

# Connecticut’s 2024 303(d) List EPA Decision Document

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## 1. Introduction

This document sets forth the U.S. Environmental Protection Agency’s (EPA) reasoning for approving Connecticut’s 2024 Clean Water Act (CWA) Section 303(d) list (303(d) list). The EPA received CT’s 2024 303(d) list on January 8, 2026, via email.

The EPA has conducted a complete review of the state’s 2024 303(d) list and supporting documentation and information, including changes from the previous 303(d) list. The 303(d) list is included as Chapter 3 of the Integrated Water Quality Report. Based on this review, the EPA has determined that the state’s 303(d) list of water quality-limited segments (WQLSs)<sup>1</sup> still requiring TMDLs (i.e., Category 5 of the state’s Integrated Report (IR)) satisfies the requirements of Section 303(d) of the CWA and the EPA’s implementing regulations. Therefore, the EPA hereby approves CT’s 2024 303(d) list.

The EPA’s action regarding CT’s 303(d) list does not extend to any waterbodies, or portions of waterbodies, that are within Indian country, as defined in 18 USC Section 1151. The EPA is taking no action to approve or disapprove the state’s 303(d) list with respect to those waters.

The EPA’s action regarding CT’s 303(d) list does not extend to any waterbodies that are within exclusive federal jurisdiction. The EPA is taking no action to approve or disapprove the state’s 303(d) list with respect to those waters.

## 2. The EPA’s Analysis of Connecticut’s Submission

Section 303(d)(1) of the CWA and the EPA’s implementing regulations at 40 CFR 130.7 require states, territories, and authorized Tribes (herein referred to as “states”) to identify waters for which effluent limitations required by CWA Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard (WQS). States need not identify on their lists waters where the following controls are adequate to implement applicable standards: 1) technology-based effluent limitations required by the Act, 2) more stringent effluent limitations required by state or local authority, and 3) other pollution control requirements required by state, local, or federal authority. 40 CFR 130.7(b)(1) and (2). CWA 303(d) lists must identify WQLSs still requiring TMDLs. 40 CFR 130.7(b). The definition of “water quality limited segment” in 40 CFR 130.2(j) includes any segment where it is known that water quality does not meet applicable water quality standards (referred to as “impaired waters”) and any segment that is not expected to meet applicable water quality standards (referred to as “threatened waters”) even after the application of the technology-based effluent limitations required by the Act.<sup>1</sup> The term “applicable water quality standards” refers to those water quality standards established under Section 303 of the Act, including numeric criteria, narrative criteria, waterbody uses, and antidegradation requirements. 40 CFR 130.7(b)(3). An impaired or threatened water must be on the 303(d) list and requires a TMDL unless the state can demonstrate that no pollutant(s) causes or contributes to the impairment,<sup>2</sup> or one or more of the three types of

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<sup>1</sup> EPA uses this term to reflect the combination of a water segment and an applicable WQS that is not attained or is threatened. For example, if a segment is not meeting three applicable WQS then there are three WQLS for that segment.

<sup>2</sup>See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR § 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

requirements described earlier in this paragraph become stringent enough to implement applicable WQSs. In addition, in developing their CWA 303(d) lists, states must meet several procedural, submission, and content requirements as described in this decision document.

States must submit their 303(d) lists to the EPA on April 1 of every even-numbered year. 40 CFR 130.7(d)(1). The EPA must approve or disapprove the 303(d) list not later than 30 days after submission. The EPA approves a list only if it meets the requirements of 40 CFR 130.7(b). 40 CFR 130.7(d)(2). If the EPA approves the listing(s), the state must incorporate the listing(s) into its current Water Quality Management (WQM) plan. If the EPA disapproves a listing decision(s), the EPA must, not later than 30 days after the date of such disapproval, identify waters for inclusion on the 303(d) list. The EPA then must promptly issue a public notice seeking comment on the listing(s). After considering public comment and making any revisions the EPA deems appropriate, the EPA must transmit the listing(s) to the state, and the state must incorporate the listing(s) into its WQM plan. 40 CFR 130.7(d)(2).

