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

31 MAR 2004

REPLY TO THE ATTENTION OF:

WW-16J

Dept. of Environmental Mgmt.
Commissioner's Office

APR 05 2004

Tim Method, Assistant Commissioner
Office of Water Quality
IDEM
100 North Senate Ave.
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Dear Mr. Method:

The United States Environmental Protection Agency (U.S. EPA) has conducted a complete review of the final Total Maximum Daily Load (TMDL) submittal for E. coli in Fall Creek, which is located in Marion County, Indiana, including supporting documentation and information. Based on this review, U.S. EPA has determined that Indiana's TMDL for one pollutant (E. coli) for this waterbody segment meets the requirements of Section 303(d) of the Clean Water Act (CWA) and U.S. EPA's implementing regulations at 40 C.F.R. Part 130. Therefore, by this letter, U.S. EPA hereby approves 1 TMDL, for Fall Creek. The statutory and regulatory requirements, and U.S. EPA's review of Indiana's compliance with each requirement, are described in the enclosed decision document.

We appreciate your hard work in this area and the submittal of the TMDL as required. If you have any questions, please contact Mr. Kevin Pierard, Chief of the Watersheds and Wetlands Branch at 312-886-4448.

Sincerely yours,

for Jo Lynn Traub,
Director, Water Division

Enclosure

Recycled/Recyclable . Printed with Vegetable Oil Based Inks on 100% Recycled Paper (50% Postconsumer)

TMDL: Fall Creek, Indiana
Effective Date: 31 MAR 2004

Decision Document for Approval of the Fall Creek, Indiana TMDL Report

Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations at 40 C.F.R. Part 130 describe the statutory and regulatory requirements for approvable TMDLs. Additional 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. Use of the term "should" below denotes information that is generally necessary for EPA to determine if a submitted TMDL is approvable. These TMDL review guidelines are not themselves regulations. They are an attempt to summarize and provide guidance regarding currently effective statutory and regulatory requirements relating to TMDLs. Any differences between these guidelines and EPA's TMDL regulations should be resolved in favor of the regulations themselves.

1. Identification of Waterbody, Pollutant of Concern, Pollutant Sources, and Priority Ranking

The TMDL submittal should identify the waterbody as it appears on the State's/Tribe's 303(d) list. The waterbody should be identified/georeferenced using the National Hydrography Dataset (NHD), and the TMDL should clearly identify the pollutant for which the TMDL is being established. In addition, the TMDL should identify the priority ranking of the waterbody and specify the link between the pollutant of concern and the water quality standard (see section 2 below).

The TMDL submittal should include an identification of the point and non-point sources of the pollutant of concern, including location of the source(s) and the quantity of the loading, e.g., lbs/per day. The TMDL should provide the identification numbers of the NPDES permits within the waterbody. Where it is possible to separate natural background from non-point sources, the TMDL should include a description of the natural background. This 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 spatial extent of the watershed in which the impaired waterbody is located;
(2) the assumed distribution of land use in the watershed (e.g., urban, forested, agriculture);

(3) population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources;
(4) present and future growth trends, if taken into consideration in preparing the TMDL (e.g., the TMDL could include the design capacity of a wastewater treatment facility); and
(5) an 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; chlorophyl *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comment:
The TMDL report for Fall Creek (ID # 115) covers the Fall Creek watershed in Marion County, Indiana, an area of approximately 59,000 acres. The waterbody segment runs from Geist Reservoir to the confluence with the White River, and includes the tributaries Mud Creek, Lawrence Creek, and Devon Creek. This waterbody segment was listed on the Indiana Department of Environmental Management (IDEM)1998 and 2002 303(d) lists as impaired, with the cause of impairment identified as E. coli. The TMDL report includes 1 TMDL for 1 impaired segment that was developed for E. coli. The priority ranking for the water is "high" on the 1998 and 2002 303(d) lists.

The Fall Creek watershed is impacted by both point and non-point sources. Point sources include combined sewer overflow (CSO), illicit septic connections and storm water, and non-point sources include failing septics, and non-regulated storm water run-off. The TMDL includes loads for all point sources, and estimates for non-point sources, including background, and describes the land use patterns.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this first element.

