



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 30 2019

Mr. Ed Galbraith
Director, Division of Environment Quality
Missouri Department of Natural Resources
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

On April 16, 2018, the U.S. Environmental Protection Agency received the submittal of new and revised water quality standards under a cover letter dated April 13, 2018. The new and revised WQS were formally adopted by the Missouri Department of Natural Resources on January 4, 2018, were published in the Missouri Register on October 16, 2017, and became effective under state law on April 30, 2018. The WQS submittal packaged included a certification letter from the Office of the State Attorney General dated March 27, 2018.

Under Section 303(c) of the Clean Water Act, 33 U.S.C. § 1313(c) and Title 40, parts 131.20 and 131.21 of the Code of Federal Regulations, states must review their WQS at least every three years and submit any new or revised WQS to the EPA for review and approval or disapproval. As Director of R7 EPA Water Division, I am charged with the responsibility of reviewing and approving or disapproving new and revised WQS under Section 303(c).

On December 14, 2018, the EPA acted on the following components of the WQS submittal addressing numeric nutrient criteria:

- 10 CSR 20-7.031(5)(N) (including Tables L and M)
- Renaming of Table M to Table N as a Nonsubstantive Change

TODAY'S DECISION

With this letter, the EPA is approving a portion of the new or revised WQS submitted by the MDNR. The EPA is not taking action on certain provisions included in the MDNR's submission that are not new or revised WQS and continues to review several provisions. The provisions addressed in today's decision are listed below.



Section 1 – Items the EPA is Approving

A. Definitions

1. 10 CSR 20-7.031(1)(K): New definition for Eutrophication
2. 10 CSR 20-7.031(1)([N]O) Losing stream
3. 10 CSR 20-7.031(1)(V): Revised definition for “Ozark streams.”
4. 10 CSR 20-7.031(1)(~~BB~~CC) Water hardness

B. 10 CSR 20-7.031(2)(E) Missouri Use Designation Dataset (MUDD)

C. 10 CSR 20-7.031(3) Antidegradation

1. 10 CSR 20-7.031(3)(B)1
2. 10 CSR 20-7.031(3)(D)

D. 10 CSR 20-7.031(4) General Criteria

1. 10 CSR 20-7.031(4)(D)
2. 10 CSR 20-7.031(4)(E)

E. 10 CSR 20-7.031(5) Specific Criteria

1. 10 CSR 20-7.031(5)(A): Deletion of language the EPA disapproved in 2015
2. 10 CSR 20-7.031(5)4.B.III(a): Revised mixing zone provision
3. 10 CSR 20-7.031(5)(L): Restores the EPA previously approved sulfate and chloride criteria
4. 10 CSR 20-7.031(5)(S)3: Deletion of language the EPA disapproved in 2015

F. 10 CSR 20-7.031(12) Water Quality Standards Variances

G. 10 CSR 20-7 Chronic Cadmium Criteria and New and Revised Tables

Section II - List of Notable Non-Substantive Changes

- A. 10 CSR 20-7.031(1) Definitions
- B. 10 CSR 20-7.031(4) General Criteria
- C. 10 CSR 20-7.031(5) Specific Criteria

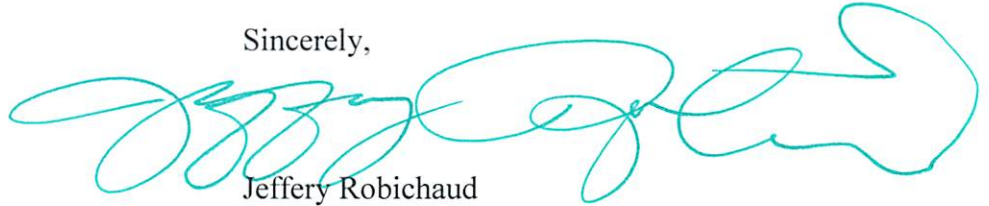
Section III - Items on which the EPA is Continuing Review

- A. 10 CSR 20-7.031(1)(~~DD~~EE) Revised Waters of the State definition
- B. 10 CSR 20-7.031(5)(E): Revised pH Definition.
- C. Table J: [New ‘place-holder’ for “Water Quality Standards Variances.”]
- D. Table I. (New Table lettering/same old table) Biocriteria Reference Location
- E. 10 CSR 20-7.031(12) Water Quality Standards Variances New Paragraph B

The enclosure to this letter provides a more detailed description of the EPA’s rationale for approving the new or revised WQS, or not acting on provisions that are not new or revised WQS. There are also provisions the Agency is continuing to review and will act on those components at a later date. The EPA initiated consultation with the U. S. Fish and Wildlife Service under Section 7(a)(2) of the Endangered Species Act on November 21, 2017, for items EPA is approving as they pertain to aquatic life. Section 7(a)(2) requires that federal agencies, in consultation with the USFWS, ensure that their actions are not likely to jeopardize the existence of federally listed species or result in the adverse *modification* of designated critical habitat of such species; this consultation is still on-going.

We look forward to continuing to work with the MDNR to update its WQS through the triennial review process. If you have any questions regarding this matter, please contact me at (913) 551-7146.

Sincerely,



Jeffery Robichaud
Director
Water Division

Enclosure

cc: Chris Wieberg, MDNR
John Hoke, MDNR
Karen Herrington, USFWS
Corey Buffo, EPA HQ