



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

September 28, 2022

Graham Stevens, Chief
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Dear Mr. Stevens:

Thank you for your submittal of the 2022 Clean Water Act (“CWA”) Section 303(d) list, Connecticut’s 2022 list of water bodies not meeting water quality standards. In accordance with Section 303(d) of the CWA and 40 CFR §130.7, the U.S. Environmental Protection Agency, Region 1 (EPA) conducted a complete review of Connecticut’s 2022 Section 303(d) list and supporting documentation. Based on this review, EPA has determined that Connecticut’s list of water quality limited segments still requiring total maximum daily loads (TMDLs) meets the requirements of Section 303(d) of the CWA and EPA’s implementing regulations. Therefore, by this letter, EPA hereby approves Connecticut’s 2022 Section 303(d) list.

The Section 303(d) list was submitted as Appendix B-1 of the State of Connecticut’s 2022 Integrated Water Quality Report. Appendix B-1 comprises the list of those waters for which technology-based and other required controls for point and nonpoint sources are not stringent enough to attain or maintain compliance with the state’s water quality standards. The submittal also presents Connecticut’s TMDL strategy, which describes the priority setting approach and identifies those waters for which TMDLs, alternatives, and/or protection plans will be completed and submitted during the next two years. The State’s priority ranking for action plan development, including TMDLs, for the next two years is included as Appendix C-1 of the 2022 Integrated Water Quality Report. The statutory and regulatory requirements, and EPA’s review of Connecticut’s compliance with each requirement, are described in detail in the enclosed approval document.

The Connecticut Department of Energy and Environmental Protection (“CT DEEP”) has also successfully completed a public participation process during which the public was given the opportunity to review and comment on the 2022 Section 303(d) list. EPA notes the specific outreach made to both the federally and state-recognized tribes in Connecticut. As a result of these efforts, Connecticut has considered public comments in the development of the final list. The public comments and CT DEEP’s responses to those comments were included in the State’s final submittal.

Your staff has prepared a comprehensive and informative 2022 Integrated Water Quality Report incorporating the State’s 303(d) list and has also provided EPA with supporting

documentation and assistance to aid in our review and approval. The 2022 Integrated Water Quality Report reflects the State's larger vision for addressing impaired and protecting unimpaired waters through CT's Integrated Water Resource Management process. My staff and I look forward to continued cooperation with CT DEEP in implementing the requirements under Section 303(d) of the CWA.

Please feel free to contact Mary Garren at 617-918-1322 if you have any questions about or comments on our review.

Sincerely,

/s/

Ken Moraff, Director
Water Division

Enclosure

cc:

Traci Iott, CT DEEP
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EPA REGION 1 REVIEW OF CONNECTICUT'S 2022 CWA SECTION 303(d) LIST

I. INTRODUCTION

EPA has conducted a complete review of Connecticut's (CT) 2022 Section 303(d) list and supporting documentation and information. Based on this review, EPA has determined that CT's list of water quality-limited segments (WQLSs) still requiring total maximum daily loads (TMDLs) meets the requirements of Section 303(d) of the Clean Water Act ("CWA" or "the Act") and EPA's implementing regulations. Based on this review, EPA hereby approves CT's final 2022 Section 303(d) list, included as part of the *State of Connecticut 2022 Integrated Water Quality Report (IWQR)*, dated September 26, 2022. The statutory and regulatory requirements, and EPA's review of CT's compliance with each requirement, are described in detail below.

II. STATUTORY AND REGULATORY BACKGROUND

Identification of WQLSs for Inclusion on Section 303(d) List

Section 303(d)(1) of the CWA directs states to identify those waters within its jurisdiction for which effluent limitations required by Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard, and to establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. The Section 303(d) listing requirement applies to waters impaired by point and/or nonpoint sources, pursuant to EPA's long-standing interpretation of Section 303(d).

EPA regulations provide that states do not need to list waters where the following controls are adequate to implement applicable standards: (1) technology-based effluent limitations required by the CWA, (2) more stringent effluent limitations required by state or local authority, and (3) other pollution control requirements required by state, local, or federal authority. See 40 CFR Section 130.7(b)(1).

Consideration of Existing and Readily Available Water Quality-Related Data and Information

In developing Section 303(d) lists, states are required to assemble and evaluate all existing and readily available water quality related data and information, including, at a minimum, data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate nonattainment of applicable standards; (3) waters for which water quality problems have been reported by governmental agencies, members of the public, or academic institutions; and (4) waters identified as impaired or threatened in any Section 319 nonpoint assessment submitted to EPA. See 40 CFR §130.7(b)(5). In addition to these minimum categories, states are required to consider any other data and information that is existing and readily available. EPA's 2006 Integrated Report Guidance describes categories of water quality related data and information that may be

existing and readily available. All EPA integrated reporting guidance under CWA Section 303(d), 305(b) and 314 may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>. While states are required to evaluate all existing and readily available water quality-related data and information, states may decide to rely or not rely on particular data or information in determining whether to list particular waters.

