



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
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BOSTON, MA 02114-2023

June 4, 2008

Betsey Wingfield, Chief
Bureau of Water Protection and Land Reuse
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Ms. Wingfield:

Thank you for the final submission of **A Total Maximum Daily Load Analysis for Recreational Uses of the Naugatuck River Regional Basin** for indicator bacteria (*Escherichia coli*). The Naugatuck River, Great Brook, Steele Brook, Mad River, Hop Brook, and Long Meadow Pond Brook were included on Connecticut's 2006 303(d) List as priority waters for TMDL development. TMDL analyses for the 14 waterbody segments, comprising the six rivers and brooks in the regional basin, have been submitted to EPA for approval.

The U.S. Environmental Protection Agency (EPA) hereby approves Connecticut's TMDL dated May 6, 2008. EPA has determined that this TMDL meets the requirements of Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations (40 CFR Part 130). Attached is a copy of our approval documentation.

This TMDL analysis is based upon Connecticut's methodology entitled, *Development of Total Daily Maximum Loads (TMDLs) for Indicator Bacteria in Contact Recreation Areas Using the Cumulative Frequency Distribution Function Method (November 8, 2005)*. The technical support document for this method is detailed in Appendix B of the TMDL analysis. This approach for TMDL development does not alter CT's standing policy of assessing use support in accordance with *Connecticut Consolidated Assessment and Listing Methodology (CT-CALM)*.

Connecticut continues to make progress in addressing the State's water quality impairments through adoption of this approach for TMDLs in watersheds impaired by stormwater and nonpoint source pollution. My staff and I look forward to continued cooperation with the CT DEP in exercising our shared responsibility of implementing the requirements under Section 303(d) of the CWA.

If you have any questions regarding this approval, please contact Steve Silva at (617) 918-1561 or have your staff contact Mary Garren at (617) 918-1322. Thank you very much.

Sincerely,

/s/

Stephen S. Perkins, Director
Office of Ecosystem Protection

attachment

cc with attachment:
Paul Stacey, CT DEP
Lee Dunbar, CT DEP
Traci Iott, CTDEP
Mary Kozlak, CT DEP
Steve Silva, EPA
Mary Garren, EPA

EPA NEW ENGLAND'S TMDL REVIEW

TMDL: A Total Maximum Daily Load Analysis for Recreational Uses of the Naugatuck River Regional Basin

CT Waterbody Segments on the State of Connecticut 2006 List of Connecticut Water Bodies Not Meeting Water Quality Standards (303(d) of the Federal Clean Water Act):

Waterbody Name	(Waterbody Segment ID number)
Naugatuck River	CT 6900-00_06, CT 6900-00_05, CT 6900-00_04, CT 6900-00_03, CT 6900-00_02, CT 6900-00_01
Steele Brook	CT 6912-00_02, CT 6912-00_01
Great Brook	CT 6900-22_01
Mad River	CT 6914-00_03a, CT 6914-00_02, CT 6914-00_01
Hop Brook	CT 6916-00-01
Long Meadow Pond Brook	CT 6917-00_01

STATUS: Final

IMPAIRMENT/POLLUTANT: Impairment of recreational uses due to indicator bacteria. The Total Daily Maximum Loads (TMDLs) are proposed for indicator bacteria - *Escherichia coli*.

BACKGROUND:

The Connecticut Department of Environmental Protection (CTDEP) submitted to EPA New England the final TMDL Analysis for Recreational Uses of the Naugatuck River Regional Basin with a transmittal letter dated May 15, 2008. The TMDL Analysis was received by EPA on May 20, 2008. EPA New England concurs with the content of TMDL analysis.

The following review explains how the TMDL submission meets the statutory and regulatory requirements of TMDLs in accordance with §303(d) of the Clean Water Act, and 40 CFR Part 130.

REVIEWER: Mary Garren (617-918-1322) garren.mary@epa.gov

REVIEW ELEMENTS OF TMDLs

Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations at 40 C.F.R. § 130 describe the statutory and regulatory requirements for approvable TMDLs. The following information is generally necessary for EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and EPA regulations, and should be included in the submittal package. Use of the verb "must" below denotes information that is required to be submitted because it relates to elements of the TMDL required by the CWA and by regulation.

1. Description of Waterbody, Pollutant of Concern, Pollutant Sources and Priority Ranking

The TMDL analytical document must identify the waterbody as it appears on the State/Tribe's 303(d) list, the pollutant of concern and the priority ranking of the waterbody. The TMDL submittal must include a description of the point and nonpoint sources of the pollutant of concern, including the magnitude and location of the sources. Where it is possible to separate natural background from nonpoint sources, a description of the natural background must be provided, including the magnitude and location of the source(s). Such information is necessary for EPA's review of the load and wasteload allocations that are required by regulation. The TMDL submittal should also contain a description of any important assumptions made in developing the TMDL, such as: (1) the assumed distribution of land use in the watershed; (2) population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources; (3) present and future growth trends, if taken into consideration in preparing the TMDL; and, (4) explanation and analytical basis for expressing the TMDL through surrogate measures, if applicable. Surrogate measures are parameters such as percent fines and turbidity for sediment impairments, or chlorophyll a and phosphorus loadings for excess algae.

