From:	Shields, Amy
To:	Robichaud, Jeffery
Cc:	Paxson, Chelsea; Huston, Liz; Breedlove, Dan; Madden, Venessa; Maksimowicz, Megan; Kissel, Jennifer
Subject:	FW: Cedar River TMDL withdrawal draft public notice document
Date:	Thursday, August 18, 2022 12:38:04 PM
Attachments:	Federal Withdrawal - Big Creek near Sheridan.pdf CONFIDENTIAL - CR TMDL Withdrawal - Public Notice Draft for EPA.docx

---

Jeff, I will set up a briefing for you on this matter.
Thanks, Amy

Amy Shields, Ph.D. | Branch Manager, Standards and Water Quality Branch, Water Division
U.S. Environmental Protection Agency Region 7 |11201 Renner Boulevard, Lenexa, KS 66219 | Mail Code: WD/SAW|
☎ (913) 551-7396 | m: (816)-206-8097 | pronouns: she/they

From: Paxson, Chelsea <Paxson.Chelsea@epa.gov>
Sent: Thursday, August 18, 2022 12:32 PM
To: Shields, Amy <Shields.Amy@epa.gov>; Madden, Venessa <Madden.Venessa@epa.gov>
Cc: Kissel, Jennifer <kissel.jennifer@epa.gov>; Maksimowicz, Megan <Maksimowicz.Megan@epa.gov>
Subject: FW: Cedar River TMDL withdrawal draft public notice document

FYI

Chelsea Paxson (she/her)

From: Greenstein, Katie <katie.greenstein@dnr.iowa.gov>
Sent: Thursday, August 18, 2022 11:49 AM
To: Paxson, Chelsea <Paxson.Chelsea@epa.gov>
Cc: Noah Poppelreiter <noah.poppelreiter@dnr.iowa.gov>; Huston, Liz <Huston.Liz@epa.gov>
Subject: Cedar River TMDL withdrawal draft public notice document

Hi Chelsea,

Attached is the DNR's proposed public notice to withdraw the Cedar River TMDL for total nitrogen.

We appreciate you sending over the Buffalo Ditch withdrawal. However, it appears as though that withdrawal was, effectively, an amendment phrased as a withdrawal. In fact, all the public comments were industry groups supporting the de facto amendments with their own analyses. As noted, the DNR simply cannot commit to that level of analysis at this time.

We'd instead ask that you consider this proposal in line with the attached example involving Big

Creek near Sheridan, Arkansas. In that example, the EPA briefly referenced the monitoring errors, effectively making the segment non-impaired. Then, the EPA asserted that it would continue to monitor the segment and place it back on the 303(d) list if necessary. The DNR proposes a similar approach in this situation, recognizing the design and implementation errors, noting the non-impairment, then committing to assessing nitrate levels to determine if the segment ever needs to go back on the 303(d) list.

As previously discussed, we value Region 7's input on the notice prior to putting it out for public comment. To keep things moving, we would ask for your opinions on the matter by September 16th, 2022. Let us know if that time frame is not reasonable due to the need to discuss with EPAHQ, etc.

Best,
Katie

KATIE GREENSTEIN, P.E., Ph.D. • Supervisor
Water Quality Monitoring and Assessment Section
Iowa Department of Natural Resources
c 515-490-2095
502 E 9th St, Des Moines, IA 50319