In addition to requiring states to assemble and evaluate all existing and readily available water quality-related data and information, EPA regulations at 40 CFR §130.7(b)(6) require states to include, as part of their submissions to EPA, documentation to support decisions to rely or not rely on particular data and information and decisions to list or not list waters. Such documentation needs to include, at a minimum, the following information: (1) a description of the methodology used to develop the list; (2) a description of the data and information used to identify waters; and (3) any other reasonable information requested by EPA.

Priority Ranking

EPA regulations also codify and interpret the requirement in Section 303(d)(1)(A) of the Act that states establish a priority ranking for listed waters. The regulations at 40 CFR §130.7(b)(4) require states to prioritize waters on their Section 303(d) lists for TMDL development, and also to identify those WQLSs targeted for TMDL development in the next two years. In prioritizing and targeting waters, states must, at a minimum, take in to account the severity of the pollution and the uses to be made of such waters. See Section 303(d)(1)(A). As long as these factors are taken into account, the Act provides that states establish priorities. States may consider other factors relevant to prioritizing waters for TMDL development, including immediate programmatic needs, vulnerability of particular waters as aquatic habitats, recreational, economic, and aesthetic importance of particular waters, degree of public interest and support, and state or national policies and priorities. See 57 FR 33040, 33045 (July 24, 1992), and EPA's 2006 Integrated Report Guidance and the 2006, 2009, 2010, 2011, 2013, 2015 , 2017 and 2021 memoranda and attachments.

III. REVIEW OF CT'S SECTION 303(d) SUBMISSION

The CT Department of Energy and Environmental Protection (CT DEEP) submitted the final 2022 Section 303(d) list to EPA along with a cover letter, dated September 26, 2022, requesting EPA review and approval. The integrated listing format (i.e., a combination of the state's Section 305(b) report and the state's Section 303(d) list) allows states to provide the status of all assessed waters in a single multi-part list or document. CT's 2022 IWQR can be found at: https://www.ct.gov/deep/cwp/view.asp?a=2719&q=325610&deepNav_GID=1654. The final 2022 Section 303(d) list is found in Appendix B-1 of the 2022 IWQR.

Chapter 1 of the IWQR, *Connecticut Consolidated Assessment and Listing Methodology (CT CALM)*, describes the procedure used by CT DEEP to assess the quality of the State's waters relative to attainment of CT Water Quality Standards Regulations. Chapter 2, *305(b) Assessment Results*, provides a series of figures and tables presenting the results of CT DEEP's assessment of all readily available data relating to designated use attainment in CT

waters. Chapter 3, *Waterbodies identified for restoration and protection strategies pursuant to Section 303 of the Clean Water Act*, provides additional information concerning those assessed waters that do not currently meet water quality standards. The *List of Impaired Waters for Connecticut (EPA Category 5)*, found in Appendix B-1 of the IWQR, is the State's 2022 Section 303(d) list.

States may include each waterbody or segment thereof into one or more of the following five categories as part of an IWQR; however, only waterbodies or segments placed in Category 5 (impaired by a pollutant and for which a TMDL is needed) constitute a state's Section 303(d) list:

- 1) *All designated uses are supported, no use is threatened;*
- 2) *Available data and/or information indicate that some, but not all of the designated uses are supported;*
- 3) *There is insufficient available data and/or information to make a use support determination;*
- 4) *Available data and/or information indicate that at least one designated use is not being supported or is threatened, but a TMDL is not needed;*
 - 4-A) *A state-developed TMDL has been approved by EPA or a TMDL has been established by EPA for any segment-pollutant combination;*
 - 4-B) *Other required control measures are expected to result in the attainment of an applicable water quality standard in a reasonable period of time;*
 - 4-C) *The non-attainment of any applicable water quality standard for the segment is the result of pollution and is not caused by a pollutant;*
- 5) *Available data and/or information indicate that at least one designated use is not being supported or is threatened, and a TMDL is needed; and*
 - 5-Alt) *Impaired without a TMDL completed but assigned a low priority for TMDL development because an alternative restoration approach is being pursued.*

Chapter 3 of CT's IWQR presents the State's discussion of placement of waters in specific categories and for prioritizing TMDL or TMDL alternative development for Category 5 waterbody segments and their associated impairments. The Section 303(d) list includes all waters that have been assigned to Category 5. Waters listed by CT in Appendix B-1 of the IWQR represent the State's 2022 Section 303(d) list, which states are required to submit to EPA for review and approval or disapproval. Appendix C-1 presents CT's prioritization of waters on its Section 303(d) list for action plan (TMDL, TMDL alternative, or protection plan) development over the next two years.

