



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WW-16J

Ms. Katrina Kessler
Assistant Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Re: Addition of Waters to Minnesota's 2020 List of Impaired Waters under Clear Water Act, Section 303(d)

Dear Ms. Kessler:

The U.S. Environmental Protection Agency received the Minnesota Pollution Control Agency's (MPCA) Section 303(d) List of Impaired Waters still requiring Total Maximum Daily Loads (TMDLs), which was submitted as part of Minnesota's 2020 Integrated Report, on February 25, 2021. EPA partially approved and partial disapproved Minnesota's 2020 Section 303(d) list on March 26, 2021. Specifically, EPA disapproved Minnesota's decision not to identify certain Water Quality Limited Segments (WQLSs) for sulfate impairment because the existing and readily available data and information for those WQLSs indicate impairments for the numeric water quality criterion for sulfate.¹

EPA is identifying for inclusion on the list 30 WQLSs (Appendix 2) still requiring TMDLs under Section 303(d) of the CWA and the implementing regulations at 40 C.F.R. § 130.7. The details of EPA's action are provided in the attached Decision Document. Pursuant to 40 C.F.R. § 130.7(d)(2), EPA will issue a public notice providing for a 30-day public comment period regarding the addition of sulfate-impaired waters to Minnesota's Section 303(d) list. After considering any comments received, EPA may make revisions, as appropriate, and will transmit our listings to Minnesota.


EPA is in the process of evaluating extensive data and information received through consultation with Tribal Governments and is taking no action on other potential wild rice waters and sulfate impairments at this time. Information received to date, with relevant notes, is found in Appendices 2-4 of our Decision Document. EPA also recognizes that there may be other information in the possession of stakeholders relevant to identifying those waters subject to the "waters used for production of wild rice" beneficial use and associated water quality data. EPA will complete our analysis of the input received from Tribal Governments, along with any additional information received during this public notice and comment period and will issue a

¹ MPCA, Responses to the 2020 Draft Impaired Waters List, Public Notice Comments (February 25, 2021), p. 2 of 12 [responses to public comments 5, 6, 8, 10, 11, 13, 15, and 19]; Letter from Tera L. Fong, EPA, to Katrina Kessler, MPCA, March 9, 2021; Letter from Katrina Kessler, MPCA, to Tera L. Fong, EPA, March 15, 2021.

supplemental decision addressing any additional sulfate-impaired wild rice waters, as appropriate. If EPA identifies additional waters used for the production of wild rice for which there are sulfate impaired segments, EPA will provide an additional 30-day period for public review and comment on those WQLSs. EPA will provide the exact schedule and deadlines for receiving public comment at the time EPA publishes such notice.

EPA will share any comments received on this or any subsequent public notice of the additions to Minnesota's Section 303(d) list, and I and my staff will continue to collaborate with you and your staff as you prepare your 2022 list and address these complex issues. If you have any questions, please contact Mr. David Pfeifer, Chief, Watersheds and Wetlands Branch, at (312) 353-9024 or pfeifer.david@epa.gov.

Sincerely,

 Digitally signed by TERA
FONG
Date: 2021.04.27
19:54:16 -05'00'

Tera L. Fong
Division Director, Water Division

cc: Catherine Neuschler, MPCA
Miranda Nichols, MPCA