

June 1, 2001

Robert Smith, Chief  
Water Bureau/Standards and Planning Division  
Connecticut Department of Environmental Protection  
79 Elm Street  
Hartford, CT 01606

Dear Mr. Smith:

Thank you for the submittal of *A Total Maximum Daily Load Analysis of the Upper Willimantic River, Stafford, Connecticut*. This surface water is included on Connecticut's 1998 303(d) list and was targeted for TMDL development by April 1st, 2000. This Total Maximum Daily Load (TMDL) analysis was developed to address the aquatic life support impairment in the upper Willimantic River due to copper, lead, and zinc.

The U.S. Environmental Protection Agency New England (EPA New England) hereby approves Connecticut's final TMDL analysis for the upper Willimantic River, received by EPA New England on May 3, 2001. We have determined that the Willimantic River TMDLs for copper, lead and zinc meets the requirements of §303(d) of the Clean Water Act (CWA), and EPA's implementing regulations (40 CFR Part 130).

The final submittal includes all the required elements of a TMDL; loading capacity, load allocations, waste load allocations, margin of safety seasonal variation, and public participation process. Consistent with EPA policies, the submittal also includes an implementation plan addressing the primary source contributing to the impairment. In addition, Connecticut DEP has provided reasonable assurances that the necessary controls will be implemented in a timely manner.

We recognize the future benefits of these TMDLs for the aquatic life in the upper Willimantic River. My staff and I look forward to continued cooperation with Connecticut DEP in exercising our shared responsibility to implement the requirements under Section 303(d) of the CWA. We would also like to thank Chris Bellucci of your staff for his dedication to developing and completing these TMDLs. If you have any questions or comments regarding the attached approval documentation, please contact me at (617) 918-1500, or Ms. Jeanne Voorhees at (617) 918-1686.

Sincerely,

Susan Studlien, Acting Director  
Office of Ecosystem Protection

Enclosure

cc: Tom Morrissey, CT DEP  
Fred Banach, CT DEP  
Lee Dunbar, CT DEP  
Chris Bellucci, CT DEP

Ron Manfredonia, EPA  
Ann Williams, EPA  
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Roger Janson, EPA

# EPA NEW ENGLAND'S APPROVAL DOCUMENTATION FOR CT DEP'S UPPER WILLIMANTIC RIVER TMDL ANALYSIS

EFFECTIVE DATE: June 1, 2001

## 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.

*Connecticut Department of Environmental Protection (CT DEP) submitted **Total Maximum Daily Load Analysis of the Upper Willimantic River, Stafford, Connecticut** (received May 3, 2001) requesting EPA New England's review and approval of TMDLs for copper, lead and zinc. The TMDL submission includes the following documents:*

- *Submittal letter dated April 27, 2001 and received by EPA New England May 3, 2001*
- *Total Maximum Daily Load Analysis of the Upper Willimantic River, Stafford CT (April 25, 2001)*
- *Notice of Intent to Adopt a Total Maximum Daily Analysis of the Upper Willimantic River, Stafford CT*
- *CT DEP support document, Establishing critical conditions in support of the Willimantic River TMDL*
- *CT DEP support document, Estimating Load Allocations for the Willimantic River TMDL*
- *Public Comment Letters: Windham Region Council of Governments and Town of Stafford*

### 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 which are required by regulation. The TMDL submittal should also contain a description of any important assumptions made in developing the TMDL, such as: (1) the 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.

***a. Description of Waterbody, Pollutant(s) of Concern and Priority Ranking***

*The final TMDL submittal (pages 2-4) describes the Willimantic River and its watershed. Figure 1 locates the watershed and subwatersheds of the Willimantic River, and figure 2 identifies the segment of the river for which the TMDLs have been developed. The final TMDL submittal identifies the Willimantic River as it appears on the 1998 303(d) list (page 1-2), the pollutants of concern (copper, lead, and zinc) and the priority ranking of the river for the development of TMDLs.*

***b. Description of Point Source(s): location and magnitude***

*The sole point source of pollution in this impaired segment is the Stafford Publicly Owned Treatment Works (POTW). Consequently, this point source is identified as contributing 100% of the existing point source load for copper, lead and zinc. There are no contributions from upstream point sources. In fact, above the Stafford POTW, instream data reveals that copper, lead, and zinc are below criteria. This point source is adequately described (pages 4 and 11) and its location identified in Figure 2.*

