



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

SEP 29 2009

Mr. Michael J. Linder, Director
Nebraska Department of Environmental Quality
Suite 400, The Atrium
P. O. Box 98922
Lincoln, Nebraska 68509-8922

Re: Nebraska TMDL submittals

Dear Mr. Linder:

This letter responds to the submission from the Nebraska Department of Environmental Quality (NDEQ) originally received by the U. S. Environmental Protection Agency (EPA), Region 7, on April 6, 2009, of two Total Maximum Daily Load (TMDL) documents which contained TMDLs for indicator bacteria (*E. coli*). This submittal fulfills the Clean Water Act statutory requirement to develop TMDLs for impairments listed on a state's § 303(d) list. The specific impairment (water body segments and pollutant) are:

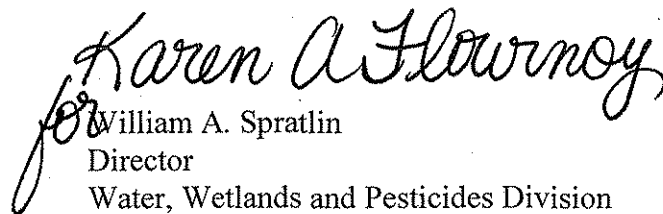
<u>Water Body Name</u>	<u>WBID</u>	<u>Pollutant(s)</u>
Elkhorn River Basin	EL1-10000	<i>E. coli</i>
Elkhorn River Basin	EL1-10900	<i>E. coli</i>
Elkhorn River Basin	EL1-20000	<i>E. coli</i>
Elkhorn River Basin	EL1-20100	<i>E. coli</i>
Elkhorn River Basin	EL3-20000	<i>E. coli</i>
Elkhorn River Basin	EL4-10000	<i>E. coli</i>
Elkhorn River Basin	EL4-20000	<i>E. coli</i>
Elkhorn River Basin	EL4-30000	<i>E. coli</i>
Papillion Creek Watershed	MT1-10100	<i>E. coli</i>
Papillion Creek Watershed	MT1-10110	<i>E. coli</i>
Papillion Creek Watershed	MT1-10111	<i>E. coli</i>
Papillion Creek Watershed	MT1-10111.1	<i>E. coli</i>
Papillion Creek Watershed	MT1-10120	<i>E. coli</i>
Papillion Creek Watershed	MT1-10200	<i>E. coli</i>

EPA has completed its review of these TMDLs with supporting documentation and information. By this letter, EPA approves the submitted TMDLs. Enclosed with this letter is the Region 7 TMDL Decision Document which summarizes the rationale for EPA's approval of the TMDLs. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutant of concern, taking into consideration seasonal variation and a margin of safety. Although EPA does not approve the monitoring plan submitted by the state, EPA acknowledges the state's efforts. EPA understands that the state may use the monitoring plan to gauge the effectiveness of the TMDLs and determine if future revisions are necessary or appropriate to meet applicable water quality standards.

The impaired use is primary contact recreation which addresses the human health criteria. Therefore, a determination was made that EPA's approval of these TMDLs is not subject to consultation under Section 7 of the Endangered Species Act with the U. S. Fish and Wildlife Service.

EPA commends NDEQ on its efforts to submit these TMDLs. We appreciate the thoughtful teamwork and partnering effort that Nebraska has put forth in the development of these TMDLs. We will continue to cooperate with and assist, as appropriate, in future efforts by Nebraska to develop remaining TMDLs.

Sincerely,


for William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Luke Zakrzewski
NDEQ