2. Description of the Applicable Water Quality Standards and Numeric Water Quality Target

The TMDL submittal must include a description of the applicable State/Tribal water quality standard, including the designated use(s) of the waterbody, the applicable numeric or narrative water quality criterion, and the antidegradation policy. (40 C.F.R. §130.7(c)(1)). EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

The TMDL submittal must identify a numeric water quality target(s) – a quantitative value used to measure whether or not the applicable water quality standard is attained. Generally, the pollutant of concern and the numeric water quality target are, respectively, the chemical causing the impairment and the numeric criteria for that chemical (e.g., chromium) contained in the water quality standard. The TMDL expresses the relationship between any necessary reduction of the pollutant of concern and the attainment of the numeric water quality target. Occasionally, the

pollutant of concern is different from the pollutant that is the subject of the numeric water quality target (e.g., when the pollutant of concern is phosphorus and the numeric water quality target is expressed as Dissolved Oxygen (DO) criteria). In such cases, the TMDL submittal should explain the linkage between the pollutant of concern and the chosen numeric water quality target.

Comment:
Fall Creek has a designated use of full-body contact recreation (327 IAC 2-1-3). Based upon the data collected, IDEM has determined that Fall Creek is impaired for this use by E. coli. The applicable IDEM water quality standard is found at 327 IAC 2-1-6 (d) which requires that "E. coli bacteria, using membrane filter (MF) count, shall not exceed one hundred twenty-five (125) per one hundred (100) milliliters as a geometric mean based on not less than five (5) samples equally spaced over a thirty (30) day period nor exceed two hundred thirty-five (235) per one hundred (100) milliliters in any one (1) sample in a thirty day period." The water quality standard is the target for which the TMDL was developed.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this second element.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a waterbody for the applicable pollutant. EPA regulations define loading capacity as the greatest amount of a pollutant that a water can receive without violating water quality standards (40 C.F.R. §130.2(f)).

The pollutant loadings may be expressed as either mass-per-time, toxicity or other appropriate measure (40 C.F.R. §130.2(i)). If the TMDL is expressed in terms other than a daily load, e.g., an annual load, the submittal should explain why it is appropriate to express the TMDL in the unit of measurement chosen. The TMDL submittal should describe the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. In many instances, this method will be a water quality model.

The TMDL submittal should contain documentation supporting the TMDL analysis, including the basis for any assumptions; a discussion of strengths and weaknesses in the analytical process; and results from any water quality modeling. EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

TMDLs must take into account *critical conditions* for steam flow, loading, and water quality parameters as part of the analysis of loading capacity. (40 C.F.R. §130.7(c)(1)). TMDLs should define applicable *critical conditions* and describe their approach to estimating both point and non-point source loadings under such *critical conditions*. In particular, the TMDL should discuss the approach used to compute and allocate non-point source loadings, e.g., meteorological conditions and land use distribution.

Comment:
For analysis purposes, IDEM divided the watershed into 2 segments, Fall Creek upstream of the CSO area and Fall Creek within the CSO area. Loads from Mud Creek, Lawrence Creek, and Devon Creek were analyzed for informational purposes. The TMDL only addresses Fall Creek.

Data gathered within the study area clearly showed the impacts of the CSO discharges on E coli loads. The data was further split into two categories, wet weather and dry weather. (Sect. 4.1 of the TMDL). Analysis of the data clearly shows that both dry and wet weather sources will need to be controlled to meet the water quality standard. Current loads of E. coli into Fall Creek are shown in Table 6.3 of the TMDL and Table 1 (attached).

A simple spreadsheet model was developed to determine the loads and effects of the loads on the water quality. The model simulated the daily instream pathogen concentrations for the 2 segments based upon loads from the various sources and weather conditions (dry or wet). Dry weather sources were considered to be those sources that are not run-off dependant, such as failing septics, wildlife and natural background, and illicit storm drain connections (sewage/septics illicitly hooked up to storm water pipes). Wet weather sources were considered to be CSO overflow discharges and unregulated storm water. Loads from these various sources were calculated from data that the City of Indianapolis has generated for their CSO and upcoming storm water permit and control plans. Section 5 of the TMDL explains in further detail how the loads were calculated for each category. Daily flow data for a 10 year period from October 1991 to September 2001 was taken from the United States Geological Survey (USGS) station at Millersville on Fall Creek. As additional data are developed in the future, the loading capacity can be revised, if necessary, by amending the TMDL.