1.) Final 2022 State of CT Integrated Water Quality Report

CT's IWQR includes extensive information on all waters assessed in the State. All waters known or suspected not to be meeting water quality standards and in need of TMDLs have been included on the Section 303(d) list in the IWQR. Under its current listing approach, an impaired waterbody remains on CT's Section 303(d) list until it is shown that water quality standards are being attained, revision of the water quality standards support a change in assessment status, data indicates that the designated uses of the waterbody are being met,

criteria are met for its placement in Category 4, or the initial listing is confirmed as having been incorrect. TMDLs for listed waters will be completed in accordance with the schedule established, which reflects priority rankings and other relevant factors.

The IWQR specifies waters in Category 4. These are waters that are currently not meeting water quality standards but do not need a TMDL completed due to one of three reasons. Category 4 waters fall into subcategories 4-A, 4-B, or 4-C based on the reason a TMDL is not needed. Waters for which TMDLs have already been approved are listed in Category 4-A. Category 4-B includes waters for which a functionally equivalent control action has been developed, i.e., an impairment caused by a pollutant is being addressed through other pollution control requirements. Waters in Category 4-C are not attaining water quality standards; however, the cause is not associated with a pollutant. EPA reviews the Category 4 list to ensure that the waters are categorized appropriately and do not belong in Category 5. Category 4 waters are listed in Appendices B-2, B-3, and B-4 of the IWQR.

As noted above, Category 5 contains waters where available data and/or other information indicate that at least one designated use is not being supported or is threatened, and a TMDL is needed. Federal regulations in 40 CFR Section 130.7 require EPA to review and approve or disapprove the Category 5 list of impaired waters.

2.) Response to Public Comments

CT DEEP published a draft *2022 Integrated Water Quality Report* on June 6, 2022. The State's *List of Impaired Waters for Connecticut (EPA Category 5)* was included as Appendix B-1 of the draft report. The public notice alerting stakeholders of the opportunity to comment on the draft report was sent to interested parties including: citizens; conservation organizations; universities; environmental consulting firms; water supply companies; tribal nations; and federal, state, and local officials. Public notice was also posted on the CT DEEP website, as well as the agency's Facebook and Twitter accounts, and published in five newspapers throughout CT. A public informational meeting was held online via ZOOM on June 15, 2022. The public notice documents as well as the list of registrants for the public meeting were submitted along with the final IWQR. Comments were accepted from the public during the period of June 6-July 6, 2022. CT DEEP published a detailed response to comments, including links to the original comment letters, along with the final IWQR. The text of the response to comments provided a summary of the public comments and CT's responses to each question or issue raised.

CT DEEP received four written comment letters during the public comment period. Comment letters were from the CT Council on Environmental Quality, Eastern CT Conservation District, Rivers Alliance of CT, and the Manchester Water and Sewer Department. CT DEEP reviewed information provided by the commenters and made certain changes to the final IWQR based on public comment. In addition, CT DEEP provided a response to comments document to address questions raised by the public that were responsive and clarified why the State made decisions regarding the listing of certain waterbody segment/impairments in particular categories within the IWQR.

The letters received by CT DEEP during the public comment period generally raise questions or

comments regarding a variety of issues. Those issues included, but were not limited to, sampling and assessment of waterbodies, availability of data, issues of stream flow, presentation format of information within the document, overall statistics of waters in CT, and funding for monitoring of waterbodies. Many comments were outside the scope of the Section 303(d) list and specific to other areas of the IWQR.

Specific to individual waterbodies of concern to the public, CT DEEP agreed to work with local watershed groups to review data from Amos Lake, to add Avery Pond to their list of waterbodies to consider for future monitoring, and to list Indian Town Brook in Category 4-C due to altered flow regime. In response to a comment regarding the assessment status of Union Pond, CT DEEP explained the current assessment status of the pond and the relevance of the approved TMDL for the Hockanum River Regional Basin to water quality in Union Pond.

EPA has reviewed the language within CT DEEP's IWQR addressing areas of public concern as well as CT DEEP's responses to public comments. EPA concludes that CT has appropriately and adequately responded to the public comments and concerns.

IV. IDENTIFICATION OF WATERS AND CONSIDERATION OF EXISTING AND READILY AVAILABLE WATER QUALITY-RELATED DATA AND INFORMATION

EPA has reviewed the State's submission and has concluded that CT DEEP developed its 2022 Section 303(d) list in compliance with Section 303(d) of the Act and 40 CFR §130.7. EPA's review is based on its analysis of whether the State reasonably considered existing and readily available water quality related data and information and reasonably identified waters required to be listed.