*Based on a review of the Aquatic Toxicity Monitoring Reports submitted by the Stafford POTW, and calculations using the ATMR data, CT DEP determined that there was a high probability of the POTW to cause the receiving water to exceed criteria for copper, lead, and zinc.*

***c. Description of Nonpoint Sources(s): location and magnitude***

*Nonpoint sources and natural background levels of pollutants are unknown (page 9). The final TMDLs estimated the combined contribution of nonpoint sources and background levels of each pollutant by multiplying an estimated concentration of each metal by a critical stream flow condition (7Q10). The estimation of the load allocations provides additional details for nonpoint source and natural background levels in section four of this document.*

*The final TMDL submittal has distinguished between point and nonpoint sources of copper, lead and zinc, to the extent practicable. EPA New England recognizes that, to date, potential discharges from storm water are unknown, and if identified it would not likely be feasible to distinguish between storm water loadings from point source storm water discharges and nonpoint source runoff because of the overlap that exists between these two source categories. Thus, it is possible that the overall nonpoint source load provided in this TMDL includes copper, lead and zinc delivered through potential point source storm water discharges (also, see section 4 below).*

## **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 antidegradation policy. Such information is necessary for EPA's review of the load and wasteload allocations which 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.

*The final TMDL submittal (pages 6-7) includes an adequate description of the applicable water quality standards, including the designated uses, and the applicable numeric criteria for copper, lead and zinc (Table 1). The Willimantic River is designated as Class B for its entire length. As described in the final TMDL submittal, Class B includes designated uses for recreational use; fish and wildlife habitat; agricultural and industrial supply; and other legitimate uses including navigation. Also, Class B includes a narrative standard for benthic invertebrates inhabiting lotic waters.*

*The applicable numeric criteria for copper, lead, and zinc, are identified in Table 1 (page 6) including acute and chronic criteria. CT DEP included an explanation of the frequency of acceptable exceedances for copper, lead and zinc.*

## **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 which 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.

#### **a. Loading Capacity**

*The loading capacity (LC) for copper, lead and zinc are identified in Table 3 (page 10). Individual LC calculations and results appear in Attachments 1-3 for each pollutant. The LC calculations for each pollutant were performed using a steady-state water quality model under critical low flow conditions. Loading capacities were calculated by multiplying the waterbody’s critical low flow (equal to the 7Q10 flow plus the minimum monthly average low flow from the POTW) by the adopted numeric criteria. The loadings are expressed in mass-per-time (grams/day for all pollutants).*

*Based on this approach, and review of attachments 1 - 3, EPA New England believes the LCs are sufficient to meet water quality standards because the individual LC calculations were applied to achieve consistency with criteria under critical low flow conditions.*

#### **b. Critical Conditions**

*The steady-state model calculated the TMDLs for each pollutant under critical conditions that represent the worst-case assumptions for flow (7Q10). CT DEP appropriately defined the critical condition for the low flow event as the seven day, ten year low flow. Critical 7Q10 flows used in the development of the TMDLs appear in Table 2 of the TMDL document (page 9). This approach is consistent with CT’s water quality standards (1997), in which the 7Q10 represents the minimum low flow to which criteria apply. As described in the TMDL, and consistent with CT’s water quality standards, the application of the U.S. Geological Survey method of Cervione et. al. (1982) was used to calculate the critical 7Q10 conditions.*

*EPA New England agrees that the calculated 7Q10 is the expected critical condition that would provide the necessary capacities to protect water quality, and meet water quality standards. Further, this approach is consistent with CT DEPs water quality standards, in particular standard number eleven.*

#### **c. Assumptions**

*The application of the steady-state model included assumptions regarding the fate of pollutants after discharge to the Willimantic River and flow condition. The model assumed pollutants behave conservatively after discharge to the river. Specifically, the model assumed that all*

*metals were present in the dissolved phase without adsorption to particulates and the absence of attenuation, except that which occurs through dilution. Applying this assumption will could result in an overestimation of downstream concentrations since adsorption and attenuation will actually occur.*

#### ***d. Strengths and Weaknesses***

*The assumptions regarding the chemical phase of copper, lead and zinc (e.g. dissolved) and ultimate fate of these metals after discharge to the Willimantic River represent a conservative approach used in the model and can be considered as strengths in the analysis. Connecticut DEP considered that copper, lead and zinc are in the most toxic, bioavailable form (e.g. dissolved), and that no attenuation, except through dilution, would occur. If in-stream data were collected, it would be expected that some portion of the discharged metals would not be bioavailable, and that some portion would be attenuated through natural processes. Rather than expending resources and time to collect in-stream data that could be used to predict the quantity of each metal that is dissolved, or adsorbed to particulate, or be used to determine attenuation, Connecticut DEP chose a simple and conservative approach to ensure the likelihood that water quality standards will be attained.*

