To: Rob M

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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WATER PROTECTION PROGRAM

Mr. Edward Galbraith, Director
Water Protection Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

Re: Approval of Mississippi and Missouri rivers TMDLs

This letter responds to the Missouri Department of Natural Resources (MDNR) document submissions received by the U.S. Environmental Protection Agency (EPA) Region 7 on October 11, 2006, addressing seven Total Maximum Daily Loads (TMDL). These TMDLs address the human health (fish consumption) use impairment of the Mississippi River (water body IDs 0001, 3152, and 1707) and the Missouri River (water body IDs 1604, 0701, 0356 and 0226), with pollutants of Chlordane and Polychlorinated Biphenyls.

EPA has completed its review of these TMDL documents with supporting documentation and information. By this letter, EPA approves the submitted TMDL documents. Enclosed with this letter are EPA Region 7 TMDL Review Forms which summarize the rationale for EPA's approval of these TMDL documents. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern through assessment of loading capacity, consideration of seasonal variation, and margin of safety.

Under Section 7 of the Endangered Species Act, EPA is currently consulting with the U.S. Fish and Wildlife Service regarding these TMDLs. While EPA is approving these TMDLs, EPA may decide in the future that changes to these TMDLs are warranted based upon the results of the consultation.

We appreciate the thoughtful effort that MDNR has put into these TMDLs. We will continue to cooperate and assist MDNR in developing future TMDLs.

Sincerely,

Mary Peterson Munsey for

William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosure

GLOBE 100% RECYCLED FIBER

cc: Anne Peery,
Missouri Department of Natural Resources

Phil Schroeder
Missouri Department of Natural Resources

Gerald Babao
American Canoe Association

Paul Sanford
American Canoe Association

Scott Dye
Sierra Club

John Simpson
KS Natural Resource Council

EPA Region 7 TMDL Review

TMDL ID:	MO0001, MO3152, MO1707	**Waterbody ID:**	MO0001, MO3152, MO1707
Waterbody Name:	MISSISSIPPI RIVER		
Tributary:			
Pollutant:	CHLORDANE and PCB		
State:	MO	**HUC:**	07110001, 07110004, 07110009, 07140101, 07140105, 08010100
BASIN:	UPPER MISSISSIPPI RIVER		
Submittal Date:	10/11/2006		
Approved:	Yes		

Submittal Letter

State submittal letter indicates final TMDL(s) for specific pollutant(s)/water(s) were adopted by the state, and submitted to EPA for approval under section 303(d) of the Clean Water Act.

Missouri submitted this TMDL in a letter dated October 6, 2006 and received by EPA October 11, 2006.

Water Quality Standards Attainment

The water body's loading capacity for the applicable pollutant is identified and the rationale for the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources is described. TMDL and associated allocations are set at levels adequate to result in attainment of applicable water quality standards.

The listing pollutants are targeted directly. The numeric criterion for chlordane in water is 0.00048 ug/L and for PCB in water is 0.000045ug/L for the impaired use (human health associated with fish consumption). Average fish tissue concentrations are below threshold levels of 0.1 mg/kg of chlordane (sum of isomers) and 2.0 mg/kg of total PCBs in fish tissue. The targeted loading capacity is zero (0) pounds/day. This should result in the attainment of water quality standards.

Numeric Target(s)

Submittal describes applicable water quality standards, including beneficial uses, applicable numeric and/or narrative criteria. If the TMDL is based on a target other than a numeric water quality criterion, then a numeric expression, site specific if possible, was developed from a narrative criterion and a description of the process used to derive the target is included in the submittal.

The numeric criterion for chlordane in water is 0.00048 ug/L and for PCB in water is 0.000045ug/L for the impaired use (human health associated with fish consumption).

Beneficial Uses for Mississippi River:

- Livestock and Wildlife Watering
- Protection of Warm Water Aquatic Life and Human Health – Fish Consumption
- Whole Body Contact Recreation, Category A (WBID 00001 only) and Category B
- Secondary Contact Recreation
- Irrigation
- Drinking Water Supply
- Industrial

Numeric Target(s) and Pollutant(s) of concern

An explanation and analytical basis for expressing the TMDL through surrogate measures (e.g., parameters such as percent fines and turbidity for sediment impairments, or chlorophyll-a and phosphorus loadings for excess algae) is provided, if applicable. For each identified pollutant, the submittal describes analytical basis for conclusions, allocations and margin of safety that do not exceed the load capacity.