This TMDL analysis has been prepared for the Naugatuck River Regional Basin (page 1, main document). The Naugatuck River Regional Basin includes the 21 municipalities of Norfolk, Winchester, Goshen, Torrington, Litchfield, Harwinton, Morris, Thomaston, Plymouth, Watertown, Wolcott, Waterbury, Prospect, Middlebury, Naugatuck, Oxford, Beacon Falls, Bethany, Seymour, Ansonia, and Derby. The Naugatuck River, Great Brook, Steele Brook, Mad River, Hop Brook, and Long Meadow Pond Brook are waters within the basin that are protected for recreational uses such as kayaking, wading, water skiing, fishing, boating, aesthetic enjoyment and others. Fourteen waterbody segments, included within these six larger waterbodies, were identified as impaired for their recreational uses due to the presence of *E. coli*. All fourteen segments were listed on the State of Connecticut 2006 List of Connecticut Water Bodies Not Meeting Water Quality Standards (2006 303(d) List).

The fourteen waterbody segments were categorized by CTDEP as high priority for TMDL development (page 2, main document). They were identified as priority "H" meaning they were targeted for TMDL development within 3 years if warranted (page 3, main document). There are eight individually-permitted municipal point source discharges into the Naugatuck River (9, main document). The 14 municipalities of Thomaston, Plymouth, Watertown, Wolcott, Waterbury, Prospect, Middlebury, Naugatuck, Oxford, Beacon Falls, Bethany, Seymour, Ansonia, and Derby are located in MS4 urban communities subject to the Phase II Stormwater General Permit (page 1, main document). There are 139 industrial and commercial stormwater dischargers that are covered under the MS4 permit (page 5, main document). Three industrial metal-finishing facilities are individually permitted to discharge to the upper Naugatuck River. They are Quality Rolling and Deburring (CT0025305), Whyco Technologies (CT0001457), and Summit Corporation (CT0001180). Potential sources of bacteria are identified for each waterbody (Table 2, main document). Point and nonpoint sources (NPS) are contributing to the impairment of all six rivers or brooks. Point sources include regulated stormwater runoff, sanitary sewer collection system failures, unknown sources, and illicit discharges. Nonpoint sources include stormwater runoff and unknown sources. The individually-permitted municipal point source discharges and the industrial discharges from the metal finishing facilities have been determined not to be significant contributors of *E. coli* to the Naugatuck River (page 5, main document). Industrial and commercial stormwater discharges that operate under general permits

are more significant with many showing levels of bacteria above water quality criteria. DEP has also located five stormwater discharge pipes with high levels of bacteria that require action (Table 4, main document).

The first page in Appendices A-1 through A-6 of the TMDL document provides detailed identifying information on each subregional basin and waterbody segment. The designated use that is being impaired is identified as recreation in all these waters. No designated swimming or non-designated swimming areas are located in any of these waters. The waterbodies must meet the standard for recreational use that does not require full body contact with the water, e.g. boating, fishing, etc. (page 7, main document). Surface water classifications for the six waterbodies range from Class A to Class C/B (Table 5, main document). Class A waters are known or presumed to meet Criteria that support designated uses. Class C/B waters do not meet Criteria and are not supporting one or more assigned designated uses due to pollution. The goal for Class C/B waters is Class B (CTDEP Water Quality Standards (WQS), effective December 17, 2002).

The assessment methodology for recreation is presented on pages 15 to 17 of CTDEP's 2006 guidance document, Connecticut Consolidated Assessment and Listing Methodology (CALM). Applicable indicator bacteria criteria for each of the waterbody segments are presented in Table 5 of the TMDL Analysis. A more detailed explanation of the relevant water quality criteria can be found in Appendix B (pages 2 and 3). The critical season for the TMDL is the recreational season, May 1st to September 30th. These waterbodies are not impaired during the cold months when enteric bacteria die off due to the lower temperatures and potential human exposure is greatly reduced (page 3, Appendix B). Surface water classifications for each of impacted waters are listed as they were defined by WQS. Connecticut's WQS contain an anti-degradation policy (Appendix E of the WQS). Present and future growth in these watersheds is therefore required to comply with all applicable WQS including this policy (page 13, main document).

Specific information relevant to each waterbody is provided within the TMDL analysis. The appendices list additional information on each waterbody, including the linear mileage of each waterbody and the square mileage of the individual sub-drainage basin. Land use categories are presented for each watershed. The watersheds are broken down into appropriate land use categories, e.g. deciduous forest, developed, other grasses and agriculture, water, etc.

Assessment:

EPA New England concludes that the TMDL document meets the requirements for describing water body segment, pollutant of concern, identifying and characterizing sources of impairment, and priority ranking.

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

The TMDL submittal must include a description of the applicable State/Tribe water quality standard, including the designated use(s) of the waterbody, the applicable numeric or narrative water quality criterion, and the anti-degradation policy. Such information is necessary for EPA's review of the load and wasteload allocations that are

required by regulation. A numeric water quality target for the TMDL (a quantitative value used to measure whether or not the applicable water quality standard is attained) must be identified. If the TMDL is based on a target other than a numeric water quality criterion, then a numeric expression, usually site specific, must be developed from a narrative criterion and a description of the process used to derive the target must be included in the submittal.

Appendix B of the TMDL is entitled “Development of TMDLs for Indicator Bacteria in Contact Recreational Areas using the Cumulative Distribution Function Method.” This Appendix details the entire methodology for this TMDL analysis. Water Quality Criteria supporting “all recreational uses” are applicable to these six waterbodies. The geometric mean density of indicator bacteria must be less than 126 colonies/100 ml and the single sample maximum is limited to 576 colonies/100 ml to comply with CT’s indicator bacteria criteria.