#### **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.

*The LAs for copper, lead, and zinc, appear on pages 9-11, Table 3 and in Attachments 1-3 of the TMDL submittal. Load allocations were calculated by multiplying the critical stream flow under 7Q10 natural conditions by an estimated concentration of each pollutant. Estimated concentrations were obtained by CT DEP ambient water monitoring field staff from October 1999 to October 2000. Estimated concentrations were obtained by a limited number of instream measures of each pollutant occurring from October 1999 to October 2000. EPA New England agrees with this approach given the absence of upstream point contributions of these metals. Also, this approach is justified given that the contribution of the LA during the critical 7Q10*

*condition is likely to be minor in comparison to the point source contribution, the Stafford POTW (TMDL 11). Applying an estimated concentration for these pollutants was necessary because actual contributions from both nonpoint sources and natural background are unknown in the Willimantic River. EPA New England agrees that this approach for estimating nonpoint source contributions and natural background levels is reasonable because it represents a practical estimation of pollutant concentrations using the best available data.*

*As previously discussed in Section 1.c. of this approval document, the final TMDL submittal has distinguished between point and nonpoint sources of copper, lead and zinc, to the extent practicable. EPA New England recognizes that, to date, potential discharges from storm water are unknown, and if identified it would not likely be feasible to distinguish between storm water loadings from point source storm water discharges and nonpoint source runoff because of the overlap that exists between these two source categories. Thus, it is possible that the overall nonpoint source load provided in this TMDL includes copper, lead and zinc delivered through potential point source storm water discharges.*

*Under the TMDL regulations, wasteload allocations are required to be developed for point sources subject to the NPDES permit program. Discharges that are not subject to the NPDES permit program, such as certain storm water discharges, are not clearly required to be assigned wasteload allocations. Consequently, a state may in its discretion assign either WLAs or LAs to such discharges. In this case, CT DEP elected to include natural background, nonpoint source(s), and any potential storm water contributions in the LA. This approach is appropriate when meaningful data is unavailable to distinguish between natural background and nonpoint sources (including potential storm water sources), and in such cases, when the primary source of pollutants is attributed to a single point source.*

## **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.

*As discussed, the Stafford POTW is the sole (non-storm water) point source in this segment of the Willimantic River. Thus, 100 percent of the Waste Load Allocations is assigned to the POTW. WLAs were calculated by subtracting the LA from the LC. Calculations and results appear in Attachments 1-3 for each pollutant. Based on our review of the TMDL and Attachments 1-3, EPA New England believes that the WLAs for each pollutant have been set at levels sufficient to attain water quality standards because appropriate criteria and critical conditions were used in the overall development of the TMDL.*

## **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.

*Connecticut DEP identifies explicit and implied MOS. Explicit MOS is identified on page 11 and calculations are provided in Attachments 1-3. At each modeling point, the sum of the LA and WLA was subtracted from the LC. In this TMDL, MOS is zero at the Stafford POTW point of discharge under critical conditions. Explicit MOS increases downstream of the POTW with increasing stream flows.*

*The assumption that copper, lead and zinc are completely dissolved and bioavailable provides implied MOS because some portion of the metals will not actually be bioavailable due to adsorption to particulate material. As stated in the TMDL document (page 12), attenuation of pollutants was assumed to occur only through dilution, and natural processes that serve to attenuate the toxicity of pollutants were not accounted for in the model. EPA New England is in agreement that some implied MOS is provided by assuming no additional in-stream attenuation of metals. It is likely that additional attenuation occurs in-stream due to sorption and settling processes, and that downstream metals concentrations could be overestimated using this approach.*

*EPA New England concludes that adequate implied MOS is provided in the TMDLs because of the conservative assumptions (e.g., no attenuation) used to establish the TMDLs. Additionally, we conclude that the LCs, corresponding WLAs and LAs, together with the conservative MOS*

*are sufficient to result in attainment of WQS. CT DEP is committed to conduct post-implementation monitoring to assess the adequacy of the assumptions used in the TMDLs. In the event that WQS are not being attained, the TMDLs will be revised accordingly (page 14).*

