



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

13 FEB 2002

RECEIVED

FEB 15 2002

WPCP

Robert F. Conner
Charles Evans Whittaker Courthouse
400 E. 9th Street, Suite 2710
Kansas City, MO 64106

Dear Sir:

Re: American Canoe Association v. EPA, Case No 98-1195-CV-W-SOW,
Cons. with 98-4282-CV-W-SOW

Pursuant to paragraph 5.C of the Consent Decree in the above referenced matter, we are required to file an annual report detailing EPA's progress in meeting the commitments of this Consent Decree with Plaintiffs and the Court. Enclosed please find a report and letter prepared by Region VII of the U.S. Environmental Protection Agency (EPA), summarizing the activities conducted under the Consent Decree entered into on February 27, 2001, regarding Total Maximum Daily Loads (TMDLs) in Missouri. This report complies with the annual reporting requirements under the Consent Decree and Settlement Agreement. Please feel free to contact Jeannette Schafer of my staff at 913-551-7297, if you have any questions.

Sincerely,

Kathleen A. Mulder

for

Cheryl A. Crisler
Chief

Water Resources Protection Branch

Enclosures

cc: Karen Wendelowski, Office of General Counsel, USEPA, Washington, DC
Eileen McDonough, United States Department of Justice, Washington, DC
Scott B. Totten, Missouri Department of Natural Resources, Jefferson City, MO
Sharon Clifford, Missouri Department of Natural Resources, Jefferson City, MO
David Bookbinder, American Canoe Association, Springfield, VA
George Van Cleve, Van Cleve & Associates, Washington, DC
John M. Simpson, Kansas City, MO



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13 FEB 2002

David Bookbinder
American Canoe Association
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Suite B-232
Springfield, VA 22150

George Van Cleve
Van Cleve & Associates
Attorneys at Law
1155 Connecticut Ave., NW
Washington, DC 20036

John M. Simpson
429 W. 61st Terrace
Kansas City, MO 64113

Dear Gentlemen:

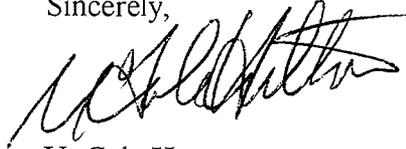
Re: American Canoe Association v. EPA, Case No 98-1195-CV-W-SOW,
Cons. with 98-4282-CV-W-SOW

Enclosed please find a report prepared by Region VII of the U.S. Environmental Protection Agency (EPA), summarizing the activities conducted under the Consent Decree entered into on February 27, 2001, regarding Total Maximum Daily Loads (TMDLs) in Missouri. This report complies with the annual reporting requirements under the Consent Decree and Settlement Decree.

Activities conducted during this reporting period focus mainly on the development and submission of Missouri TMDLs, and the U.S. EPA's review and approval of those TMDLs. Efforts are now underway to establish TMDLs for additional impaired waters. The Missouri Department of Natural Resources continues to proceed with Missouri TMDL development at an acceptable pace.

We hope this information proves useful. We look forward to working with you and your clients further on the Section 303(d) program in Missouri. Please feel free to contact Cheryl Crisler of my staff at 913-551-7820, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "U. Gale Hutton", written in a cursive style.

U. Gale Hutton
Director
Water, Wetlands, and Pesticides Division

Enclosure

cc: Karen Wendelowski, Office of General Counsel, USEPA, Washington, DC
Eileen McDonough, United States Department of Justice, Washington, DC
Scott B. Totten, Missouri Department of Natural Resources, Jefferson City, MO
~~Sharon Clifford, Missouri Department of Natural Resources, Jefferson City, MO~~

**Annual Report of Year 2001 Activities
Undertaken to Comply with the February 27, 2001
Consent Decree and Settlement Agreement
(American Canoe Association, Inc. and the Sierra Club v. U.S. EPA)
Civil Action File No. 98-1195-CV-W and Consolidated Case No. 98-482-CV-W**

January 30, 2002

The U.S. Environmental Protection Agency (EPA) has prepared the following annual report for Plaintiffs, outlining activities undertaken to comply with the Consent Decree and Settlement Agreement during the reporting period. Components of the Annual Report include five items cited in paragraph 5.C. of the Consent Decree. These items are as follows:

- I. EPA established TMDLs,
- II. Waterbodies or pollutants determined not to need TMDLs, including a description of the basis for such a determination;
- III. Waterbodies which have previously approved or established TMDLs where water quality standards have been met;
- IV. Waterbodies and associated pollutants where TMDLs were established by Missouri and which EPA has approved; and
- V. Section 303(d) List

Components of the Yearly Progress Report include five items as cited in paragraphs 10, 11 and 12 of the Settlement Agreement. These items are as follows:

- VI. Continuing Planning Process
- VII. Missouri Monitoring Program
- VIII. Monitoring of Attachment B Water Segments
- IX. Approved TMDLs and supporting decision documents on Internet location
- X. NPDES permits reviewed

I. EPA established TMDLs

EPA has not established any TMDLs for waterbodies or associated pollutants for Missouri during this time period.

II. Waterbodies or pollutants determined not to need TMDLs

No waterbodies or associated pollutants on Missouri's 1998 Section 303(d) List have been determined not to need TMDLs during this reporting period.

III. Waterbodies which have previously approved or established TMDLs where water quality standards have been met

Missouri has not provided to EPA a list of Missouri waters for which EPA has previously approved TMDLs where the applicable water quality standards are now being met. The previously approved TMDLs are listed in the following table.