The cumulative distribution function method is an accepted method used by CTDEP to develop TMDLs for indicator bacteria. CTDEP worked with EPA during the development of this method. The method was also peer reviewed by many colleagues outside CTDEP. The methodology has been applied to many waterbody segments and TMDL analyses in CT. Representative ambient water quality monitoring data taken on a minimum of 21 sampling dates between May 1st and September 31st is a requirement for use of this method. Representative sampling of indicator bacteria density and precipitation are required. Decisions regarding listing or delisting of a waterbody pursuant to Section 303(d) of the Clean Water Act will not be made based on this methodology. CTDEP will continue to make an assessment as to whether a waterbody is supporting its designated use according to its 2006 CALM (page 1, Appendix B). Connecticut’s anti-degradation policy (Appendix E of the State’s 2002 WQS) is referenced (page 13, main document) in the context that this and any future modification of the TMDL must be consistent with that policy.

This TMDL analysis uses a cumulative distribution function method to determine the reduction in the density of bacteria needed to allow the waterbody to meet its water quality criteria. Connecticut’s WQS require levels of *E. coli* to be less than a geometric mean of 126 col/100 ml and single sample maximum that varies depending on the designated use of the waterbody. The Naugatuck River, Steele Brook, Great Brook, Mad River, Hop Brook, and Long Meadow Pond Brook have single sample maximum of 576 colonies/100 ml which is protective of its designation as a waterbody appropriate for “all recreational uses” (Table 3, main document). The single sample maximum of 576 col/100 ml represents the 95th percentile upper confidence limit for statistical distribution of *E. coli* data with a geometric mean of 126 colonies/100 ml and a log standard deviation of 0.4. Appendix B (pages 2-5) contains a detailed explanation of these water quality criteria and the cumulative frequency distribution curve. The cumulative frequency distribution curves that express the applicable water quality criteria are shown graphically in Figures 1a -1c (Appendix B). Analytical data from these waterbodies are then plotted on the same graph (Figures 2a - 2c, Appendix B) to form a second cumulative relative frequency curve. The graph shows the percent reduction in *E. coli* needed to move each data point from the sample data curve to the criteria curve. The cumulative frequency distribution curves show the estimated percent reduction needed for any given concentration of *E.coli* on any given day (page 7, Appendix B). The TMDL is then the arithmetic average of the percent reduction needed for each sampling data point to meet water quality criteria.

Assessment:

The use of the cumulative distribution function method, the description of the process in the TMDL document, and the companion method document to this TMDL document adequately demonstrate the basis for deriving the target indicator bacteria loads and demonstrating that the targets will achieve water quality standards. EPA concludes that Connecticut has properly presented its numeric water quality standards and has made a reasonable and appropriate interpretation of its narrative water quality criteria for the designated uses of the Naugatuck River Regional Basin.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

As described in EPA guidance, a TMDL identifies the loading capacity of a waterbody for a particular pollutant. EPA regulations define loading capacity as the greatest amount of loading that a water can receive without violating water quality standards (40 C.F.R. § 130.2(f) The loadings are required to be expressed as either mass-per-time, toxicity or other appropriate measure (40 C.F.R. § 130.2(i) The TMDL submittal must identify the waterbody’s loading capacity for the applicable pollutant and describe the rationale for the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. In most instances, this method will be a water quality model. Supporting documentation for the TMDL analysis must also be contained in the submittal, including the basis for assumptions, strengths and weaknesses in the analytical process, results from water quality modeling, etc. Such information is necessary for EPA’s review of the load and wasteload allocations that are required by regulation.

In many circumstances, a critical condition must be described and related to physical conditions in the waterbody as part of the analysis of loading capacity (40 C.F.R. § 130.7(c)(1)). The critical condition can be thought of as the “worst case” scenario of environmental conditions in the waterbody in which the loading expressed in the TMDL for the pollutant of concern will continue to meet water quality standards. Critical conditions are the combination of environmental factors (e.g., flow, temperature, etc.) that results in attaining and maintaining the water quality criterion and has an acceptably low frequency of occurrence. Critical conditions are important because they describe the factors that combine to cause a violation of water quality standards and will help in identifying the actions that may have to be undertaken to meet water quality standards.

The loading capacities for each waterbody, or TMDLs, are calculated using the cumulative frequency distribution function method detailed in Appendix B of the document. The TMDL for each waterbody segment is the average percent reduction of indicator bacteria needed to meet the applicable Water Quality Criteria. A TMDL is the sum of the Waste Load Allocation (WLA), Load Allocation (LA) plus a Margin of Safety (MOS) for a particular waterbody segment. The indicator bacteria used in freshwater is *E. coli*. The numeric water quality targets are therefore the average percent reductions needed in *E. coli* to meet Water Quality Standards. The TMDLs, calculated in Appendices A-1 through A-6 and presented in Table 6 of the main document, are:

TMDL - Average percent reduction in *E. coli* at each specified monitoring site

<u>Waterbody</u>	<u>Segment ID Number</u>	<u>Avg. % Reduction</u>	<u># of Total Samples</u>
<u>Naugatuck River:</u>	CT 6900-00_06	39% at site 196	26
	CT 6900-00_05	12% at site 198	26
	CT 6900-00_04	45% at site 1029	26
	CT 6900-00_03	74% at site 204	26

