

## FACT SHEET



### INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## Section 303(d) List of Impaired Waters

Office of Water Quality

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### Background

Section 303(d) of the federal Clean Water Act requires states to provide a list of impaired waters to the United States Environmental Protection Agency (U.S. EPA).

The term "303(d) list" is short for a state's list of impaired and threatened waters (e.g. stream/river segments, lakes). The 303(d) list is published by the Indiana Department of Environmental Management (IDEM) as part of the more comprehensive Indiana Integrated Water Monitoring and Assessment Report (IR) every two years.

A waterbody can be impaired for multiple reasons such as nutrients, *E. coli*, impaired biotic communities, dissolved oxygen, algae and phosphorus.

### How does IDEM use the 303(d) list?

- In accordance with the federal Clean Water Act, the primary purpose of the 303(d) list is to identify impairments for which a total maximum daily load (TMDL) study is needed.
  - A TMDL identifies the maximum amount of pollutant that a waterbody can receive and still meet water quality standards, and divides pollutant loadings among point and non-point sources.
  - A TMDL provides information that can be used to guide restoration activities in the watershed aimed at mitigating the impairment(s) identified on the 303(d) list.
- IDEM also uses the 303(d) list to prioritize monitoring efforts and to help prioritize projects for grant funding for watershed groups and other organizations working to improve water quality.

### Where does IDEM get the data to develop the 303(d) list?

- The large majority of the data IDEM uses to develop the 303(d) list comes from IDEM's water quality monitoring programs.
- IDEM collects the data by using a rotating basin approach, which means sites are selected based on a stratified random design throughout one of nine major water management basins each year.
  - With this strategy, IDEM can monitor the entire state over a period of nine years. IDEM staff assesses the data collected in each basin the following year.
  - IDEM also uses data from its other water quality monitoring programs, including its baseline studies and total maximum daily load program and performance measures.
- IDEM obtains data from other entities as well, including the United States Geological Survey, Indiana University's School of Public and Environmental Affairs and the Indiana State Department of Health.
- IDEM also solicits water quality data from other colleges and universities and local organizations, such as county health departments, cities and towns, and watershed management groups.

### How does IDEM make its 303(d) listing decisions?

- IDEM follows U.S. EPA guidance in its assessment methodology, listing criteria, and actual listings to ensure Indiana's program complies with federal requirements.

- To make decisions about impairments, IDEM uses a document called the Consolidated Assessment and Listing Methodology (CALM), which was developed and updated based on federal Clean Water Act requirements and Indiana’s water quality standards.
  - The CALM may be revised each assessment and listing cycle (every two years) in order to incorporate any changes to Indiana’s water quality standards and other applicable criteria, the most recent U.S. EPA guidance, and new scientific information.
  - Using the CALM, IDEM staff review water quality data and determine which “assessment units,” or predetermined sections of streams or portions of lakes, do not meet water quality standards or other applicable criteria. Staff also uses the CALM to determine when an assessment unit should no longer be on the 303(d) list.
  - The CALM also helps IDEM place waters in one of five categories, according to available data, that make up Indiana’s Consolidated List. The 303(d) list consists of waters in Category 5 that are impaired and for which TMDLs are required.
- Assessment units are areas of waterbodies that are predetermined and have similar features, such as hydrology.
  - Other factors considered when assessment units are developed are potential sources of pollutants, as well as whether the area is rural or urban.
  - Assessment units can vary from less than a mile to 35 miles.
- IDEM’s goal when defining the size of a given assessment unit is to determine the distance or area over which we can reasonably expect water quality conditions to be the same/similar, given all the factors that could affect water quality such as land use, hydrology, the presence of permitted facilities and farms, etc.

### **What is the difference between the Consolidated List and the 303(d) list?**

The Consolidated List is a list of all waters in Indiana, including waters that have been fully or partially assessed and waters for which no assessments have yet been made.

- To develop the Consolidated List, IDEM places each waterbody assessment unit into one or more of five categories depending on the degree to which it supports the applicable designated beneficial uses.
  - Category 1: All designated uses are supported and no use is threatened.
  - Category 2: The available data and/or information indicate that the individual designated use is supported.
  - Category 3: The available data and/or information are insufficient to determine if the individual designated use is supported.
  - Category 4: The available data and/or information indicate that the individual designated use is impaired or threatened, but a TMDL is not required for one or more of the following reasons:
    - A TMDL has been completed that is expected to result in attainment of all applicable water quality standards and has been approved by U.S. EPA.
    - Other pollution control requirements are reasonably expected to result in the attainment of the water quality standards in a reasonable period of time.
    - The impairment is not caused by a pollutant.
  - Category 5: The available data and/or information indicate the individual designated use is impaired or threatened and a TMDL is required.
- A waterbody may have multiple designated beneficial uses (e.g., aquatic life use, recreational use, and fish consumption). Because IDEM makes use support assessments for each beneficial use designated for a waterbody, a single waterbody may appear in one or more categories of the Consolidated List.
- The 303(d) list is a subset of the Consolidated List and includes all impairments identified in Category 5.

### **How does IDEM remove impairments from the 303(d) list (Category 5)?**

U.S. EPA reviews Indiana’s 303(d) list to ensure that all state/federal policies regarding listing and delisting are met. U.S. EPA also reviews IDEM’s CALM for consistency with Indiana’s water quality standards and other applicable criteria, and ensures that any changes to the methodology are consistent scientifically and within the context of state/federal policy.

The following are considered by U.S. EPA to be acceptable reasons for removing impairments from a state's 303(d) List of Impaired Waters:

- New data indicates that the impairment no longer exists.
- IDEM or U.S. EPA has changed its assessment or listing methodology and, based on the new methodology, the waterbody would no longer be impaired.
  - IDEM's CALM is considered by IDEM to be a dynamic document and may be revised to reflect new science and/or changes in U.S. EPA policy.
  - Any time the CALM is revised, previous assessments must be reviewed to ensure they are consistent with the new methods. In cases where they are not and their associated impairment decisions are found to no longer be valid, the impairment is removed from the 303(d) list.
- The impairment is not caused by a pollutant.
- If there are other means to ensure that the impairment is remedied.

Once a TMDL is completed, the impairment is removed from the 303(d) list. IDEM will also work with local watershed groups to implement the recommendations in the TMDL report, which are intended to help restore the waterbody to the point at which it meets water quality standards.

### **Why does IDEM publish the 303(d) list and the CALM for public comment?**

IDEM is required by state law to publish the 303(d) list for a 90-day public comment period. IDEM also publishes its CALM with the 303(d) list to provide the public the opportunity for input regarding the assessment and listing processes that determine the development of the 303(d) list.

- Public input is important to these processes because it can potentially provide additional information for use in developing the 303(d) list.
- U.S. EPA also reviews IDEM's 303(d) list and provides comments, which IDEM evaluates together with comments from the public, to determine if changes are needed to the list prior to its approval by U.S. EPA.
- The comments provided by U.S. EPA, like those submitted by the public, help to ensure the accuracy of the 303(d) list prior to its submission to U.S. EPA for formal approval.

### **Additional information**

- IDEM's water quality assessments and reporting: <https://www.in.gov/idem/nps/2348.htm>.
- Indiana's Section 303(d) list of impaired waters: <https://www.in.gov/idem/nps/2647.htm>.
- Integrated Water Monitoring And Assessment Report: <https://www.in.gov/idem/nps/2639.htm>.
- U.S. EPA info about 303(d) listing of impaired waters: [www.epa.gov/tmdl/program-overview-303d-listing-impaired-waters](http://www.epa.gov/tmdl/program-overview-303d-listing-impaired-waters).