WBID	Waterbody Name¹	Pollutants¹	Received	Approved
0942	North Moreau Creek	NFR	11/30/99	Yes
0278	Rush Creek	BOD/ NFR	11/17/99	Yes
2859	Saline Creek	Nickel	11/24/99	Yes
2860	Goose Creek	Nickel	11/24/99	Yes
1714	Rock Creek	BOD, NH3	11/24/99	Yes
3239	Clear Creek	BOD, NFR, NH3	11/30/99	Yes
2604	Eleven Point River	Chlorine	12/05/00	Yes
2190	Saline Creek	BOD, NH3	12/14/00	Yes
0737	Cedar Creek	pH, Sulfate	01/02/01	Yes
3490	Trib. To Little Muddy Creek	Temperature	12/05/00	Yes
0856	Little Muddy Creek	Temperature	12/05/00	Yes
0912	Davis Creek	BOD, NH3	01/02/01	Yes
2582	Howell Creek	Chlorine	01/02/01	Yes
2614	Piney Creek	Chlorine	01/02/01	Yes

IV. Waterbodies and associated pollutants where TMDLs were established by Missouri and which EPA has approved

WBID	Waterbody Name¹	Pollutants¹	Received	Approved
2347	James River	Nutrients, Unknown	3/30/01	Yes
2362	James River	Nutrients, Unknown	3/30/01	Yes
2365	James River	Nutrients, Unknown	3/30/01	Yes
417	Blue River	Chlordane	9/17/01	Yes
418	Blue River	Chlordane	9/17/01	Yes
419	Blue River	Chlordane	9/17/01	Yes
421	Blue River	Chlordane	9/17/01	Yes
7054	Lake St. Louis	Chlordane	9/17/01	Yes
7255	Creve Coeur Lake	Chlordane	9/17/01	Yes

¹ The waterbody names and/or pollutants may not exactly match the approved 1998 Section 303(d) list because the State, as a result of information obtained when establishing particular TMDLs, has made clarification or slight corrections to the 1998 Section 303(d) list information within the TMDL. This information was shared with the public during the State's public notice and comment period on the particular TMDL.

7211	Pleasant Hill Lake	Chlordane	9/24/01	Yes
859	Brushy Creek (Fork)	BOD, NH3, NFR	12/31/01	No
855	Muddy Creek	BOD	12/31/01	No
1505	(East) Whetstone Creek	BOD	12/31/01	Yes

Missouri has cumulatively established and submitted to EPA 38 TMDLs for 27 waterbody segments as of December 31, 2001. This places Missouri 5 waterbody segments ahead of the Consent Decree schedule as outlined in paragraph 5.B.(3).

V. Section 303(d) List

On April 12, 2001, EPA transmitted to Missouri Department of Natural Resources (MDNR) the Attachment B waters and pollutants, and data and information EPA was able to obtain which Iowa, Nebraska, Kansas, Illinois, Kentucky, Tennessee, and Arkansas (“the boundary States”) used to place Mississippi and Missouri River segments on their approved 1998 Clean Water Act (CWA) § 303(d) list.

EPA submitted comments on MDNR’s 2002 CWA 303(d) list methodology on July 24, 2001. MDNR proposed changes to their CWA 303(d) list for 2002 during a public notice from August 3 to October 5, 2001. EPA provided additional comments on MDNR’s proposed 2002 CWA 303(d) list on November 6, 2001. MDNR is currently refining the proposed CWA 303(d) list to include categories as suggested in EPA’s 2002 303(d) List Guidance. EPA is currently waiting to receive the next draft CWA 303(d) list in order to provide MDNR with further comments prior to official submission.

VI. Continuing Planning Process

EPA provided Plaintiffs with a copy of Missouri’s most recent continuing planning process (CPP) dated May 1984 on May 29, 2001. EPA published a notice in the Federal Register on May 23, 2001 that EPA would be reviewing and preparing a preliminary written review summary of the CPP and that this summary and the CPP were available for public review and comment. Simultaneously, EPA has made available a copy of Missouri’s CPP in the Region VII library for public review from May 23, 2001 during the pendency of this Settlement Agreement. Two comments were received during this period. EPA reviewed the May 1984 CPP, prepared a written summary of its review and provided the written summary to MDNR and the Plaintiffs on November 16, 2001. EPA has been working with MDNR staff who produced a new, revised CPP which is available on MDNR’s web-site. Comments made in EPA’s letter of November 16, 2001 were incorporated into the new, revised CPP. The new, revised CPP was presented to the Missouri Clean Water Commission (CWC) and approved at the November 28, 2001 meeting. EPA Region VII is expecting a final copy of the new CPP by the end of January 2002 which will include CWC requested changes.

VII. Missouri Monitoring Program

EPA has drafted an interim report on the progress of the study of Missouri's monitoring program which includes results and conclusions and is working to meet the August 27, 2002 deadline. At that time, or sooner, EPA will make this report available to Missouri and the Plaintiffs.

VIII. Monitoring of Attachment B Water Segments

On November 5, 2001, EPA received the report of data generated under the Interim Monitoring Plan by MDNR. EPA has reviewed the report and comments were finalized January 29, 2002 and were forwarded to MDNR and a copy provided to Plaintiffs.

IX. Approved TMDLs and supporting decision documents on Internet location

EPA has provided access to all Missouri approved TMDLs and supporting decision documents on our regional Internet page; the address is <http://www.epa.gov/region07/programs/wwpd/tmdl/approved.htm#Missouri>. As the TMDLs for Brushy Creek (Fork) and Muddy Creek were not approved as of the date of this report; we anticipate they will be added in the near future.

X. NPDES Permits Reviewed

EPA sent a letter to MDNR on January 3, 2002, regarding the sample of 18 draft Missouri NPDES permits that EPA reviewed over calendar year 2001 for compliance with wasteload allocations in approved TMDLs or are as stringent as needed to meet the applicable water quality standards. A courtesy copy of this letter was provided to the Plaintiffs.