<u>Naugatuck River:</u>	CT 6900-00_02	61% at site 192	26
	CT 6900-00_01-top	62% at site 213	25
	-mid	67% at site 214	26
<u>Steele Brook:</u>	CT 6912-00_02	87% at site 331	26
	CT 6912-00_01	88% at site 514	26
<u>Great Brook:</u>	CT 6900-22_01	89% at site 91	25
<u>Mad River:</u>	CT 6914-00_03a	69% at site 874	25
	CT 6914-00_02	84% at site 159	25
	CT 6914-00_01	84% at site 159	25
<u>Hop Brook:</u>	CT 6916-00-01	21% at site 1479	21
<u>Long Meadow Pond Brook:</u>	CT 6917-00_01	83% at site 1478	20

Appendices A-1 through A-6 provide detailed information for each of the waterbodies. Waterbody specific information, sampling data, calculations of the TMDL, cumulative distribution frequency curves, and summaries of the TMDLs are included in each of the appendices. Fourteen of the 21 municipalities in the Naugatuck River Regional watershed contain designated urbanized areas where Connecticut’s stormwater general permit (MS4 permit) is applicable (page 1, main document). Steele Brook, Great Brook, Mad River, Hop Brook, and Long Meadow Pond Brook are located in exclusively urban communities that are covered by the MS4 permit. The Naugatuck River sub-watershed is made up of seven designated urban and seven non-urban areas.

CTDEP’s cumulative distribution function method for TMDL development calls for certain minimum data requirements (pages 9 and 10, Appendix B). All the TMDLs should be based upon ambient water quality monitoring data obtained on at least 21 sampling dates within the last five recreational seasons (tabular data tables in Appendices A-1 through A-6). The upstream segment of the Mad River (CT6914-00_02) was not sampled. The data from the adjacent downstream segment (CT6914-00_01) was used instead. This is an acceptable decision because segment_02 is 0.8 miles in length and immediately upstream from segment_01. Both segments require an 84% reduction in *E. coli*. The TMDL for Long Meadow Pond Brook was calculated based upon 20 samples. This slight variation from the method requirements is permissible in this specific case as DEP has identified a pipe with suspected illicit connections that will be addressed. Removal of the pipe will significantly decrease the bacteria load to the brook. The TMDL calls for a conservative 83% reduction and the 0.94 linear mile brook empties into the Naugatuck River which has further reductions called for.

Potential sources of indicator bacteria are identified for each waterbody segment (Tables 2 and 4, main document). Stormwater runoff (sheet flow) contributes to nonpoint source loads in each of

the waters. Wildlife and domestic pet wastes are contributors of bacteria to nonpoint source stormwater runoff. A sustainable natural habitat for wildlife is the State's management goal. Other than controlling "nuisance" populations of wildlife, e.g. Canada geese clusters, no reduction would be expected for wildlife contributions to *E. coli* loads. Domestic pet waste management is an ongoing strategy in all communities (page 8, Appendix B). The goal for nonpoint sources such as pet waste, non-discharging toilets, unknown sources and illicit discharges is their elimination. Regulated baseflow from individually permitted wastewater treatment plants, regulated stormwater discharges subject to the Phase II Stormwater General Permit, sanitary/combined sewer overflows, illicit and unknown discharges are contributing point sources. Insufficiently treated wastewater from permitted treatment plants, illicit discharges, and sanitary/combined sewer overflows are allocated 100% reduction in indicator bacteria since the goal is their elimination. Reduction of *E. coli* discharged from regulated urban runoff/storm sewers is identified as the necessary step to reduce point source loading of *E. coli*.

Critical conditions for these watersheds are identified in the TMDL (page 9, main document and Table 2, Appendix B). Summer is the critical season for increased bacterial densities in waterbodies. Warm weather conditions in water and sediment improve the survival of bacteria. Resident and migratory wildlife are more prevalent and active during the summer increasing the bacterial load. The summer season is when the designated recreational uses of waters are most critical. For waters impaired by bacteria, if the TMDL and designated uses can be achieved during the worst-case summer season, then the designated uses of the water will be met during the remainder of the year. CTDEP clearly states that, "The percent reduction TMDLs for the Naugatuck River Regional Basin are applicable each and every day until recreational use goals are attained." (page 1, main document)

Assessment:

The TMDL document explains and EPA concurs with the approach for applying the cumulative distribution function method to specific surface water bodies for the purpose of developing target indicator bacteria loading rates and in identifying sources of needed *E. coli* load reduction. EPA believes that this approach is reasonable because the factors influencing and controlling indicator bacteria impairment were well justified.

4. Load Allocations (LAs)

EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity allocated to existing and future nonpoint sources and to natural background (40 C.F.R. § 130.2(g)). Load allocations may range from reasonably accurate estimates to gross allotments (40 C.F.R. § 130.2(g)). Where it is possible to separate natural background from nonpoint sources, load allocations should be described separately for background and for nonpoint sources.

If the TMDL concludes that there are no nonpoint sources and/or natural background, or the TMDL recommends a zero load allocation, the LA must be expressed as zero. If the TMDL recommends a zero LA after considering all pollutant sources, there must be a discussion of the reasoning behind this decision, since a zero LA implies an allocation only to point sources will result in attainment of the applicable water quality standard, and all nonpoint and background sources will be removed.

