



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

December 23, 2010

Mr. John Madras, Director
Water Protection Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
1101 Riverside Drive
Jefferson City, Missouri 65101

Dear Mr. Madras:

Re: Establishing West Fork Black River
Total Maximum Daily Load

On behalf of the U.S. Environmental Protection Agency (EPA), I hereby transmit EPA's Total Maximum Daily Load (TMDL) for West Fork Black River located in Reynolds County, Missouri, established on December 23, 2010.

EPA is establishing this TMDL to meet the requirements of the 2001 Consent Decree (*American Canoe Association, Inc., et al. v. EPA*, No. 98-482-CV-W).

West Fork Black River was identified on the 2008 Missouri Section 303(d) List as impaired due to Nutrients. The specific impairments (water body segment and TMDL pollutants) are:

<u>Water Body Name</u>	<u>WBID</u>	<u>Pollutants</u>
West Fork Black River	MO_2755	Nutrients Total Nitrogen Total Phosphorus

This TMDL is also established in accordance with Section 303(d) of the Clean Water Act. EPA public noticed this document from October 13 to November 5, 2010. Due to a Memorandum of Understanding with Doe Run Resources Company, the TMDL was again public noticed for a full 30 days from November 5 to December 6, 2010. The Missouri Department of Natural Resources (MDNR) assisted with distribution of the draft TMDL to stakeholders in Missouri. Six comment letters were received. Please refer to the *Summary of Comments and Responses* document, which is enclosed with this letter, for more detailed information about EPA responses.



Federal regulation, 40 CFR 130.6(c)(1), requires the state to incorporate this TMDL, along with appropriate implementation measures, into Missouri's Water Quality Management Plan. To assist in planning implementation and follow-up monitoring efforts, the TMDL document may include monitoring recommendations. These recommendations are not part of the West Fork Black River TMDL established by EPA at this time and EPA understands that the state is responsible for developing implementation plans necessary to attain TMDLs.

If the state adopts and EPA approves TMDLs for this water body and pollutants which are different from the TMDL established today, the state adopted TMDLs would supersede the EPA established TMDL.

We appreciate Missouri's partnership in developing and public noticing this TMDL. We will continue to cooperate with and assist, as appropriate, in future efforts by MDNR to develop TMDLs.

Sincerely,


William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Mr. John Hoke
Missouri Department of Natural Resources

Mr. Gerald Babao
American Canoe Association

Mr. Paul Sanford
American Canoe Association

Mr. Scott Dye
Sierra Club

Mr. John Simpson
KS Natural Resource Council