CATEGORY_ID	PREV_PARAM_IR_CATEGORY_ID	PARA<_IR_CATEGORY_SUMMARY	PARAMETER_STATUS_NAME	PREV_PARAMETER_STATUS_NAME	DELISTED	PREV_DELISTED	DELISTED_REASON	USE_NAME	ATTAINMENT_CODE_NAME	PREV_ATTAINMENT_CODE_NAME	PARAMETER_ATTAINMENT	PREV_PARAMETER_ATTAINMENT	PREV_FIRST_LISTED_CYCLE	ORG_PARAM_IR_CATEGORY_ID	PREV_IMPAIRED_WATER_COMMENT	ASSOC_ACTION_IDS	PREV_OVERALL_STATUS	OVERALL_STATUS	EPA_COMMENTS
1	WI10007379	Minocqua Lake	PHOSPHORUS, TOTAL	2	4A	CHANGED	Meeting Criteria	Cause	Y	N	WQS_RECOVERY_UNSPECIFIED	Fish and Aquatic Life | RECREATION	Fully Supporting | Fully Supporting	Not Supporting | Not Supporting	Meeting criteria	Not meeting criteria	2014	2A	TMDL report has been approved by USEPA. TMDL Implementation may be ongoing or may be pending.	WI-2019-001	Not Supporting	Fully Supporting	Does WDNR document these success stories--waterbodies that move from category 5 or 4A to 2--on the web or in a report, etc. to share them with the public? Also, when I checked this water body--Minocqua Lake--the WDNR Water Search website indicated that this lake is impaired for TP (https://apps.dnr.wi.gov/water/waterDetail.aspx?key=128227, accessed on 2/1/24). Will this website be updated to reflect this delisting, too?
2	WI10026309	Lake of the Pines	CAUSE UNKNOWN	2	5	CHANGED	Meeting Criteria	Cause	Y	N	WQS_RECOVERY_UNSPECIFIED	RECREATION	Fully Supporting	Not Supporting	Meeting criteria	Not meeting criteria	2018	2A	Conduct inventory of available data, identify and evaluate data gaps, determine needed monitoring.		Not Supporting	Fully Supporting	When does WDNR use "WQS_recovery_unspecified" as a delisting reason? See column M.
3	WI10026987	Unnamed	CAUSE UNKNOWN	2	5	CHANGED	Meeting Criteria	Cause	Y	N	WQS_LISTING_INCORRECT	Fish and Aquatic Life	Insufficient Information	Not Supporting	Meeting criteria	Not meeting criteria	2016	3	Conduct inventory of available data, identify and evaluate data gaps, determine needed monitoring.		Not Supporting	Fully Supporting	What was incorrect about the WQS listing? See delisting reason in column M.
4	WI10000569	Tichigan Lake	PHOSPHORUS, TOTAL	2	5	CHANGED	Meeting Criteria	Cause	Y	N	WQS_RESTORATION_ACTIVITIES	Fish and Aquatic Life | RECREATION	Fully Supporting | Fully Supporting	Not Supporting | Not Supporting	Meeting criteria	Not meeting criteria	2012	2A	Interpretation and analyses of model results and development of TMDL reports. The TMDL report will describe waterbody impairments and a validated list of pollutants as well as recommended load allocations and a schedule for pollutant load reductions for specific sectors of the waterbody and watershed of interest.		Not Supporting	Fully Supporting	When does WDNR use "WQS restoration activities" as a delisting reason? See column M.

Delistings

Table 1. Delistings not in ATTAINS (2024 - Organization Public Comment Snapshot) and included in WDNR's "ListingRemovals" worksheet

Note: WDNR's "ListingRemovals" worksheet was compared to AUIDs in ATTAINS that were "Y" in the delisted column in 2024 and "N" in the delisted column in 2022. The AUID/parameter combinations that matched both in ATTAINS and WDNR's worksheet were those that changed from category 5