Load Allocations (LAs) for the fourteen segments that make up the Naugatuck River Regional Basin are summarized in Table 6 and calculated in Appendices A-1 through A-6. Using the cumulative distribution function method, the percent reduction needed to achieve indicator bacteria criteria from unregulated nonpoint source discharges is assigned to the LA (pages 7-8, Appendix B). CTDEP uses dry weather data to reflect these unregulated nonpoint source discharges. “Dry” data is collected at any time when precipitation is less than 0.1” per 24 hours, 0.25” per 48 hours, or 2.0” per 96 hours (page 12, Appendix B). The TMDL summaries for the Naugatuck River, Great Brook, Steele Brook, Mad River, Hop Brook, and Long Meadow Pond Brook (Appendices A-1 through A-6) identify domestic animal and wildlife waste as likely contributing to the LA. The LA is based on the average bacteria loading reduction needed in unregulated nonpoint sources to comply with the criteria. The Load Allocations (Table 6, main document) are:

<u>Waterbody</u>	<u>Segment ID Number</u>	<u>Dry Weather</u>	
		<u>Load Allocation</u>	<u># of Dry Samples</u>
		<u>Avg. % Reduction</u>	
<u>Naugatuck River:</u>	CT 6900-00_06	33% at site 196	15
	CT 6900-00_05	10% at site 198	15
	CT 6900-00_04	41% at site 1029	15
	CT 6900-00_03	70% at site 204	15
	CT 6900-00_02	56% at site 192	15
	CT 6900-00_01-top	57% at site 213	14
	-mid	65% at site 214	15
<u>Steele Brook:</u>	CT 6912-00_02	86% at site 331	15
	CT 6912-00_01	87% at site 514	15
<u>Great Brook:</u>	CT 6900-22_01	86% at site 91	15
<u>Mad River:</u>	CT 6914-00_03a	68% at site 874	15
	CT 6914-00_02	83% at site 159	15
	CT 6914-00_01	83% at site 159	15
<u>Hop Brook:</u>	CT 6916-00-01	14% at site 1479	12
<u>Long Meadow Pond Brook:</u>	CT 6917-00_01	80% at site 1478	11

Assessment:

EPA concludes that the TMDL document sufficiently addresses the calculation of the load allocations.

5. Wasteload Allocations (WLAs)

EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to existing and future point sources (40 C.F.R. § 130.2(h)). If no point sources are present or if the TMDL recommends a zero WLA for point sources, the WLA must be expressed as zero. If the TMDL recommends a zero WLA after considering all pollutant sources, there must be a discussion of the reasoning behind this decision, since a zero WLA implies an allocation only to nonpoint sources and background will result in attainment of the applicable water quality standard, and all point sources will be removed.

In preparing the wasteload allocations, it is not necessary that each individual point source be assigned a portion of the allocation of pollutant loading capacity. When the source is a minor discharger of the pollutant of concern or if the source is contained within an aggregated general permit, an aggregated WLA can be assigned to the group of facilities. But it is necessary to allocate the loading capacity among individual point sources as necessary to meet the water quality standard.

The TMDL submittal should also discuss whether a point source is given a less stringent wasteload allocation based on an assumption that nonpoint source load reductions will occur. In such cases, the State/Tribe will need to demonstrate reasonable assurance that the nonpoint source reductions will occur within a reasonable time.

Waste Load Allocations (WLAs) for the water bodies are summarized in Table 6 (main document) and calculated in Appendices A-1 through A-6. Using the cumulative distribution function method, the percent reduction needed to achieve Water Quality Criteria from regulated point source discharges is assigned to the WLA. CTDEP uses wet weather data to reflect these regulated point source discharges. “Wet” data is collected when precipitation is greater than 0.1” per 24 hours, 0.25” per 48 hours, or 2.0” per 96 hours (page 12, Appendix B). The WLA is based on the average bacteria loading reduction needed in regulated point source loadings to comply with the criteria (pages 7 and 8, Appendix B). There are 8 individually permitted municipal point source discharges to the Naugatuck River (page 5, main document). The permits require disinfection during the summer season. These municipal waste water treatment plants have all been in compliance with their NPDES permits and are not considered to contribute a significant amount of indicator bacteria to the watershed. Three metal-finishing facilities hold individual permits for discharge to the basin. Their discharges are not considered to contribute a significant load *E. coli*. There are 139 MS4 industrial and commercial discharges in the Naugatuck River basin. These discharges are considered potential sources of indicator bacteria. Many of these MS4 discharges of stormwater are contributing factors in the WLA. CTDEP has identified five stormwater discharge pipes during site surveys that are sources of elevated *E. coli*. These identified sources (Table 4, main document) will be targeted for elimination. The Waste Load Allocations (Table 6, main document) are:

<u>Waterbody</u>	<u>Segment ID Number</u>	<u>Wet Weather</u>	
		<u>Waste Load Allocation</u>	<u># of Wet Samples</u>
		<u>Avg. % Reduction</u>	
<u>Naugatuck River:</u>	CT 6900-00_06	47% at site 196	11
	CT 6900-00_05	15% at site 198	11
	CT 6900-00_04	52% at site 1029	11
	CT 6900-00_03	79% at site 204	11
	CT 6900-00_02	67% at site 192	11
	CT 6900-00_01-top	69% at site 213	11

<u>Naugatuck River:</u>	CT 6900-00_01-mid	71% at site 214	11
<u>Steele Brook:</u>	CT 6912-00_02	88% at site 331	11
	CT 6912-00_01	89% at site 514	11
<u>Great Brook:</u>	CT 6900-22_01	94% at site 91	10
<u>Mad River:</u>	CT 6914-00_03a	71% at site 874	10
	CT 6914-00_02	85% at site 159	10
	CT 6914-00_01	85% at site 159	10
<u>Hop Brook:</u>	CT 6916-00-01	29% at site 1479	9
<u>Long Meadow Pond Brook:</u>	CT 6917-00_01	86% at site 1478	9

Assessment:

EPA concludes that the TMDL document sufficiently addresses the calculation of the waste load allocations.