## **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) ).

*Seasonal variation is adequately discussed in the TMDL document (page 12). Additionally, as explained in the TMDL, since the steady state model calculations were conducted at critical 7Q10 conditions, flows higher than 7Q10 will have an increased assimilative capacity. Thus, EPA New England agrees that the TMDLs account for seasonal variation and will be protective of all seasons because they were established for critical low flow conditions when impacts from the POTW discharge would be most pronounced.*

## **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), recommends a monitoring plan when a TMDL is developed under the phased approach. The guidance recommends that a TMDL developed under the phased approach also should provide assurances that nonpoint source controls will achieve expected load reductions. The phased approach is appropriate when a TMDL involves both point and nonpoint sources and the point source is given a less stringent wasteload allocation based on an assumption that nonpoint source load reductions will occur. EPA's guidance provides that a TMDL developed under the phased approach should include a monitoring plan that describes the additional data to be collected to determine if the load reductions required by the TMDL lead to attainment of water quality standards.

*Connecticut DEP provides a discussion on the monitoring events to occur for this TMDL on page 13 in the final document. Monitoring will occur through the efforts of the Town of Stafford, through the requirements of the reissued NPDES permit, and the CT DEP. As addressed in the TMDL, monitoring will be accomplished through the Stafford POTW's NPDES permit requirement to conduct annual chronic toxicity testing performed under summer low flow conditions. Additionally, the NPDES permit will include monitoring requirements for cooper, lead and zinc.*

*Water quality monitoring and assessment, including surface water chemistry and benthic macroinvertebrate data, will be conducted by the Connecticut DEP according to the Rotating Basin Ambient Monitoring Strategy. As stated in the TMDL (page 13), benthic macroinvertebrates will be used as the primary metric to measure the progress toward meeting*

*the aquatic life support uses after the TMDL is implemented.*

*EPA New England supports the conditions of this monitoring approach because it will adequately evaluate the adequacy of the TMDLs, and the efficacy of the NPDES permit to implement conditions as specified in the TMDL document to meet water quality standards.*

## **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.

*Although implementation plans are not a required element for the development of a TMDL and its final approval, CT DEP included a basis of implementation in their TMDL document (page 13). The primary basis for implementation is provided by incorporating the WLAs for copper, lead, and zinc into the reissued NPDES permit for the Stafford POTW*

## **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 NPDES permit, once reissued with limits calculated from the WLAs for copper, lead, and zinc will be legally enforceable and offers reasonable assurances that controls will be implemented and that water quality standards will be met in the Willimantic River.*

## **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.

*Public participation for these TMDLs was achieved in accordance with CT DEP's statutes. The TMDL was noticed in the legal classified section of the Hartford Courant on March 19, 2001. During the thirty day comment period few comments were received on this TMDL (see attachments). Comments provided by EPA New England (EPA New England, March 30, 2001) were minimal and adequately addressed and accounted for in the final TMDL. The Council of Governments sent a letter (April 18, 2001) supporting the TMDL. The Town of Stafford, Water Pollution Control Authority, sent a letter (April 10, 2001) of general concurrence with the TMDL which, they noted, addressed their initial concerns previously detailed to DEP. The Town of Stafford recognizes their responsibility to investigate and evaluate the current performance of the POTW with respect to metals removal, but requested that DEP re-evaluate, and possibly, revise the TMDL based on the results of any investigations and evaluations. Connecticut DEP appropriately responded to the Town's concerns directing the Town to the TMDL (page 14) which addresses provisions for revising the TMDL.*

*EPA New England concludes that CT DEP provided reasonable opportunities for public involvement and comment. Additionally, for those comments received by Connecticut DEP reasonable responses were addressed by DEP, and where necessary, comments were incorporated into the final TMDL.*

## **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 submittal letter (dated April 27, 2001 and received by EPA New England May 3, 2001) identified the TMDL document as a final TMDL submitted under Section 303(d) of the Clean Water Act for EPA review and approval.*

## **REFERENCES**

Connecticut Department of Environmental Protection. 1997. Connecticut Water Quality Standards.

Connecticut Department of Environmental Protection. 1998. Connecticut Waterbodies not Meeting Connecticut Water Quality Standards.

EPA New England. 2001. Comments on the Proposed Total Maximum Daily Load Analysis of the Upper Willimantic River, Stafford, Connecticut (revision dated 03/19/01).