

2024 IR Assessment Methodology Comments Received:

(via electronic mail 4/17/2023)

Hi Kevin

Below are the EPA Region 5 comments on the Draft 2024 MI Assessment Methodology. Let me know if you have any questions or concerns.

- 1) Section 3.6.1.2, p. 15. The methodology states that classification of lakes as hypereutrophic using Trophic State Index is not by itself enough for a lake to be listed as impaired for the OIALW use, without other supporting information on nutrient expression. Does EGLE regularly attempt to obtain external supporting information (i.e., not generated by EGLE) that would indicate nutrient impairment, such as interpreted satellite imagery available on the EPA CyAN web application? Is EGLE aware of any information on the historic occurrence of hypereutrophic lakes in Michigan, and would the geographic location of the lake factor into EGLE's decision to list a hypereutrophic lake only as "insufficient information?"
- 2) Section 3.6.1.2, p. 16, *Water chemistry results: nutrients and cyanotoxins*. This section, which is focused on the OIALW use, refers to cyanotoxins; however, there is no information on how cyanotoxin data will be used in assessment. Will simply the presence of cyanotoxins be used to support an impaired designation related to nutrient expression or are there quantitative thresholds that will be used?
- 3) Section 3.7, Partial Body Contact Recreation and Total Body Contact Recreation. The draft methodology does not include any reference to the use of cyanotoxins or algal bloom information in assessing recreational uses for waterbodies. EGLE does collect data on cyanotoxins and other bloom characteristics that would be considered "existing and readily available information" for assessment purposes. Please clarify if EGLE is developing or has plans to develop an assessment methodology that uses this information for assessing recreational uses. In 2019, EPA developed [HYPERLINK https://www.epa.gov/wqc/recreational-water-quality-criteria-and-methods#rec3recreational criteria](https://www.epa.gov/wqc/recreational-water-quality-criteria-and-methods#rec3recreational%20criteria) for two cyanotoxins, microcystins and cylindrospermopsin, as one starting point for assessment. Note also that in the implementation guidance for these recreational cyanotoxin criteria, EPA states that swimming advisories issued related to algal blooms are considered "existing and readily available information" for assessment purposes (<https://www.epa.gov/system/files/documents/2021-08/final-tsd-implement-2019-rwqc.pdf>, p. 22). Does EGLE currently use or have plans to use the issuance of bloom related swimming advisories as factors in assessing waterbodies for recreational use attainment?
- 4) Figure 3.4a Page 24 This flow diagram appears to be designed to determine partial body contact use support. However, one of the outcomes indicates a determination for total body contact. Is this an error?

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- 5) Figure 3.4c Page 26 This flow diagram appears to be designed to determine partial body contact use support. However, one of the outcomes indicates a determination for total body contact. Is this an error?

Jim Ruppel
EPA Region 5
Water Division

2024 IR Final Document Public Notice Comments Received:

(via electronic mail 1/12/2024)

Hello Mr. Goodwin

Below are EPA Region 5's comments on the 2024 Public Notice versions of the Integrated Report and the 3 Statewide TMDL Addenda (*E. coli*, Hg, and PCBs).

You may notice that we have discussed a few of the comments already. I have included them again here for the record.

Comments on IR regarding public drinking water supplies.

- 1) EPA notes that a significant number of Public Water Supply waters are either Not Assessed or indicate Insufficient Information and would like to further understand the impediments to being able to make assessment determinations for these waters.
- 2) Regarding Chapter 1.2, the document states that "Most of Michigan also has an abundant supply of high-quality groundwater." EPA would encourage EGLE to support that with assessments of groundwater as per original 305b guidance. Especially in areas where groundwater used as a source of drinking water and where groundwater has a clear connection/influence on surface waters
- 3) Regarding Chapters 4-7: There is no mention of drinking water sources or Public Water Supply Use support throughout the Assessment Results sections. EPA recommends a dedicated Chapter on Drinking Water Sources since they have their own geography and methodology separate from other water resource types.

Comments Statewide TMDL addenda.

- 4) The Excel tables included in Appendix A of the Statewide PCB TMDL Addenda indicate that the added waters are to be included as Category 4a waters in the 2024 IR. This should read 2026.
- 5) The Excel tables included in Appendix A of the Statewide Hg TMDL Addenda indicate that the added waters are to be included as Category 4a waters in the 2024 IR. This should read 2026.

