



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUL 9 9 2010

Ref: 8EPR-EP

Steven M. Pirner, Secretary
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Clean Water Act Section 303(d) Total
Maximum Daily Load (TMDL)
Waterbody List

Dear Mr. Pirner:

Thank you for your submittal of the South Dakota Department of Environment and Natural Resources' (DENR) 2010 Water Quality Integrated Report received March 29, 2010. The Environmental Protection Agency Region 8 (EPA) has conducted a complete review of the Clean Water Act Section 303(d) waterbody list (Section 303(d) list) and supporting documentation and information.

Based on our review of the State's submittal, EPA has determined that South Dakota's 2010 list of water quality limited segments (WQLSs) still requiring TMDLs partially meets the requirements of Section 303(d) of the Clean Water Act ("CWA" or "the Act") and EPA's implementing regulations. Therefore, EPA hereby partially approves and partially disapproves South Dakota's Section 303(d) list. Specifically, EPA approves the State's decision to list all the waterbodies and associated pollutants identified in Appendix F of the State's Integrated Report. EPA disapproves the State's failure to list 12 specific lakes. These lakes are: Waggoner Lake, Bierman Dam, Lake Carthage, Lake Isabel, Twin Lakes (Sanborn County), Wilmarth Lake, Rahn Lake, Cottonwood Lake (Sully County), East Vermillion Lake, Bullhead Lake (Deuel County), Lake Campbell (Campbell County), and Lake Pocasse. Further details of our 2010 partial approval/partial disapproval action are provided in the attachment.

Our office will seek public comment on its decision to add these 12 lakes to the State's 2010 Section 303(d) list. At the conclusion of the public review period we will make a final listing determination. The statutory and regulatory requirements as well as a summary of EPA's review of South Dakota's compliance with each requirement are described in the attachment.

EPA's partial approval of South Dakota's Section 303(d) list extends to all waterbodies on the list with the exception of those waters that are within Indian Country, as defined in 18 U.S.C. § 1151. EPA is taking no action to approve or disapprove the State's list with respect to waters in Indian Country at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under Section 303(d) for those waters.

We appreciate your work to produce South Dakota's 2010 Section 303(d) list. If you have questions, the most knowledgeable EPA person is Tom Johnson and he may be reached at (303) 312-6226.

Sincerely,



Carol L. Campbell
Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

Attachment

cc: Dave Templeton, SDDENR
Jim Feeney, SDDENR
Rich Hanson, SDDENR