The statutory and regulatory requirements, and the EPA's review of the state's compliance with the requirements, are described in detail in this document. To the extent that any EPA-approved listing decisions are unchanged from prior approved 303(d) list actions, the EPA incorporates the reasoning of those previous list actions unless otherwise noted.

#### A. Supporting documentation for making listing determinations

The EPA regulations at 40 CFR 130.7(b)(6) require states to include, as part of their submissions to the EPA, documentation to support the state's determination to include or not to include its waters. Such documentation must include, at a minimum, the information discussed in subsections i through iv, immediately below.

##### i. Description of the methodology used to develop the 303(d) list. 40 CFR 130.7(b)(6)(i).

The EPA regulations at 40 CFR 130.7(b)(6) require states to include a description of the methodology used to develop the 303(d) list.<sup>3</sup> EPA does not approve or disapprove assessment methodologies. Instead, in acting on CWA 303(d) lists, EPA evaluates whether the state, territory, or authorized tribe met listing requirements in determining whether applicable WQS are met and included waters requiring TMDLs on its 303(d) list. 2024 Integrated Reporting Memorandum (IR Memo) at 15.

The EPA finds that CT has provided a description of its methodologies used for determining whether its waters are achieving the state's WQS, satisfying the regulatory requirement to provide a "description of the methodology used to develop the list." 40 CFR 130.7(b)(6)(i). Connecticut's Consolidated Assessment and Listing Methodology (CT CALM) is described in Chapter 1 of the Integrated Water Quality Report. The EPA has considered the state's methodology as part of its review of the state's 303(d) list.

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<sup>3</sup>EPA's Integrated Reporting Memoranda provide more information on assessment methods. See 2006 Integrated Reporting Memorandum at 29.

ii. Description of the data and information used to identify waters. 40 CFR 130.7(b)(6)(ii).

The EPA regulations at 40 CFR 130.7(b)(6)(ii) require states to provide a description of the data and information used to identify waters, including a description of the data and information used by the state as required by 40 CFR 130.7(b)(5). The EPA finds that CT has provided a description of the data and information that it assembled and evaluated on page 8 of the IWQR. The EPA has considered the state's description as part of its review of the state's 303(d) list.

iii. A rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii).

The EPA regulations at 40 CFR 130.7(b)(6)(iii) require states to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.<sup>4</sup> EPA finds that CT assembled, evaluated, and used all readily available data and information, pursuant to 40 CFR 130.7(b)(6)(iii).

iv. Other reasonable information requested by the Region. 40 CFR 130.7(b)(6)(iv).

The EPA regulations at 40 CFR 130.7(b)(6)(iv) require states to provide any other reasonable information requested by EPA. Upon request by EPA, each state must demonstrate good cause for not including a water or waters on the list. Consistent with 40 CFR 130.7(b)(6)(iv), good cause includes, but is not limited to:

- assessment and interpretation of more recent or accurate data in the record demonstrate that the applicable WQS is met;
- more sophisticated water quality modeling;
- flaws in the original analysis that led to the water being listed;
- changes in conditions.

Good cause may also include, for example (see, e.g., 2006 IR Memo at 58-59):

- existence of an EPA-approved or EPA-established TMDL;
- demonstration that the impairment is being addressed through more stringent effluent limits or other pollution control requirements; or
- demonstration that the impairment is not caused by a pollutant.

The EPA finds CT provided additional reasonable information requested by EPA. EPA requested that CT provide the supporting data and information to justify 5 proposed delistings. This included summaries of bacteria data as well as chlordane in fish tissue. EPA also requested that CT provide the supporting data and information to justify the inclusion of 15 new assessment units in Category 2. This included summaries of bacteria data as well as fish community composition. EPA has considered this information as part of its review of the state's 303(d) list.

## B. Public participation

The EPA regulations require states to provide for public participation in the development of their 303(d) lists, including describing their process for involving the public and other stakeholders in their

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<sup>4</sup> 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (EPA evaluates whether there is a "reasonable technical rationale").

Continuing Planning Processes (CPPs). 40 CFR 130.7(a). States are expected to demonstrate how they considered public comments in their final decisions. The EPA considers the public comments and state responses as appropriate in its actions on 303(d) lists in determining whether a state has provided reasoned support for its submission. See 2006 IR Memo at 25-26.