6. Margin of Safety (MOS)

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

An implicit Margin of Safety (MOS) is relied upon in the TMDL report (Table 6 and page 9, main document). EPA’s indicator bacteria criteria, adopted by CT and used in this TMDL analysis, were developed from data taken at high use bathing beaches with identified human fecal contamination. The Naugatuck River, Great Brook, Steele Brook, Mad River, Hop Brook, and Long Meadow Pond Brook do not include swimming areas, so swimming is not expected or encouraged by the State. The water quality criterion of a single sample maximum of 576 colonies/100 ml is only applicable to those waters without swimming beaches. Reliance upon data from EPA’s targeted impaired swimming beaches to assess the data from these CT waters is a conservative comparison. Potential sources of contamination of these waters (Table 2, main document and TMDL summaries in Appendices A-1 through A-6) are primarily not from human fecal matter, but from stormwater runoff.

The analytical methodology (page 9, Appendix B) offers additional factors contributing to a MOS that are inherent to the cumulative distribution function method. Sample results from waters with lower levels of bacteria as compared to the bacteria criteria are assigned a percent reduction equal to zero. A negative value would suggest that the water could assimilate

additional bacteria and still meet the criteria. Assigning a zero percent reduction is more conservative. Another factor is that compliance with CT's MS4 Permit requires elimination of high loading sources (illegal connections, dry weather storm sewer overflows, etc). This permit, separate from the TMDL, will greatly reduce bacteria loading to these waters. Best Management Practices (BMPs), whether implemented for wet or dry weather sources, will also add to the MOS. BMPs designed to target a particular weather condition will most often contribute to load reductions during all conditions.

Assessment:

EPA concludes that the implicit margin of safety for the TMDL is acceptable.

7. Seasonal Variation

The statute and regulations require that a TMDL be established with consideration of seasonal variations. The method chosen for including seasonal variations in the TMDL must be described (CWA § 303(d)(1)(C), 40 C.F.R. § 130.7(c)(1)).

The TMDL relies upon samples obtained during the summer recreational season which runs from May 1 to September 30 (page 9, Appendix B). Bacteria densities are highest during warm months (page 9, main document). Summer months with warm temperatures provide an optimal environment for survival of bacteria colonies. Data taken during the recreational season therefore represents “worst-case” conditions. Restoring designated uses during the summer will ensure that uses are met for the remainder of the year.

Restricting data to samples taken during the warm months is therefore conservative and an acceptable approach to considering seasonal variation.

Assessment:

Since the other seasons are less sensitive to loading of indicator bacteria, EPA concludes that the TMDL is protective of all seasons throughout the year.

8. Monitoring Plan for TMDLs Developed Under the Phased Approach

EPA's 1991 document, Guidance for Water Quality-Based Decisions: The TMDL Process (EPA 440/4-91-001), and EPA's 2006 guidance, Clarification Regarding “Phased” Total Maximum Daily Loads, recommend a monitoring plan when a TMDL is developed using the phased approach. The guidance indicates that a State may use the phased approach for situations where TMDLs need to be developed despite significant data uncertainty and where the State expects that the loading capacity and allocation scheme will be revised in the near future. EPA's guidance provides that a TMDL developed under the phased approach should include, in addition to the other TMDL elements, a monitoring plan that describes the additional data to be collected and a scheduled timeframe for revision of the TMDL.

Because this TMDL is not a “phased” TMDL, a monitoring plan is not required in order to assure that data is available for updating the TMDL in the near future. Nevertheless, in order to assess the progress in obtaining the TMDLs' water quality goals, CTDEP has recommended that

the municipalities establish a water quality monitoring program consistent with the Comprehensive Wastewater Management Planning process and implementation of the TMDL. The State outlines a comprehensive water quality monitoring program necessary to identify sources, track improvement and document attainment of water quality criteria (pages 11-13, main document).

The TMDL presents recommendations as to how these communities can implement successful water quality monitoring programs. Analytical parameters and methods required by the MS4 Permit are listed in the TMDL (page 12, main document). Stormwater monitoring has been a requirement for MS4 communities since 2004 (page 11, main document). The required monitoring is scheduled to take place during stormwater runoff events. Municipalities have the option, however, to request that CTDEP approve an alternate sampling plan of equivalent or greater scope. A fixed station ambient water quality monitoring program is recommended by CTDEP to most effectively assess BMP implementation. CTDEP commits to investigating funding sources for local communities and to providing educational and technical assistance (page 13, main document).

The cumulative distribution function method is not a tool that will be used to assess use attainment status of the water as it relates to listing or delisting of a waterbody on the 303(d) List (page 1, Appendix B). Monitoring data, the CT CALM, and CT Water Quality Standards will guide the assessment of designated use attainment.

Assessment:

EPA New England concludes that the anticipated monitoring by and in cooperation with CTDEP is sufficient to evaluate the adequacy of the TMDL and attainment of water quality standards, although not a required element for TMDL approval.

9. Implementation Plans

On August 8, 1997, Bob Perciasepe (EPA Assistant Administrator for the Office of Water) issued a memorandum, "New Policies for Establishing and Implementing Total Maximum Daily Loads (TMDLs)," that directs Regions to work in partnership with States/Tribes to achieve nonpoint source load allocations established for 303(d)-listed waters impaired solely or primarily by nonpoint sources. To this end, the memorandum asks that Regions assist States/Tribes in developing implementation plans that include reasonable assurances that the nonpoint source load allocations established in TMDLs for waters impaired solely or primarily by nonpoint sources will in fact be achieved. The memorandum also includes a discussion of renewed focus on the public participation process and recognition of other relevant watershed management processes used in the TMDL process. Although implementation plans are not approved by EPA, they help establish the basis for EPA's approval of TMDLs.