These daily loads and flows were entered into the model and a daily load and daily concentration were calculated. The model was calibrated by comparing the results to actual data gathered for the segments. Table 6.2 of the TMDL shows the summary of the observed and modeled data. The load reductions needed to meet the water quality standard were then determined (Section 6 of the TMDL). Table 6.3 of the TMDL shows the current total average daily E. coli loads for Fall Creek (Table 1 attached).

Based upon the modeling and the water quality standard, the loading capacity for Fall Creek upstream of the CSO area is 2.32×10^{11} colony forming units (cfu) per day. For Fall Creek within the CSO area, the loading capacity is 2.42×10^{11} cfu per day. For the upstream segment, this would require a 84% reduction in the existing daily bacteria load. For the segment in the CSO area, this would require a reduction of 99.8%.

In the TMDL submittal, IDEM states that the critical condition for the TMDL is the recreational season of April through October. The EPA agrees this is correct, and in addition, the model includes the conditions contributing the greatest load (wet weather), as well as the specific sources contributing load under wet weather (CSOs and storm water) and dry conditions (background and failing septics). EPA believes the TMDL submittal addresses the critical flow and loading conditions for this impairment.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this third element.

4. Load Allocations (LAs)

EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity attributed to existing and future non-point sources and to natural background. Load allocations may range from reasonably accurate estimates to gross allotments (40 C.F.R. §130.2(g)). Where possible, load allocations should be described separately for natural background and non-point sources.

Comments:
The TMDL submittal in Table 6.4 identifies the LA for the Fall Creek segment upstream of the CSO as a 52% reduction from current loadings. This translates to a LA of 4.78 $x10^{11}$ cfu/day. The LA for the Fall Creek - CSO segment is a 99.5% reduction. This translates to a LA of 5.11 x 10^9 cfu/day. A natural background component was calculated for the current load for both segments, and is in Table 6.4 of the TMDL and Table 2 (attached). See #5 below for explanation of how the Load Allocations were calculated.

IDEM did not calculate specific load-based LAs; rather, they calculated a uniform percentage reduction for each segment. Therefore, the separate individual allocations were calculated by taking the appropriate reduction (92% and 99.91%) and multiplying the current load in Table 6.4 of the TMDL (Table 1 attached) to determine the allocations for each source (Table 2 attached). As additional data are developed in the future, these allocations can be revised, if necessary, by amending the TMDL.

The TMDL submittal discusses loads associated with wildlife (Sect. 5.3 of the TMDL). This contribution may not directly represent the loadings due to wildlife, as it represents the loads from a segment in the overall WFWR watershed that has the least known anthropogenic sources. Therefore, although IDEM has stated that the reductions apply to each category equally, IDEM is not planning any reductions in actual wildlife loads (see response to the Hoosier Environmental Council). IDEM has stated that the reductions will be prioritized for those areas where the loads are the greatest (see e-mail from Andrew Pelloso, IDEM dated 3/01/04). EPA believes this is a reasonable approach, based upon the data available. Should additional reductions be needed in the future, IDEM will need to clarify the sources contributing to this load.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this fourth element

5. Wasteload Allocations (WLAs)

EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to individual existing and future point source(s) (40 C.F.R. §130.2(h),

40 C.F.R. §130.2(i)). In some cases, WLAs may cover more than one discharger, e.g., if the source is contained within a general permit.

The individual WLAs may take the form of uniform percentage reductions or individual mass based limitations for dischargers where it can be shown that this solution meets WQSs and does not result in localized impairments. These individual WLAs may be adjusted during the NPDES permitting process. If the WLAs are adjusted, the individual effluent limits for each permit issued to a discharger on the impaired water must be consistent with the assumptions and requirements of the adjusted WLAs in the TMDL. If the WLAs are not adjusted, effluent limits contained in the permit must be consistent with the individual WLAs specified in the TMDL. If a draft permit provides for a higher load for a discharger than the corresponding individual WLA in the TMDL, the State/Tribe must demonstrate that the total WLA in the TMDL will be achieved through reductions in the remaining individual WLAs and that localized impairments will not result. All permittees should be notified of any deviations from the initial individual WLAs contained in the TMDL. EPA does not require the establishment of a new TMDL to reflect these revised allocations as long as the total WLA, as expressed in the TMDL, remains the same or decreases, and there is no reallocation between the total WLA and the total LA.