CT DEEP uses sources of data and information consistent with EPA regulations and EPA's 2006 Integrated Report Guidance when conducting water quality assessments. As outlined in the IWQR, these data include:

- Results from recent ambient monitoring;
- Recent Section 305(b) reports, 303(d) lists, and 319(a) nonpoint assessments;
- Reports of water quality problems provided by local, state, territorial or federal agencies, volunteer monitoring networks, members of the public or academic institutions;
- Fish and shellfish advisories, restrictions on water sports or recreational contact;
- Reports of fish kills;
- Safe Drinking Water Act source water assessments;
- Superfund and Resource Conservation and Recovery Act reports;
- Results from predictive modeling, dilution calculations or landscape analysis; and
- Results from analysis of water quantity impacting aquatic life and other designated uses.

The primary sources of assessment information for rivers are ambient monitoring data collected by CT DEEP monitoring staff, and physical, chemical and bacteria data collected at fixed sites by the United States Geological Survey (USGS). Lake assessments and trophic status are

generally determined from studies conducted by CT DEEP, the CT Agricultural Experiment Station, USGS and Connecticut College since 1979 (Frink and Norvell, 1984; Canavan and Siver, 1995; Healy and Kulp, 1995; CT DEP, 1998) as well as recent studies by professional contractors. For estuaries, use assessments are based primarily on physical, chemical and biological monitoring by the CT DEEP Long Island Sound Study and National Coastal Assessment (Strobel, 2000), bacterial monitoring for shellfish sanitation by the CT Department of Agriculture, Bureau of Aquaculture (CT DA/BA), and bathing beach monitoring by State and local authorities. (Taken from Page 7 of the IWQR)

CT DEEP relies upon data and/or other information from many sources to assess whether a water is meeting water quality standards and maintaining the water's designated uses. These sources are outlined above. The types of data used to assess the status of a water may include but are not limited to: ambient physical and chemical, benthic invertebrate and fish community, indicator bacteria, indicators of productivity and enrichment/eutrophication, aquatic toxicity, tissue contaminant, sediment chemistry/toxicity, and effluent analysis. The data and/or other information that meets CT DEEP's minimum standard for data acceptability is then used to assess the status of the waterbody.

In order to prepare the 2022 Section 303(d) list, CT DEEP established a date by which data would be considered for this listing cycle. Data available to CT DEEP as of November 1, 2021, were relied upon for these assessments. CT DEEP uses November 1 of the year before the next Integrated Report is due as the cut-off date for data submission. Assessment data are maintained by CT DEEP in the EPA Assessment, Total Maximum Daily Load Tracking and Implementation System (ATTAINS) database, as well as other databases designed for CT DEEP use.

Waters included on the 2022 Section 303(d) list were assessed as impaired based upon failure of the water to attain its designated uses and attain water quality standards. CT's waters may be placed in multiple categories to reflect the attainment or non-attainment of different designated uses. Table 2-1 of the IWQR summarizes the status of CT's rivers, lakes, and estuarine waters.

EPA has reviewed CT's description of the data and information considered in development of the 2022 Section 303(d) list, including but not limited to the State's methodology for identifying waters, data in ATTAINS, and the CT Water Quality Standards Regulations. CT's Water Quality Standards Regulations are found at: https://portal.ct.gov/-/media/DEEP/water/water_quality_standards/wqsfinaladopted22511pdf.pdf. EPA concludes that the State properly assembled and evaluated all existing and readily available data and information, including data and information relating to the categories of waters specified in 40 CFR §130.7(b)(5).

Waterbody Segment/Impairments newly listed on CT's 2022 Section 303(d) list.

A number of additions are being made to CT's Section 303(d) list in 2022. Additions to the 2022 Section 303(d) list, Category 5 found in Appendix B-1 of the IWQR, involve a total of 15 freshwater segment/impairment causes. Among the 15 new listings, eight are recreational impairments due to E. Coli, four are habitat impairments of unknown cause, and three are habitat impairments due to Total Phosphorus.

Table 1: New waterbody segment/impairments added to CT’s 2022 Section 303(d) list (Category 5 of the IWQR)

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT3201-00_01	Bungee Brook (Woodstock)-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT3202-00_01	Still River (Eastford)-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT5112-00_03a	Farm River (North Branford)-03a	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT7109-00_01	Sasco Brook (Westport/Fairfield)-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT7301-02_01	East Branch Comstock Brook (Wilton)-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT7405-00_02	Rippowam River-02	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT6020-00_01*	Pootatuck River-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT6020-00_02	Pootatuck River-02	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT6025-00_02	Farmill River-02	Cause Unknown	Habitat for Fish, Other Aquatic Life and Wildlife
CT7401-06_01	Keelers Brook (Norwalk)-01	Cause Unknown	Habitat for Fish, Other Aquatic Life and Wildlife
CT5000-50_01	Cove River	Cause Unknown	Habitat for Fish, Other Aquatic Life and Wildlife
CT7408-02_01	Rockwood Lake Brook	Cause Unknown	Habitat for Fish, Other Aquatic Life and Wildlife
CT4403-00_03	Trout Brook-03	Phosphorus, Total	Habitat for Fish, Other Aquatic Life and Wildlife
CT7300-00_01	Norwalk River (Norwalk/Wilton)-01	Phosphorus, Total	Habitat for Fish, Other Aquatic Life and Wildlife
CT7409-00_01	Horseneck Brook-01	Phosphorus, Total	Habitat for Fish, Other Aquatic Life and Wildlife

The waterbody segment/impairments noted above were identified by new assessments during this listing cycle and were thus placed in Category 5, the Section 303(d) list.