CTDEP presents a plan for how the TMDLs for the Naugatuck River, Great Brook, Steele Brook, Mad River, Hop Brook, and Long Meadow Pond Brook will be effectively implemented (pages 9 through 11, main document). Effective nonpoint source watershed management and NPDES stormwater management plans are highlighted as the primary mechanisms by which nonpoint and point sources of *E. coli* will be reduced. DEP's watershed coordinator will provide technical and educational assistance for nonpoint source management, as well as help investigate funding sources for local communities. Stormwater Management Plans required by

Connecticut's NPDES MS4 Permit will address minimum control measures and BMPs appropriate to regulated stormwater management. Municipalities are required by Section 6 (K) of the MS4 permit to amend their Stormwater Management Plans within four months of this EPA approval to implement the TMDL (page 10, main document). References to specific EPA and CTDEP guidance on BMP implementation are suggested to assist the municipalities.

Assessment:

CT DEP has addressed the implementation plan, although it is not required. EPA is taking no action on the implementation plan.

10. Reasonable Assurances

EPA guidance calls for reasonable assurances when TMDLs are developed for waters impaired by both point and nonpoint sources. In a water impaired by both point and nonpoint sources, where a point source is given a less stringent wasteload allocation based on an assumption that nonpoint source load reductions will occur, reasonable assurance that the nonpoint source reductions will happen must be explained in order for the TMDL to be approvable. This information is necessary for EPA to determine that the load and wasteload allocations will achieve water quality standards.

In a water impaired solely by nonpoint sources, reasonable assurances that load reductions will be achieved are not required in order for a TMDL to be approvable. However, for such nonpoint source-only waters, States/Tribes are strongly encouraged to provide reasonable assurances regarding achievement of load allocations in the implementation plans described in section 9, above. As described in the August 8, 1997 Perciasepe memorandum, such reasonable assurances should be included in State/Tribe implementation plans and "may be non-regulatory, regulatory, or incentive-based, consistent with applicable laws and programs."

The State of Connecticut has statutory and regulatory authority to support implementation of this TMDL. Eight municipal wastewater treatment plants are located within the Naugatuck River Regional Basin. The municipal treatment plants point sources are currently regulated by NPDES permits that require disinfection of their effluent to reduce indicator bacteria below levels of concern (page 5, main document). The municipal discharges of treated and disinfected wastewater are allocated no reduction in the Waste Load Allocation, as present NPDES regulations are in effect.

The three industrial wastewater point sources are metal finishing facilities (page 5, main document). These discharges are not considered potential sources of indicator bacteria and consequently are not allocated a reduction in the Waste Load Allocation. These three facilities are, however, included in TMDL for whole effluent toxicity that was approved by EPA on August 17, 2005. The toxicity issue is unrelated to any elevated levels of indicator bacteria in the watershed.

Connecticut's MS4 Permit provides assurance that reductions in *E. coli* loading will occur in urban point sources of stormwater through continued implementation of the NPDES Program. These point sources are reflected in the TMDL analysis within the WLA. The MS4 permit for regulated stormwater discharges requires that communities identify minimum control measures in a Stormwater Management Plan that is submitted to CTDEP. Six minimum control measures that must be included are listed. The control measures must include identification of appropriate

BMPs and a schedule for implementation before January 8, 2009 (page 10, main document). The MS4 permit is a legally enforceable mechanism by which CTDEP can mandate, if necessary, that communities reduce stormwater point source discharges of bacteria (page 13, main document).

Nonpoint source loading from unregulated sources are partitioned into the LA for these TMDLs (page 8, Appendix B). The TMDL report states that DEP's watershed coordinator will provide assistance to local municipalities and stakeholders as part of the DEP's nonpoint source program. BMPs that address nonpoint sources are highlighted for consideration within local watershed management plans (page 11, main document). Suggested nonpoint source BMPs for the Naugatuck River Regional Basin are nuisance wildlife control plans and pet waste ordinances.

EPA concludes that the TMDL report offers reasonable assurances that the TMDLs will be implemented.

Assessment:

Reasonable assurance is not necessary for this TMDL to be approvable, since the point sources are not given less stringent wasteload allocations based on projected nonpoint source load reductions. CTDEP has provided reasonable assurance that water quality standards will be met.

11. Public Participation

EPA policy is that there must be full and meaningful public participation in the TMDL development process. Each State/Tribe must, therefore, provide for public participation consistent with its own continuing planning process and public participation requirements (40 C.F.R. § 130.7(c)(1)(ii)). In guidance, EPA has explained that final TMDLs submitted to EPA for review and approval must describe the State/Tribe's public participation process, including a summary of significant comments and the State/Tribe's responses to those comments. When EPA establishes a TMDL, EPA regulations require EPA to publish a notice seeking public comment (40 C.F.R. § 130.7(d)(2)).

Inadequate public participation could be a basis for disapproving a TMDL; however, where EPA determines that a State/Tribe has not provided adequate public participation, EPA may defer its approval action until adequate public participation has been provided for either by the State/Tribe or by EPA.