Comments:
IDEM did not calculate specific load-based WLAs; rather, they calculated a uniform percentage reduction for each segment, as discussed in the paragraph above. Therefore, the separate individual allocations were calculated by taking the appropriate reduction (52% and 99.5%) and multiplying the current load in Table 6.4 of the TMDL (Table 1 attached) to determine the allocations for each source (Table 2 attached). As additional data are developed in the future, these allocations can be revised, if necessary, by amending the TMDL.

The TMDL submittal in Table 6.4 of the TMDL identifies the WLA for the Fall Creek segment upstream of the CSO as a 52% reduction from current loadings. This translates to a WLA of 3.63×10^{11} cfu/day. The WLA is further divided into three components: the CSO discharges, point source permitted storm water, and illicit sanitary connections. Since this is the segment upstream of the CSO, the CSO allocation is 0. The WLA for the other two categories is 52% of the values in Table 6.4 of the TMDL (Table 2 attached).

The WLA for the Fall Creek - CSO segment is a 99.5% reduction. This translates to a WLA of 7.56×10^{11} cfu/day. The WLA is further divided into three components, the CSO discharges, point source permitted storm water, and illicit sanitary connections. The WLA for these categories is 99.5% of the values in Table 6.4 of the TMDL, and is found in Table 2 (attached)

For this TMDL, there is only one NPDES permit that has been issued, to the City of Indianapolis for the Belmont AWT facility (IN0023183). The actual Belmont AWT facility does not discharge to Fall Creek, but the permit also regulates the CSO discharges to Fall Creek, point source permitted storm water, and illicit sanitary connections, and is therefore included in this TMDL. IDEM has provided information on the discharge points and locations for the CSO discharges (see e-mail from Andrew Pelloso, IDEM, dated 3/01/04). Table 2 (attached) specifies the WLA for the

three components into Fall Creek.

All NPDES permits in the watershed have limits set at the Indiana water quality standard, discussed in Comment # 2 above (see e-mail from Andrew Pelloso, IDEM, dated 3/01/04).

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this fifth element.

6. Margin of Safety (MOS)

The statute and regulations require that a TMDL include a margin of safety (MOS) 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's 1991 TMDL 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.

Comments:
Margins of safety can be either implicit (i.e., incorporated into the TMDL analysis through conservative assumptions), or explicit (i.e., expressed in the TMDL as a portion of the loadings). The Fall Creek TMDL for pathogens contains an implicit margin of safety because no rate of decay was used. Since pathogenic organisms have a more limited capability of surviving outside their hosts, a rate of decay would normally be used. However, it was determined by IDEM that it is more conservative to use the water quality standard of 125 E. coli per 100 ml, and not to apply a rate of decay which could result in a discharge limit greater than the water quality standard.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this sixth element.

7. Seasonal Variation

The statute and regulations require that a TMDL be established with consideration of seasonal variations. The TMDL must describe the method chosen for including seasonal variations. (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)).

Comments:
The TMDL addresses the seasonal variation by setting load allocations for the months of April through October to protect for total body contact as set out in 327 IAC 2-1-6 (d). Seasonality is also accounted for in the TMDL by determining how the loads would be impacted during different times of the year, and using meteorological data over a 10 year time period thus capturing seasonal changes in flows and runoff in calculating the load allocations and reductions.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this seventh element.

8. Reasonable Assurances

When a TMDL is developed for waters impaired by point sources only, the issuance of a National Pollutant Discharge Elimination System (NPDES) permit(s) provides the reasonable assurance that the wasteload allocations contained in the TMDL will be achieved. This is because 40 C.F.R. 122.44(d)(1)(vii)(B) requires that effluent limits in permits be consistent with "the assumptions and requirements of any available wasteload allocation" in an approved TMDL.

When a TMDL is developed for waters impaired by both point and non-point sources, and the WLA is based on an assumption that non-point source load reductions will occur, EPA's 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that non-point source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.