Additionally, EPA notes that while it is not acting to approve or disapprove CT’s listing methodology set forth in its CALM, EPA has reviewed all the relevant material and concludes that the methodology CT DEEP used to develop the impaired waters list is reasonable and consistent with CT’s Water Quality Standards Regulations, the CWA, and EPA Section 303(d) regulations and guidelines.

Waterbody Segment/Impairments not listed on CT’s 2020 Section 303(d) list that were listed on CT’s 2020 Section 303(d) list.

EPA requested that CT provide a rationale for its decision not to include on its 2022 Section 303(d) list previously listed waters. As discussed below, the State has demonstrated to EPA’s satisfaction good cause for not listing those waters, consistent with 40 CFR §130.7(b)(6)(iv).

Category 5 in 2020 to Category 2 in 2022

For the 2022 Section 303(d) list cycle, CT has delisted fourteen waterbody segments/impairments that were included on the State’s 2020 Section 303(d) list. Eleven waterbody segments were listed in Category 5 in 2020 for one or more impairments and are being placed in Category 2 in 2022. One of the eleven waterbodies is being delisted for four impairments. In these waterbody segments the designated use of the waterbody segment has been restored and the water is now meeting WQS for the pollutant(s) that caused the impairment.

CT DEEP supplied to EPA up-to-date information on all the State’s waters as part of the 2022 assessment cycle. Summaries of this information can be found in the State’s IWQR. Information regarding waters in the IWQR is also available for review at EPA’s water information page for the State of CT at: <https://www.epa.gov/ct/environmental-information-connecticut#Water>. Additional information on the State of CT’s water quality monitoring program and data is available at: https://www.ct.gov/deep/cwp/view.asp?a=2719&q=325616&deepNav_GID=1654.

Table 2: Waterbody segment/impairments on CT’s 2020 Section 303(d) list (Category 5 of the IWQR) that are being delisted in 2022.

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT4300-00 01	Farmington River (Windsor)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT4311-00 01	Burlington Brook (Burlington)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT4312-00 01	Roaring Brook (Farmington)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT6025-00 04	Farmill River-04	<i>Escherichia coli (E. coli)</i>	Recreation
CT7200-00 01	Saugatuck River-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT7201-00 01	Little River (Redding)-01	<i>Escherichia coli (E. coli)</i>	Recreation

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT7203-00 01	West Branch Saugatuck River-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT7302-13 01	Belden Hill Brook (Wilton)-01	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT7403-00 03	Noroton River-03	<i>Escherichia coli</i> (<i>E. coli</i>)	Recreation
CT-C2 021	LIS CB Shore - Bayview, Milford	Fecal Coliform	Shellfishing
CT7103-00-2-L4 01	Stillman Pond	Polychlorinated Biphenyls (PCBS) in sediment	Habitat for Fish, Other Aquatic Life and Wildlife
CT7103-00-2-L4 01	Stillman Pond	Mercury in sediment	Habitat for Fish, Other Aquatic Life and Wildlife
CT7103-00-2-L4 01	Stillman Pond	Lead in sediment	Habitat for Fish, Other Aquatic Life and Wildlife
CT7103-00-2-L4 01	Stillman Pond	Cadmium in sediment	Habitat for Fish, Other Aquatic Life and Wildlife

Nine freshwater segments are now meeting their designated uses for recreation after a history of *Escherichia coli* exceedances and confirmatory sampling to document that the impairment no longer exists. The US Geological Survey, Farmington River Watershed Association, and/or Harbor Watch performed sampling for *E. coli* in each of the nine segments. Data confirms that water quality standards are being met. The geomean values of the samples at each location were far below the water quality standard for *E. coli* (less than 126/100 ml) and based upon a sufficient number of samples.

One marine segment is now meeting its designated use for shellfishing after a history of fecal coliform exceedances and confirmatory sampling to document that the impairment no longer exists. Bacteria data for shellfish assessments comes from CT Department of Agriculture/Bureau of Aquaculture. CT DEEP performs the assessments based on the Water Quality Criteria applicable to the shellfish growing area classification. Data confirms that the bacteria criteria for shellfishing waters in CT's water quality standards are being met. The geomean values of the samples in this segment were less than 14/100 ml and 90% of samples were less than 31/100ml based upon a sufficient number of samples.