The state's 2024 303(d) list submission to the EPA included a full list of public comments and the state's responses to comments. CT provided for a 30-day public comment period from September 12, 2025 - October 14, 2025. A public meeting was held via Zoom on September 17, 2025. An online web mapping application was provided to the public to view the draft 2024 assessment results in addition to a draft report. The notice of the availability of the draft report as well as the notice of the informational meeting was published in the Hartford Courant, New Haven Register, Norwich Bulletin, The Day (New London), and Waterbury Republican American. The draft report was posted on the CT DEEP IWQR website for review and download by interested parties. Paper copies were also made available on request. Letters noticing the availability of these documents were sent to interested parties including citizens; conservation organizations; universities; environmental consulting firms; water supply companies; tribal nations; and federal, state, and local officials. CT accepts data from external organizations for assessments up to November 1 prior to the year when the IWQR is due to US EPA, for this assessment cycle, the cutoff for external data submissions was November 1, 2023.

The EPA concludes CT provided an opportunity for public comment on its 303(d) list consistent with 40 CFR 130.7(a). In addition, the state demonstrated how it considered public comments in its final decision.

### C. Assembling, evaluating, and using data and information

#### i. Assemble and evaluate data and information

States must assemble and evaluate all existing and readily available water quality-related data and information to develop the CWA 303(d) list. 40 CFR 130.7(b)(5). In reviewing a state's 303(d) list submission, the EPA considers whether the state has satisfied the requirements under 40 CFR 130.7(b)(5) to assemble and evaluate all existing and readily available water quality-related data and information when developing their CWA 303(d) lists. This includes, at a minimum, all existing and readily available 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 CWA Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable water quality standards; (3) waters for which water quality problems have been reported by local, state, and federal agencies; members of the public; academic institutions (these organizations and groups should be actively solicited for research they may be conducting or reporting); and (4) waters identified as impaired or threatened in any CWA Section 319 nonpoint source assessment submitted to the EPA. In addition to these minimum categories, states are required to assemble and evaluate any other water quality-related data and information that is existing and readily available. 40 CFR 130.7(b)(5).

The EPA has reviewed the state's submission, including the state's description of the data and information that it assembled and evaluated and finds that the state satisfied the requirement to assemble and evaluate all existing and readily available water quality-related data and information to

develop its list under 40 CFR 130.7(b)(5). CT DEEP considers data and information for assessments up to November 1 prior to the year when the IWQR is due to US EPA, in the case of this assessment cycle, through November 1, 2023. Types of data considered include ambient physical and chemical; benthic macroinvertebrate and fish community; indicator bacteria; indicators of productivity and enrichment/eutrophication; aquatic toxicity; tissue contaminant; sediment chemistry/toxicity; and effluent analysis. 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 Connecticut Agricultural Experiment Station, USGS and Connecticut College 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, bacterial monitoring for shellfish sanitation by the Connecticut Department of Agriculture, Bureau of Aquaculture (CT DA/BA), embayment monitoring conducted by the USGS and the Unified Water Study, and bathing beach monitoring by state and local authorities. Data from other state and federal agencies, municipalities, utilities, consultants, academia, and volunteer monitoring groups are also used for assessments. CT employs tiered data quality considerations for use of data in assessment of state waters. A more extensive discussion of information used to assess use support is provided on pages 8-14 of the IWQR.

#### ii. Use of data and information

States must use existing and readily available water quality-related data and information in developing the CWA 303(d) list, 40 CFR 130.7(b)(5), unless they provide a rationale not to use them, 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.<sup>5</sup>

The EPA evaluated whether CT provided a technical, science-based rationale for any decisions not to use existing and readily available water quality-related data or information to make a WQS attainment status determination. Because EPA finds that CT used all readily available data and information, pursuant to 40 CFR 130.7(b)(6)(iii), CT did not need to provide a rationale for not using any of the readily available data and information.