Links in the TMDL are direct for load and indirect for the TMDL endpoint.
The department uses threshold levels of 0.1 mg/kg of chlordane (sum of isomers) and 2.0 mg/kg of total PCBs in fish tissue to determine support of the designated use. DHSS has a revised fish advisory methodology that follows EPA guidance, the threshold value for PCBs will change. The new threshold value for unrestricted consumption will be 0.04 mg/kg of total PCBs in fish tissue. If the average levels of these compounds exceed these levels in fillets of the fish sampled, the water body is considered to be not supporting the fish consumption use. These will be used for the endpoints for these TMDLs and the achievement of these targets should lead to the removal of fish consumption advisories. Missouri's protocol for removing or down grading an advisory requires at least two years of data below these targets.

Source Analysis

Important assumptions made in developing the TMDL, such as assumed distribution of land use in the watershed, population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources, are described. Point, non point and background sources of pollutants of concern are described, including magnitude and location of the sources. Submittal demonstrates all significant sources have been considered.

Discussion of sources for both pollutants includes the history of their manufacture and cessation of manufacture. The pollutants' historic uses and present uses, for PCBs, are discussed. Additionally, the submittal discusses the possible routes of loading through illicit use and disposal and the route of bioaccumulation in the fatty tissues of fishes. It appears all sources have been considered.

Allocation

Submittal identifies appropriate wasteload allocations for point, and load allocations for nonpoint sources. If no point sources are present the wasteload allocation is zero. If no nonpoint sources are present, the load allocation is zero.

The TMDL is zero (0) pounds/day as are the LA and WLA for both pollutants.

WLA Comment

Since chlordane and PCBs were banned in 1988 and 1977, respectively, there should be negligible discharge of chlordane and PCBs into streams from wastewater treatment plants and other point sources. Therefore, the WLA is set as zero pounds/day in this TMDL.

LA Comment

Since chlordane and PCBs were banned, there will be only minor and/or infrequent application of chlordane anywhere that might be discharged under runoff conditions and enter the river. As time passes, this, too, will decline. Therefore, the LA is set as zero pounds/day in this TMDL.

Margin of Safety

Submittal describes explicit and/or implicit margin of safety for each pollutant. If the MOS is implicit, the conservative assumptions in the analysis for the MOS are described. If the MOS is explicit, the loadings set aside for the MOS are identified and a rationale for selecting the value for the MOS is provided.

The MOS is implicit. In order to ensure there is no threat of chlordane and PCB levels impairing fish consumption, fish advisories will remain in effect until all samples taken from fish have met the desired endpoint for two years. The department will coordinate with DHSS in guarding against threats to human health associated with fish consumption from these two contaminants.

Seasonal Variation and Critical Conditions

Submittal describes the method for accounting for seasonal variation and critical conditions in the TMDL(s).

This TMDL endpoint targets fish tissue concentrations of the pollutants. Incorporation of biomagnified pollutants into fish tissue is the result of seasonal processes in fishes life stages and addresses seasonal variation.

Public Participation

Submittal describes public notice and public comment opportunity, and explains how the public comments were considered in the final TMDL(s).

This TMDL was on public notice from June 9 to July 9, 2006. Due to comments received during the first notice period, which resulted in substantial changes to the TMDL document, a second public notice period was needed. This period was from Aug. 30 to Sept. 29, 2006. Groups who received the public notice announcement included the Missouri Clean Water Commission, the Water Quality Coordinating Committee, the water quality departments in neighboring states where the Mississippi River is a shared border (Illinois, Kentucky and Tennessee), 24 Stream Team volunteers in the watershed, and the 32 legislators representing all the counties bordering this river. Also, the department posted the notice, the Mississippi River Information Sheet and this document on its Web site, making them available to anyone with access to the Web. The department has placed a copy of the notice, the comments received and its responses in the Mississippi River file.

Monitoring Plan for TMDL(s) Under Phased Approach

The TMDL identifies the monitoring plan that describes the additional data to be collected to determine if the load reductions required by the TMDL lead to attainment of WQS, and a schedule for considering revisions to the TMDL(s) (where phased approach is used).

This is a phased TMDL, which means that if future data indicates fish tissue chlordane and PCB levels are not continuing to decline, this TMDL will be re-evaluated. This TMDL will be incorporated into Missouri's Water Quality Management Plan.

MDC, the U.S. Environmental Protection Agency (EPA) and the department all provide fish tissue sample results to the Missouri Department of Health and Senior Services (DHSS) for use in determining health risks to fish consumers. DHSS, in turn, issues fish consumption advisories. DHSS has issued advisories based on pesticide contaminants in fish since 1985.

Reasonable assurance

Reasonable assurance only applies when reductions in nonpoint source loading is required to meet the prescribed waste load allocations.

No reasonable assurances are required. The WLA is set at the lowest possible load.