Stillman Pond in Bridgeport has been in Category 5 since on or before 1998. Remington Arms Union Metallic Cartridge Company and subsequently the General Electric Company operated on the land in which Stillman Pond is located since 1915. General Electric used the site to manufacture mercury switches. CT DEEP identified the facility as a Corrective Action site regulated under the Resource Conservation and Recovery Act. Ecological risk assessment and data showed that sediment in Stillman Pond was contaminated with lead, cadmium, mercury and polychlorinated biphenyls (PCBs) that impaired the aquatic life use of the pond. Remedial activities included sediment removal in 2017 and 2018. Contaminated sediment removal was confirmed using multiple independent metrics including GPS tracking of dredge cuts, collection

and inspection of sediment cores, bathymetric surveys, and a visual inspection by a diver. Stillman Pond was restored with imported sand and gravel fill material to allow for recolonization of benthic organisms and restoration of aquatic life habitat. A detailed Sediment Remedial Action Completion Report by a CT Licensed Environmental Professional, dated January 2021, documents the site remediation under RCRA Corrective Action. CT DEEP is delisting this segment as habitat for aquatic life has been restored.

EPA has reviewed the specific bases for the delisting of these fourteen waterbody segments/impairments on the 2022 Section 303(d) list and agrees with CT DEEP that moving these listings from Category 5 is appropriate. As with all the State’s waters, if any designated use is determined to be impaired in the next listing cycle it will be fully or partially returned to Category 5 (the Section 303(d) list).

Category 5 in 2020 to Category 4-A in 2022

One waterbody segment, and its four impairments, was listed in Category 5 in 2020 and is now being placed in Category 4-A due to EPA’s approval of CT DEEP’s TMDLs for that waterbody.

Table 3: Waterbody segment/impairments on CT’s 2020 Section 303(d) list (Category 5 of the IWQR) that are being placed in Category 4-A in 2022.

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT6705-00-3-L3 01	Bantam Lake (Litchfield/Morris)	Algae	Recreation
CT6705-00-3-L3 01	Bantam Lake (Litchfield/Morris)	Chlorophyll-a	Recreation
CT6705-00-3-L3 01	Bantam Lake (Litchfield/Morris)	Total Nitrogen	Recreation
CT6705-00-3-L3 01	Bantam Lake (Litchfield/Morris)	Total Phosphorus	Recreation

Bantam Lake is being delisted from Category 5 and placed in Category 4-A for four nutrient-related impairment causes. EPA approved CT DEEP’s Statewide Lake Nutrient Total Maximum Daily Load Core Document and Appendix 1: Bantam Lake Watershed on January 25, 2022. These four segment/impairments are now appropriately placed in Category 4-A. EPA approvals of CT’s TMDLs and links to those TMDLs can be found at: <https://www.epa.gov/tmdl/region-1-approved-tmdls-state#tmdl-ct>.

EPA’s conclusion regarding review of CT DEEP’s delistings from Category 5

Appendix B-5 of the IWQR provides a full detailed reconciliation of all the changes made between the 2020 and 2022 Section 303(d) lists. For each of the waterbody

segment/impairments delisted from Category 5, EPA agrees that CT has reasonably concluded that the identified waterbody segment/impairments no longer need to be on the 2022 Section 303(d) list because the segment is now meeting water quality standards for the identified impairment or has an EPA-approved TMDL that addresses that impairment.

Other Changes Noted in CT’s 2022 IWQR

Waterbody Segments in Category 4

Waters that were listed in Category 4 in 2020 were not meeting water quality standards at that time but did not need a TMDL completed due to one of three reasons outlined above. EPA reviews the Category 4 list to ensure that the waters are categorized appropriately and do not belong in Category 5.

Waterbody Segments being removed from Category 4-A

There are fourteen segment/impairments being moved from Category 4-A in 2020 to Category 2 in 2022. Impaired waters with EPA-approved TMDLs are listed in Category 4-A and are found in Appendix B-2 of the IWQR. Fourteen segment/ impairments that were in Category 4-A (due the EPA approval of TMDLs) are being removed from Category 4-A and placed in Category 2. The segments are no longer impaired due to restoration or recovery and are now meeting their designated use.