#### D. Identification of waters for inclusion on the Section 303(d) list

As noted above, the EPA regulations at 40 CFR 130.7(b)(6) require states to provide documentation to support the state's determination to include or not to include waters on the 303(d) list. EPA has reviewed the state's submission, including its assessment methodology and additional supporting documentation for its listing determinations.

#### i. Approval of identification of waters for inclusion on the 303(d) list

The EPA determined that the waters included on CT's 2024 303(d) list are listed consistent with the CWA 303(d) and 40 CFR 130.7 requirements, and the EPA is approving all waters the state included on the 303(d) list. The EPA's approval of the waters on the 303(d) list is based on the EPA's review of the state's submission including the description of the data and information concerning individual waters, documentation to support decisions to rely or not rely on particular data and information, and a

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<sup>5</sup> See FN 4.

description of how data and information were applied to make WQS attainment status determinations. The EPA also considered applicable public comments and responses. Appendix B-1 to the IWQR contains the 303(d) list of WQLS. Appendix B-5 to the IWQR describes the new listings and delistings to the 303(d) list this cycle.

ii. Approval of exclusion of waters identified on previous 303(d) lists

CT's 2024 303(d) list submission delists 5 WQLSs. In reviewing the state's 2024 303(d) list, the EPA carefully considered the state's decision to remove these WQLSs from the 303(d) list submission, its justification for those removals, any applicable public comments and responses, and the methodology used in making those decisions. The EPA concludes that the decisions to remove WQLS previously identified as part of the 303(d) list are reasonable, based on all existing and readily available water quality-related data and information, applicable WQS, and sound science, and the removal decisions are properly justified.

Four of the delistings were *E.coli* impairments to the Recreational Use. CT explains that according to their assessment methodology, consistent with in-effect water quality standards, these assessment units now meet applicable *E.coli* criteria to support Recreational Uses.

One delisting was for a chlordane in fish tissue impairment to the Fish Consumption Use. Assessment Unit CT4500-00-3-L3\_01 represents Union Pond, an impoundment of the Hockanum River located in Manchester, Connecticut. In 1998, a University of Connecticut study found elevated levels of total chlordane in fish species from Union Pond. After evaluating this fish tissue data, CTDPH issued a 'Do not eat' advisory in 1999 for carp, catfish, and bass caught from Union Pond due to concern over elevated total chlordane levels. In June 2022, fish species were sampled by the DEEP Fisheries Program and analyzed for total chlordane. It was determined that total chlordane concentrations had decreased enough to allow safe consumption.

The CT DPH target cancer health risk-based concentration of total chlordane in a fish species,  $C_m$ , is 0.038  $\mu\text{g}/\text{kg}$  or 38 ppb. The noncancer health risk-based target concentration of total chlordane in a fish species is 0.670  $\mu\text{g}/\text{g}$  (ppm) or 670 ppb. CTDPH chose to use 38 ppb (cancer health risk based) as it is more conservative than the target chlordane concentrations calculated based on noncancer health risk for adults and child fish consumers. CTDPH has derived a site-specific target concentration for total chlordane of 38 (g/kg) ppb for Union Pond. This site-specific target concentration is protective of people who eat unlimited fish meals as defined previously and is also protective of children who eat fish from both waterbodies since it is approximately an order of magnitude lower than the target concentration for total chlordane for children.

A total of 45 fish consisting of 3 species (largemouth bass, common carp, and white sucker), each made up of three, 5-fish composite samples (with the exception of largemouth bass which had one discrete sample, one, 4-fish composite sample and one, 5-fish composite sample) were collected for analysis in June 2022 from Union Pond in Manchester. Sample results are presented in the table below.