Comment based on the IR assessment data promoted to Public Notice in ATTAINS.

- 6) A number of the Hg parameter level assessments (12) were in Category 2 in 2022 IR data from ATTAINS, and stayed in Category 2 in the 2024 Public Notice Snapshot of the Data in ATTAINS, however it seems the delisting flag ended up getting set for the 2024 cycle. I have attached a spreadsheet that provides the associated information.

Thank you for the opportunity to review and comment on the public noticed documents. I look forward to reviewing them when the (*sic*) are submitted as final.

Jim Ruppel

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Appendix E: Public Comments Received

(via electronic mail 1/19/2024)

Alliance for the Great Lakes
Environmental Law & Policy Center
Environmentally Concerned Citizens of South Central Michigan (ECCSCM)
Michigan Environmental Council

January 12, 2024

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Delivered via email to: GoodwinK@michigan.gov
Re: Draft 2024 Integrated Report

Mr. Goodwin,

We appreciate the consideration of the following comments regarding the 2024 Draft Integrated Report (IR). The bulk of our previous comments regarding the 2022 Integrated Report focused on the need to prepare a TMDL for Lake Erie rather than continuing to pursue an alternative restoration approach. We appreciate that the current IR recognizes that a TMDL for Lake Erie will be required “if the current collaborative processes fail to restore designated use support”. Given this acknowledgement and the fact that the 40% Phosphorus reduction goals outlined in Annex 4 of the Great Lakes Water Quality Agreement and the Western Basin of Lake Erie Collaborative Agreement will most certainly not be met in 2025, the time to prepare a TMDL for Lake Erie is now. It is clear the collaborative process and its holistic, multi-jurisdictional perspective has not worked and is not working, either for Lake Erie itself or for the small lakes and upstream tributaries that empty into Lake Erie. A TMDL that includes all point sources in the watershed, not just municipal wastewater treatment plants, is required.

Noting the IR’s statement that nutrient impacts to Michigan waters will be the primary focus of the next series of actions for the TMDL program, we agree this evaluation is needed and suggest the development of a comprehensive, statewide TMDL for nitrates/nitrites, total phosphorus (TP), and dissolved reactive phosphorus (DRP). Like the statewide TMDL for *E. coli*, this approach would bring the needed attention to the many waterbodies—like Saginaw Bay and countless inland lakes and rivers—suffering from the effects of excess nutrient loads. When establishing the *E.Coli* TMDL, EGLE noted that as more monitoring is conducted, the 9000 miles of streams designated as impaired for Total Body Contact would likely grow to around 37,000 miles. At the time the *E.Coli* TMDL was developed, only 11 percent of Michigan’s stream miles had been fully assessed for the attainment of total and partial body contact WQS. Developing a statewide TMDL for *E.Coli* was the best and most appropriate course of action given the lack of data and the likelihood that many more miles were likely contaminated. A similar approach is warranted for nitrates/nitrites, total phosphorus (TP), and dissolved reactive phosphorus (DRP).

The IR discusses microcystin in terms of Public Water Supply, which is one major concern associated with cyanotoxins like microcystin. However, given the other issues caused by contact with water containing cyanobacteria and cyanotoxins, EGLE needs to add the Cyanobacteria Microcystis,

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Dolichospermum (formerly Anabaena), Planktothrix, and Cylindrospermopsis, as well as the cyanotoxins they produce - microcystin, cylindrospermopsin, and anatoxin - for assessing use attainment for all of the designated uses: Agriculture, Navigation, and Industrial Water Supply; Warmwater Fishery and Coldwater Fishery; Other Indigenous Aquatic Life and Wildlife; Partial Body Contact Recreation and Total Body Contact Recreation; Fish Consumption; Public Water Supply.

We note that the additional listings for *E. Coli* are a positive step forward and suggest the continuation of HUC-12 monitoring for *E. Coli* and nutrients in the Western Lake Erie Basin watersheds. Finally, while we recognize the Integrated Report is not the forum to discuss enforcement actions, it is worth noting that TMDLs can only serve their intended purpose if they are enforced. Our above recommendations to develop additional TMDLs also assume the required and needed enforcement so that the TMDL accomplishes the improvements and protections it is intended to.

We appreciate the effort in developing this draft IR and the consideration of our comments. We welcome any questions or discussion moving forward.

Sincerely,

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