Table 4: Waterbody segment/impairments being removed from Category 4-A and placed in Category 2 on the 2022 IWQR

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT4300-00 02	Farmington River (Bloomfield/Farmington)-02	<i>Escherichia coli (E. coli)</i>	Recreation
CT4302-00 01	Mad River (Winchester)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT4318-00 01	Hop Brook (Simsbury)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT4319-00 01b	Salmon Brook, West Branch (Granby/Hartland)-01b	<i>Escherichia coli (E. coli)</i>	Recreation
CT6900-00 02	Naugatuck River (Seymour/Waterbury)-02	<i>Escherichia coli (E. coli)</i>	Recreation
CT7105-00 03	Pequonnock River (Trumbull)-03	<i>Escherichia coli (E. coli)</i>	Recreation
CT7300-00 01	Norwalk River (Norwalk/Wilton)-01	<i>Escherichia coli (E. coli)</i>	Recreation
CT7300-00 02	Norwalk River (Wilton)-02	<i>Escherichia coli (E. coli)</i>	Recreation
CT7300-00 05	Norwalk River (Ridgefield)-05	<i>Escherichia coli (E. coli)</i>	Recreation
CT-E2 015	LIS EB Shore - Niantic Bay (Black Pt), East Lyme	Fecal Coliform	Shellfishing

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT-E2 017	LIS EB Shore - Rocky Neck (Fourmile River), Old Lyme	Fecal Coliform	Shellfishing
CT-E3 006	LIS EB Midshore - Niantic Bay	Fecal Coliform	Shellfishing
CT-E3 007	LIS EB Midshore - East Lyme, Rocky Neck	Fecal Coliform	Shellfishing
CT7302-13 trib 01	Unnamed tributary Belden Hill Brook-01	Chlorine	Habitat for Fish, Other Aquatic Life and Wildlife

Nine freshwater segments are now meeting their designated uses for recreation after a history of *E. coli* exceedances, approval of bacteria TMDLs to address the impairments, and confirmatory sampling to document that the impairments no longer exist. The US Geological Survey, Farmington River Watershed Association, and/or Harbor Watch performed sampling for *E. coli* in each of the fourteen segments. Data confirms that water quality standards are being met. The geomean values of the samples at each location were far below the water quality standard for *E. coli* (less than 126/100 ml) and based upon a sufficient number of samples.

Four marine segments in Long Island Sound are now meeting their designated use for shellfishing after a history of fecal coliform exceedances, approval of bacteria TMDLs to address the impairment in 2014, and confirmatory sampling to document that the impairment no longer exists. Bacteria data for shellfish assessments is obtained by CT Department of Agriculture/Bureau of Aquaculture and shared with CT DEEP. CT DEEP performs the assessments based on the Water Quality Criteria applicable to the shellfish growing area classification. Data confirms that the bacteria criteria for shellfishing waters in CT's water quality standards are being met. The geomean values of the samples at each location were less than 14/100 ml and 90% of samples were less than 31/100ml based upon a sufficient number of samples.

One freshwater segment is now meeting its designated use for habitat for fish, other aquatic life and wildlife after a history of chlorine exceedances, approval of a TMDL to address the impairment, and actions taken by CT DEEP to entirely cease the discharge at its source. CT DEEP worked with the facility whose laundry effluent was the source of the chlorine impacting the stream. The surface water discharge was eliminated in September 2013 and the effluent rerouted to the town sewer system for treatment at Norwalk POTW. CT DEEP performed water quality sampling in the stream during 2021 in anticipation of moving the segment/impairment to Category 2. The samples did not detect chlorine as expected.

The EPA-approved TMDLs for these waters and their approval documentation can be found at <https://www.epa.gov/tmdl/region-1-approved-tmdls-state#tmdl-ct>. The TMDLs of interest are:

- A Total Maximum Daily Load Analysis for an Unnamed Intermittent Tributary to Belden Hill Brook, Wilton, CT for chlorine, 2000;
- A Total Maximum Daily Load Analysis for the Norwalk River Regional Basin for indicator bacteria (*E. coli*), 2006;
- A Total Maximum Daily Load Analysis for Recreational Uses of the Naugatuck River Regional Basin for indicator bacteria (*E. coli*), 2008;
- A Statewide Total Maximum Daily Load Analysis for Bacteria Impaired Waters for

- indicator bacteria (Enterococcus, *E. coli*, and fecal coliform), 2012; and
- Additional Appendices to the Statewide Total Maximum Daily Load for Bacteria Impaired Waters for the estuaries of Old Saybrook/Old Lyme and East Lyme/Waterford, CT, 2014.

These waterbodies are included in the IWQR and are included here for the sake of completeness. EPA is taking no action on the waters removed from Category 4-A.

Waterbody Segments in Category 4-B

Category 4-B contains water segments with other required control measures which are expected to result in attainment of an applicable water quality standard in a reasonable period of time. No additions or removals are being made to waters in Category 4-B of the IWQR during this listing cycle.

Waterbody Segments in Category 4-C

Category 4-C contains water segments for which CT has demonstrated that the failure to meet water quality standards is not caused by a pollutant, but rather by other types of pollution. Three waters are being added to Category 4-C of the IWQR during this listing cycle.