**Table 1. Total Chlordane Concentrations in Fish Collected in June 2022 from Union Pond, Manchester**

<b>Fish Species</b>	<b>Number of Samples</b>	<b>Number of Fish per Sample</b>	<b>Total Chlordane Range (ppb*)</b>	<b>Mean Total Chlordane Level (ppb)</b>
Largemouth Bass	3	1-5	0.286-5.92	3.86
Common Carp	3	5	7.90-23.21	17.07
White Sucker	3	5	8.91-15.99	13.08

\*Parts per billion

CTDPH decided to remove the advisory of ‘Do not eat’ for fish from Union Pond due to total chlordane because CTDPH found that total chlordane concentrations have decreased significantly over time, and do not remain elevated enough to warrant restricting consumption (i.e., are well below the site-specific target concentration). However, the CTDPH ‘Do not eat’ advisory remains on fish from Union Pond due to elevated PFOS levels in fish from the Hockanum River system, which includes Union Pond. CT explains that there is no longer a site-specific consumption advisory in Union Pond for chlordane and the impairment for chlordane in fish tissue is being removed.

iii. Approval of exclusion of other waters not included on the 303(d) list

The EPA carefully reviewed the state’s reasons not to include certain waters on the 303(d) list, the relevant supporting documentation, and any applicable public comments and responses. The EPA concludes that the decisions to exclude 15 segments, described below, from the state’s 2024 303(d) list are reasonable, based on all existing and readily available water quality-related data and information, applicable WQS, and sound science.

The EPA requested good cause demonstrations to support the exclusion of 15 newly created assessment units from the 303(d) list. The exclusion of 14 of these segments is supported by volunteer monitoring data from the CT DEEP-sponsored River Bioassessment for Volunteers. The presence of four or more pollution sensitive “most wanted” invertebrate taxa reported at a given site can be considered for an assessment category of “Fully Supporting” the Aquatic Life Use. One additional segment is appropriately excluded due to external partner data indicating bacteria levels meet water quality standards in support of the Recreational Use.

Waterbody ID	Waterbody Name	Designated Use	Use Status	Comment
CT3804-01_01	Bailey Brook (Franklin)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 6 Most Wanted.
CT3201-06_01	Bosworth Brook (Eastford/Woodstock)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 6 Most Wanted
CT6705-16_01	Shears Brook (Washington/Morris/Bethlehem)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 WMS 4 Most Wanted.

CT6802-03_01	Lewis Atwood Brook (Woodbury/Watertown)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 PRWC 7 Most Wanted.
CT4311-04_01	Unnamed Tributary Bunnell Brook (Burlington)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 FRWA/LMHS 4 Most Wanted.
CT3711-06_01	Tanner Brook (Brooklyn)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 5 Most Wanted.
CT3207-14_01	Bundys Brook Tributary Fenton River (Mansfield)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 12 Most Wanted.
CT3200-01_01	Slovik Brook (Eastford)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 4 Most Wanted.
CT4309-02_02	Unnamed Tributary Cherry Brook (Canton/Granby)-02	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 FRWA 8 Most Wanted.
CT3708-16_01	Little Brook (Woodstock)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 4 Most Wanted.
CT4800-06-trib_01	Unnamed Tributary Muddy Brook (East Haddam)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 8MILE 10 Most Wanted.
CT3707-02_01	Taylor Brook (Woodstock)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 8 Most Wanted.
CT7302-00_03	Silvermine River (New Canaan)-03	Recreation	Fully Supporting	2024: NEW Segment REC. REC New Data FULL Support. REC Assessment, Harbor Watch data, 1 station, 10 samples, 0 exceed, 0% exceedance, Geomean 11.
CT3203-14_01	Stones Brook (Eastford/Ashford)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 TLGV 5 Most Wanted.
CT4319-00-trib_01	Unnamed Tributary West Branch Salmon Brook (Granby)-01	Aquatic Life	Fully Supporting	2024: NEW SEG, 1 Station, AQL FULL Support, VOLMON RBV 2021-2022 FRWA 9 Most Wanted.

E. Identification of pollutants causing or expected to cause a violation of applicable WQS (130.7(b)(4))

As part of their CWA 303(d) lists, states are required to identify the pollutants causing or expected to cause violations of the applicable WQS. 40 CFR 130.7(b)(4). This includes a pollutant that by itself or in combination with other pollutants causes or is expected to cause violations of applicable WQS. States must identify in their 303(d) lists all pollutants that are known to be causing or are expected to cause

violations of the applicable WQS. 40 CFR 130.7(b)(4), see also, 2024 IR memo at 17-19. For listed waters, if the available data and information do not support identification of pollutants causing or expected to cause the exceedance, list submissions would identify the pollutant as “unknown.”