EPA's August 1997 TMDL Guidance also directs Regions to work with States to achieve TMDL load allocations in waters impaired only by non-point sources. However, EPA cannot disapprove a TMDL for non-point source-only impaired waters, which do not have a demonstration of reasonable assurance that LAs will be achieved, because such a showing is not required by current regulations.

Comments:
IDEM has provided reasonable assurance for non-point source reductions by documenting the activities that are both currently occurring in the watershed, and those that are planned for the near future. To address the non-point source loads, the City of Indianapolis will be requiring (by recently revising their storm water regulations) new and updated storm water management activities as new development or renovation occurs. This will serve to reduce not only the existing regulated storm water entering the waterbody, but also add controls to the currently unregulated storm water areas. These efforts are beyond the current requirements of the NPDES permit (see e-mail from Andrew Pelloso, IDEM, dated 3/01/04).

The City of Indianapolis has submitted to IDEM a CSO Long Term Control Plan (LTCP). This plan should result in further controls on storm water discharge, and reduce bacteria loads to Fall Creek. As part of the LTCP for storm water as required under the Clean Water Act and the NPDES permit, Indianapolis is also operating a Septic Tank Elimination Program. This program will eventually eliminate those septic tanks that pose a threat to the Fall Creek watershed. This program will not only reduce the overall number of septic tanks, but also eliminate those directly discharging to the waterbodies, and eliminating a significant E. coli load.

EPA finds that this section has been adequately addressed.

9. Monitoring Plan to Track TMDL Effectiveness

EPA's 1991 document, *Guidance for Water Quality-Based Decisions: The TMDL Process* (EPA 440/4-91-001), recommends a monitoring plan to track the effectiveness of a TMDL, particularly when a TMDL involves both point and non-point sources, and the WLA is based on an assumption that non-point source load reductions will occur. Such a TMDL should provide assurances that non-point source controls will achieve expected load reductions and, such TMDL should include a monitoring plan that describes the additional data to be collected to determine if the load reductions provided for in the TMDL are occurring and leading to attainment of water quality standards.

Comments:
The City of Indianapolis and Marion County Health Department both operate ongoing monitoring programs for the Fall Creek watershed. These programs will continue to monitor E. coli in the watershed, and allow both governments to determine if the reductions are effective, and where to focus further efforts. Section 3 of the TMDL further discusses the ongoing monitoring efforts.

EPA finds that section has been adequately addressed.

10. Implementation

EPA policy encourages Regions to work in partnership with States/Tribes to achieve non-point source load allocations established for 303(d)-listed waters impaired by non-point sources. Regions may assist States/Tribes in developing implementation plans that include reasonable assurances that non-point source LAs established in TMDLs for waters impaired solely or primarily by non-point sources will in fact be achieved. In addition, EPA policy recognizes that other relevant watershed management processes may be used in the TMDL process. EPA is not required to and does not approve TMDL implementation plans.

Comment:
This TMDL does not contain a formal implementation plan, since it is not required under the current EPA regulations. The majority of the load into the Fall Creek watershed is from the CSO, and therefore reductions in the CSO discharges will significantly contribute to E. coli reductions. The LTCP as required under the Clean Water Act is currently being negotiated with the City of Indianapolis, and is expected to reduce CSO loads in the Fall Creek watershed. Further implementation activities are discussed in Section 8 above.

EPA finds that implementation has been adequately addressed.

11. Public Participation

EPA policy is that there should be full and meaningful public participation in the TMDL development process. The TMDL regulations require that each State/Tribe must subject calculations to establish TMDLs to public review consistent with its own continuing planning

process (40 C.F.R. §130.7(c)(1)(ii)). In guidance, EPA has explained that final TMDLs submitted to EPA for review and approval should describe the State's/Tribe's public participation process, including a summary of significant comments and the State's/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)).

Provision of inadequate public participation may be a basis for disapproving a TMDL. If 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.