Table 5: Waterbody segment/impairments being added to Category 4-C on the 2022 IWQR

Segment ID	Waterbody Assessment Unit Name	Parameter (Cause)	Waterbody Use
CT6013-00 01	Cobble Brook-01	Flow Regime Modification	Habitat for Fish, Other Aquatic Life and Wildlife
CT7409-00 01	Horseneck Brook	Flow Regime Modification	Habitat for Fish, Other Aquatic Life and Wildlife
CT4300-42 01	Bissell Brook	Flow Regime Modification	Habitat for Fish, Other Aquatic Life and Wildlife
CT3002-04 01	Indian Town Brook	Flow Regime Modification	Habitat for Fish, Other Aquatic Life and Wildlife

All the changes made between the 2020 and the 2022 State of Connecticut IWQR are presented in Appendix B-5 of the final 2022 IWQR.

Priority Ranking

EPA reviewed CT’s priority ranking of listed waters for TMDL development and concludes that the State properly accounted for the severity of pollution and the uses to be made of such water in establishing that ranking. The State has also identified the pollutants causing or expected to cause violations of applicable WQS. Forty CFR §130.7(b)(4) requires that “the priority ranking shall specifically include the identification of waters targeted for TMDL development in the next two years.” While CT DEEP identifies its priority waters for the next two years, EPA and CT DEEP assess yearly the State’s plans for TMDL development versus the universe of impaired

waters in the State. CT DEEP makes an annual commitment to EPA, as part of its Performance Partnership Agreement, as to the TMDLs the State will submit during the coming year and provides updates on its progress during the year. Appendix C-1 of the 2022 IWQR details the waters that have been ranked by CT DEEP as a priority for TMDL, TMDL alternative, or protection plan development by CT DEEP in the next two years. If a water is listed on the 303(d) list as impaired, it remains in Category 5 as a TMDL alternative is being pursued.

CT DEEP's Integrated Water Resource Management program

(https://www.ct.gov/deep/cwp/view.asp?a=2719&Q=580936&deepNav_GID=1654)

details the State's larger vision for addressing impaired and protecting unimpaired waters in CT. In establishing its priority ranking for development of TMDLs, as well as other action plans, CT DEEP considers factors such as ecological information, the designated use of the water, sources of potential pollution, land use conditions, existing planning efforts, and existing or potential partnerships within the watershed.

EPA concludes that CT's prioritization and identification of waters targeted for TMDL study and/or development during the next two years is reasonable and sufficient for the purposes of 40 CFR §130.7(b)(4). CT DEEP properly examined and considered the severity of pollution and uses of the listed waters, as well as other relevant factors identified in EPA regulations and described above. Further, EPA has determined that CT DEEP's priority ranking ensures reasonable progress in addressing high priority waters with challenging water quality problems (Memo from Geoffrey H. Grubbs, Supplemental Guidance on Section 303(d) Implementation, August 13, 1992).

EPA reviewed CT's identification of WQLSs targeted for development of TMDLs, as well as other action plans, in the next two years and concludes that the targeted waters are appropriate for plan development within this time frame.

Water bodies on tribal lands

EPA's approval of CT's 2022 Section 303(d) list extends to all waterbodies on the list with the exception of those waters, if any, that are within Indian Country, as defined in 18 U.S.C. Section 1151. EPA is taking no action to approve or disapprove the State's list with respect to waters within Indian country at this time. EPA, or any eligible Indian Tribe, as appropriate, will retain responsibilities under Section 303(d) for those waters. There are two Federally recognized Indian Tribes in CT. They are the Mashantucket Pequot Tribal Nation and the Mohegan Tribe.

Waters impaired by nonpoint sources of pollution

CT DEEP properly listed waters with nonpoint sources causing or expected to cause impairment, consistent with Section 303(d) and EPA guidance. Section 303(d) lists are to include all WQLSs still needing TMDLs, regardless of whether the source of the impairment is a point and/or nonpoint source. EPA's long-standing interpretation is that Section 303(d) applies to waters impacted by point and/or nonpoint sources. In 'Pronsolino v. Marcus,' the District Court for Northern District of California held that Section 303(d) of the CWA authorizes EPA to identify and establish TMDL for waters impaired by nonpoint sources. Pronsolino v. Marcus, 91 F. Supp. 2d 1337, 1347 (N.D.CA. 2000). This decision was affirmed

by the 9th Circuit court of appeals in Pronsolino v. Natri, 291 F.3d 1123 (9th Cir. 2002). See also *EPA Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Section 303(d), 305(b), and 314 of the Clean Water Act* – EPA Office of Water, July 29, 2005. Waters identified by the State as impaired or threatened by nonpoint sources of pollution were appropriately considered for inclusion on CT’s 2022 Section 303(d) list. CT DEEP properly listed waters with nonpoint sources causing or expected to cause impairment, consistent with Section 303(d) regulations and EPA guidance.

EPA concludes that CT DEEP properly considered waters identified by the State as impaired or threatened in nonpoint assessments under Section 319 of the CWA in the development of the 2022 Section 303(d) list.