Consistent with 40 CFR 130.7(b)(4), CT appropriately identified the pollutants that were causing or expected to cause a violation of the applicable WQS.

#### F. Priority ranking and two-year TMDL development ( 40 CFR 130.7(b)(4))

The CWA and the EPA’s regulations, require states to establish a priority ranking for the waters on their CWA 303(d) list “taking into account the severity of the pollution and the uses to be made of such waters.” CWA Section 303(d)(1)(A); 40 CFR 130.7(b)(4). The regulations at 40 CFR 130.7(b)(4) provide that this priority ranking must include “all listed water quality limited segments still requiring TMDLs” and further require that states submit their priority rankings to the EPA as a component of their biennial CWA 303(d) lists. Additionally, the regulations require that the priority ranking identify the waters targeted for TMDL development in the next two years. 40 CFR 130.7(b)(4).

CT’s description of how all listed WQLSs are prioritized for TMDL development, including identification of waters targeted for TMDL development in the next two years, is included within the State’s 303(d) list submission. In addition, CT described how its priority ranking took into account the severity of pollution and the uses to be made of such waters.

CT uses a ranking system to identify water body priorities as high, medium or low, considering 1) the development status of the plan; 2) identification of pollutants that may affect water quality; 3) the uses of the waterbody and applicable criteria per the CT WQS, 4) the level of pollution; 5) the ability to implement actions to restore or protect water quality and 6) state water quality priorities identified through Integrated Water Planning Management as well as feedback from the public or environmental programs. Table 3-2 of the IWQR describes the criteria for each of these considerations to determine if TMDL priority ranking of a WQLS is considered high, medium, or low.

The EPA’s review of CT’s submission finds that the state established a priority ranking for all waters on the CWA 303(d) list, taking into account the severity of the pollution and the uses to be made of such waters.<sup>6</sup> In addition, the state identified the waters targeted for TMDL development in the next two years.

#### G. Tribal Consultation by The EPA

The EPA’s policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect Tribes. To promote coordination and consultation, all Tribes that may be affected by the EPA’s upcoming action on the state’s CWA 303(d) list were identified, notified of the upcoming state’s list submission for EPA action, and offered the opportunity to engage in consultation with EPA.

EPA solicited interest in consultation on CT’s 2024 impaired waters list via email to CT’s two federally recognized tribes, the Mashantucket (Western) Pequot and Mohegan Tribal Nations. Neither tribe

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<sup>6</sup> In addition to these two statutory factors, states may also consider other factors when prioritizing TMDLs. See 57 Fed. Reg. 33040, 33,044-45 (July 24, 1992).

requested consultation with the EPA, however, the Mohegan Tribe provided comments on Appendix D-1 to CT's IWQR which describes waterbodies associated with federal and state recognized Tribes in Connecticut. It was noted that presently the Mohegan Tribal Nation trust land amounts to 598 acres, which is larger than the currently described "approximately 500 acres". It was also noted that Trading Cove Pond dam will undergo a hydrology study conducted by the CTDEEP due to significant flooding at the Norwich Golf Club during heavy rains.

Consultation and coordination were concluded after the EPA received CT's final 2024 303(d) list and were conducted consistent with the EPA's policy on consultation and coordination with Indian Tribes.<sup>7</sup> The EPA coordinated with Tribes to be responsive to requests for information, receive input, and discuss whether and how to engage in government-to-government consultation. Comments received by Tribes did not change or impact the EPA action on this list.

### 3. Summary of EPA's decision on the 2024 CWA 303(d) list

After careful review of CT's final CWA 303(d) list submission package, the EPA has determined that CT's 2024 303(d) list meets the requirements of Section 303(d) of the CWA and the EPA's implementing regulations. Therefore, the EPA approves CT's 2024 303(d) list.

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<sup>7</sup> [www.epa.gov/system/files/documents/2023-12/epa-policy-on-consultation-with-indian-tribes-2023.pdf](https://www.epa.gov/system/files/documents/2023-12/epa-policy-on-consultation-with-indian-tribes-2023.pdf)