#	Official Waterbody Name	Waterbody Name Local	Water Type	Size (Acres or Miles)	Start Mile	End Mile	2022 AU Category	2024 Proposed AU Category	Removed Pollutants (Causes)	Removed Impairments (Observed Effects)	Note	WBIC	AU ID	EPA AU ID	Counties	EPA Comments
1	Wilson Park Creek	Wilson Park Creek	RIVER	3.5	0	3.5	5A	5A	Total Phosphorus	Impairment Unknown	Deletion	15200	9975	WI10000203	Milwaukee	No comment. Wilson Park Creek also shows TP impairment changing from 4A to 2 in ATTAINS between 2022 and 2024.
2	Batavia Creek	Batavia Creek	RIVER	4.9	0	4.9	5A	5A	Cause Unknown	Elevated Water Temperature	Deletion	31400	10083	WI10000270	Sheboygan	No comment. Temperature remains an observed effect in ATTAINS.
3	Eagle Creek	Eagle Creek (Eagle Lake Outlet)	RIVER	5			5P	2C	Total Phosphorus	Impairment Unknown	Delisting	759500	10290459	WI10000560	Racine	**This AUID isn't showing up in ATTAINS, and this AUID/parameter combination is also not showing up in ATTAINS as a delisting between 2022 and 2024.**
4	Solberg Lake	Solberg Lake	LAKE	843.58			5B	5B	Total Phosphorus	Impairment Unknown	Deletion	2242500	14731	WI10003547	Price	**TP remains an impairment in ATTAINS. I realize this AUID/parameter combination is being deleted, but can WDNR explain the change to category 5B (WDNR's mercury only sub-category)?**
5	South Turtle Lake	Turtle Lake, South	LAKE	466.19			5A	2A	Cause Unknown	Excess Algal Growth	Delisting	2310200	15009	WI10003781	Vilas	**This AUID/parameter combination isn't showing up as a delisting in ATTAINS between 2022 and 2024.**
6	Amber Lake	Amber Lake	LAKE	735.56			5A	2A	Cause Unknown	Excess Algal Growth	Delisting	2271600	18693	WI10006556	Oneida, Vilas	**This AUID/parameter combination isn't showing up as a delisting in ATTAINS between 2022 and 2024.**
7	Little Bearskin Lake	Little Bearskin Lake	LAKE	184			5C	5C	Total Phosphorus	Impairment Unknown	Delisting	1523500	128180	WI10007337	Oneida	No comment. TP remains an impairment in ATTAINS.
8	Pickerel Lake	Pickerel Lake	LAKE	581			5C	5C	Total Phosphorus	NA	Deletion	1590400	128257	WI10007405	Oneida	No comment. TP remains an impairment in ATTAINS.
9	Kentuck Lake	Kentuck Lake	LAKE	1,001			5A	5B	Total Phosphorus	Eutrophication, Excess Algal Growth, Impairment Unknown	Deletion	716800	128505	WI10007625	Forest, Vilas	**TP remains an impairment in ATTAINS. I realize this AUID/parameter combination is being deleted, but why is this changing to category 5B (WDNR's mercury only sub-category)?**
10	Little Crooked Lake	Little Crooked Lake	LAKE	153.68			5A	2A	Cause Unknown	Excess Algal Growth	Delisting	2335500	128530	WI10007646	Vilas	**I'm not sure why this change isn't showing up in ATTAINS between 2022 and 2024. This AUID remains in category 5 for "cause unknown."**
11	Twin Lakes (North)	Twin Lakes	LAKE	2871.01			5C	2A	Total Phosphorus	Impairment Unknown	Delisting	1623800	128574	WI10007685	Vilas	No comment. TP remains an impairmentin ATTAINS.
12	Scattering Rice Lake	Scattering Rice Lake (Eagle Chain)	LAKE	263.28			5A	5A	Total Phosphorus	Impairment Unknown	Deletion	1600300	128607	WI10007713	Vilas	**TP remains an impairment in ATTAINS. I'm not sure why this AUID/parameter combination is considered a deletion and the Twin Lakes (North) row above is considered a delisting; "impairment unknown" was removed for both AUIDs.**
13	North Spirit Lake	North Spirit Lake	LAKE	224.35			5C	5C	Total Phosphorus	NA	Deletion	1515200	425815	WI10008722	Price, Taylor	No comment. TP remains an impairment in ATTAINS.
14	Lake Michigan	Sand Bay Beach 1, Lake Michigan	GREAT LAKES BEACH	0.02	0	0.02	5A	2B	E. coli	Recreational Restrictions - Pathogens	Delisting	20	3897303	WI10027186	Door	**E. coli remains an impairment in ATTAINS. Can WDNR explain this "recreational restrictions - pathogens" delisting?**

#	Official Waterbody Name	Waterbody Name Local	Water Type	Size (Acres or Miles)	Start Mile	End Mile	2022 AU Category	2024 Proposed AU Category	Removed Pollutants (Causes)	Removed Impairments (Observed Effects)	Note	WBIC	AU ID	EPA AU ID	Counties	EPA Comments
15	Fish Creek	Fish Creek	RIVER	3.38	0	3.38	5A	5A	Chloride	Chronic Aquatic Toxicity	Deletion	44700	3924909	WI10027788	Milwaukee, Ozaukee	**Chloride remains an impairment in ATTAINS, and I also see chronic toxicity as an observed effect in ATTAINS. Why is "chronic aquatic toxicity" being deleted?**
16	Unnamed	Local Water	RIVER	3.26	0	3.26	5A	4A	Cause Unknown	NA	Replaced by TSS	5026964	3992145	WI10028615	Fond du Lac	No comment; TSS added to category 4A. (See 2024_Updates_Corrections_Additional_Data_Final wed.xlsx sent to WDNR on 1/31/24.)
17	Lake Michigan	Wind Point Lighthouse Beach	GREAT LAKES BEACH	0.08	0	0.08	5W	2B	E. coli	Recreational Restrictions - Pathogens	Delisting	20	3999943	WI10029380	Racine	**E. coli changed from 5A to 5R between 2022 and 2024 in ATTAINS. Can WDNR explain this "recreational restrictions - pathogens" delisting?**