Comments:
Public participation in this TMDL began with a public meeting on September 17, 2002. Additional meetings were held on December 17, 2002, and April 1, 2003. The final public meeting was held on July 8, 2003. The public comment period for this TMDL was from July 8 to Aug. 8, 2003. Notice of this public comment period was published in the IDEM State Calendar, and copies of the TMDL were available on the IDEM website. 573 neighborhood organizations and major environmental groups in Indianapolis were contacted to determine interest in the three TMDL projects (WFWR, Pleasant Run, and Fall Creek). Those that expressed interest were invited to pre-meetings to discuss the TMDL. During the two stakeholder meetings, a questionnaire was distributed to all attendees to let stakeholders determine how involved they wanted to be in the TMDLs. No comments were received from the public on this TMDL.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this eleventh element.

12. Submittal Letter

A submittal letter should be included with the TMDL submittal, and should specify whether the TMDL is being submitted for a *technical review* or *final review and approval*. Each final TMDL submitted to EPA should 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's/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 review and approval, should contain such identifying information as the name and location of the waterbody, and the pollutant(s) of concern.

Comment:
The transmittal letter was dated September 25, 2003, from Mary Ellen Gray, Deputy Assistant Commissioner, IDEM, to Kevin Pierard, chief of the Watersheds and Wetlands Branch, Region 5 EPA . The letter stated that this was a final TMDL submittal under Section 303(d) of the CWA. The letter also contains the name of the watershed as it appears on the Indiana 303(d) list, and the causes/pollutants of concern. This decision document addresses the approval of 1 TMDL as submitted by IDEM. This letter also stated that:

"Please note that the City of Indianapolis has been instructed by IDEM that, by sending the TMDL to EPA, IDEM is not indicating approval of the TMDL nor is it indicating completion of work under the contract with the City regarding the development of a TMDL. The City has been instructed further that the TMDL may have to be revised substantially in the future to ensure, among other things, that water quality standards are met."

The EPA expressed concerns over this language. Specifically, the two issues 1) that the TMDL was not approved by IDEM; and 2) that water quality standards might not be met. A conference call was held on Nov. 24, 2003, to discuss the issues in the letter. A record of this conversation is found in the administrative record. On January 14, 2004, IDEM submitted a revised TMDL and transmittal letter explaining their comments, and clarifying that 1) the TMDL was approved by IDEM and 2) that the TMDL was developed to meet water quality standards. This letter, together with the revised TMDL submittal and the responses to additional questions from the EPA (phone record dated February 11, 2004, and e-mail from Andrew Pelloso, IDEM dated 3/01/04), provide sufficient documentation that the regulatory requirements for TMDL approval have been met.

EPA finds that the TMDL document submitted by IDEM satisfies all requirements of this twelfth element.

13. Conclusion

After a full and complete review, EPA finds that the TMDLs for Fall Creek **(IN 115)** satisfies all of the elements of an approvable TMDL. This approval is for 1 waterbody segment impaired by E. coli for a total of 1 TMDL addressing 1 impairment.

Table 1: Current Load

Segment	CSO load	Permitted Storm water	Illicit sanitary connections	**Total point source load**	Non-regulated storm water	Wildlife/ background	Failing septic systems	**Total non-point source load**	**Total Load**	TMDL	Required Reduction
Fall Creek - Upstream	0.0 E+00	7.56E+11	1.21E+08	**7.56E+11**	9.31E+11	1.86E+10	4.66E+10	**9.96E+11**	**1.75E+12**	8.44E+11	52%
Fall Creek - CSO segment	1.50E+14	1.19E+12	1.74E+08	**1.51E+14**	8.97E+11	7.67E+10	4.66E+10	**1.02E+12**	**1.52E+14**	7.30E+11	99.5%

cfu - colony forming unit

Table 2: Load and Waste Load Allocations

Segment	CSO load	Permitted Storm water	Illicit sanitary connections	**Total Point Source Load (WLA)**	Non-regulated storm water	Wildlife/ background	Failing septic systems	**Total non-point source load (LA)**	**Total Load (TMDL)**
Fall Creek - Upstream	0.0 E+00	3.63E+11	5.81E+07	**3.63E+11**	4.47E+09	8.93E+09	2.24E+10	**4.78E+11**	**8.44E+11**
Fall Creek - CSO segment	7.5E+11	5.95E+09	8.70E+05	**7.56E+11**	4.49E+09	3.84E+08	2.33E+08	**5.11E+09**	**7.30E+11**

cfu - colony forming unit