Interested parties and communities were notified of the public comment period by a published *Notice of Intent to Adopt A Total Daily Maximum Load Analysis for the Naugatuck River Regional Basin located in Litchfield and New Haven Counties, Connecticut*. The notice was published in the *Waterbury Republican-American* on January 24, 2008. The notice was also mailed to interested parties on CTDEP's mailing list. Written comments were received prior to the end of the public comment period on February 20, 2008 from EPA New England and a representative of the Pomperaug/Naugatuck Chapter of Trout Unlimited. Comments were addressed in the response to comments prepared by CTDEP. Copies of the public notice, the mailing list, and the response to public comments were submitted to EPA along with the TMDL. CTDEP recognizes that participation by the public is a necessity when resolving water quality impairments in the State (page 2, main document).

Assessment:

EPA concludes that CTDEP has involved the public during the development of the TMDL, has provided adequate opportunities for the public to comment on the TMDL, and has provided reasonable responses to the public comments.

12. Submittal Letter

A submittal letter should be included with the TMDL analytical document, and should specify whether the TMDL is being submitted for a technical review or is a final submittal. Each final TMDL submitted to EPA must be accompanied by a submittal letter that explicitly states that the submittal is a final TMDL submitted under Section 303(d) of the Clean Water Act for EPA review and approval. This clearly establishes the State/Tribe's intent to submit, and EPA's duty to review, the TMDL under the statute. The submittal letter, whether for technical review or final submittal, should contain such information as the name and location of the waterbody, the pollutant(s) of concern, and the priority ranking of the waterbody.

The letter of submission accompanying the final TMDL for Recreational Uses of the Naugatuck River Regional Basin is dated May 15, 2008. The letter specifies that the TMDL report was established as final on May 6, 2008. CTDEP clearly states that the Final TMDL report has been submitted to EPA for approval in accordance with Section 303(d) of the Clean Water Act. The submittal letter along with the attached public notice provide all the required identifying information for the Naugatuck River Regional Basin.

Assessment:

CTDEP's letter of May 15, 2008 states that the TMDL is being formally submitted for EPA review and approval.

Data for entry in EPA's National TMDL Tracking System							
TMDL Name *		Naugatuck River Regional Basin (14 segments)					
Number of TMDLs*		14					
Type of TMDLs*		Bacteria					
Number of listed causes (from 303(d) list)		14					
Information/prevention TMDLs, Y/N? (#)		N					
Lead State		CT					
TMDL Status		Final					
Individual TMDLs listed below							
<i>TMDL sub-embayments systems and segment names</i>	<i>TMDL Segment ID #</i>	<i>TMDL Pollutant ID# & name</i>	<i>TMDL Impairment Cause(s)</i>	<i>Pollutant endpoint (sampling location number) % reduction needed in E. coli</i>	<i>Unlisted?</i>	<i>NPDES Point Source & ID#</i>	<i>Listed for something else?</i>
Naugatuck River, segment 06	CT 6900-00_06	E. coli (227)	Indicator bacteria	(at 196) - 39%		Torrington WPCF CT0100579 Thomaston WPCF CT0100781	
Naugatuck River, segment 05	CT 6900-00_05	E. coli (227)	Indicator bacteria	(at 198) - 12%			
Naugatuck River, segment 04	CT 6900-00_04	E. coli (227)	Indicator bacteria	(at 1029) - 45%			Yes, impairment unknown
Naugatuck River, segment 03	CT 6900-00_03	E. coli (227)	Indicator bacteria	(at 204) - 74%		Waterbury WPCF CT0100625	Yes, impairment unknown

Naugatuck River, segment 02	CT 6900-00_02	E. coli (227)	Indicator bacteria	(at 192) - 61%		Naugatuck WPCF CT0100641 Beacon Falls WPCF CT0101061	Yes, impairment unknown
Naugatuck River, segment 01	CT 6900-00_01	E. coli (227)	Indicator bacteria	(at 213) - 62% (at 214) - 67%		Seymour WPCF CT0100501 Ansonia WPCF CT0100013 Derby WPCF CT0100161	Yes, impairment unknown
Steele Brook, segment 02	CT 6912-00_02	E. coli (227)	Indicator bacteria	(at 331) - 87%			Yes, impairment unknown and iron
Steele Brook, segment 01	CT 6912-00_01	E. coli (227)	Indicator bacteria	(at 514) - 88%			
Great Brook	CT 6900-22_01	E. coli (227)	Indicator bacteria	(at 91) - 89%			
Mad River, segment 03a	CT 6914-00_03a	E. coli (227)	Indicator bacteria	(at 874) - 69%			Yes, impairment unknown
Mad River, segment 02	CT 6914-00_02	E. coli (227)	Indicator bacteria	(at 159) - 84%			Yes, impairment unknown
Mad River, segment 01	CT 6914-00_01	E. coli (227)	Indicator bacteria	(at 159) - 84%			Yes, impairment unknown

Hop Brook	CT 6916-00-01	E. coli (227)	Indicator bacteria	(at 1479) - 21%			
Long Meadow Pond Brook	CT 6917-00_01	E. coli (227)	Indicator bacteria	(at 1478) - 83%			
TMDL Type		Nonpoint and MS4 Point Source					
Establishment Date (approval)*		Jun 4 , 2008					
EPA Developed		No					
Towns Affected *		Norfolk, Winchester, Goshen, Torrington, Litchfield, Harwinton, Morris, Thomaston, Plymouth, Watertown, Wolcott, Waterbury, Prospect, Middlebury, Naugatuck, Oxford, Beacon Falls, Bethany, Seymour, Ansonia, and Derby					