

Missouri
Department of
Natural Resources

DRAFT INDIAN CAMP CREEK TMDL
PUBLIC COMMENTS

Public Notice
November 12, 2009 – December 12, 2009

**Indian Camp Creek
WBID # 212**

Warren and St. Charles counties, Mo.

Missouri Department of Natural Resources
Water Protection Program
PO Box 176
Jefferson City, MO 65102-0176
800-361-4827 / 573-751-1300

NEWMAN, COMLEY & RUTH P.C.

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JOHN A. RUTH
NICOLE L. SUBLETT
ALICIA EMBLEY TURNER

November 17, 2009

Mr. John Hoke
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

RE: Indian Camp Creek TMDL

Dear Mr. Hoke:

I am submitting a comment on the Indian Camp Creek TMDL. Under § 6.1, there is a discussion that says "other permitted facilities identified to contribute to the sediment loading of the impaired segment shall adopt appropriate best management practices to reduce such loading from their storm water outfalls." The Department and EPA should not approve a TMDL that does not identify the permitted facilities to which the Department intends to impose new and additional BMPs. The TMDL in its current form is vague in this regard and gives the Department unfettered discretion to impose requirements on unidentified permitted facilities at sometime in the future at the sole discretion of the Department without any scientific input. It seems that the TMDL should either identify the facilities or remove this reference.

After implementation of the TMDL and through the continuing monitoring process, the Department may at a later date revisit the issue whether other permitted facilities should be required to adopt best management practices and revise the TMDL accordingly.

Sincerely,

NEWMAN, COMLEY & RUTH, P.C.



Robert J. Brundage
rbrundage@ncrpc.com

RJB:ccl

RECEIVED
2009 NOV 19 PM 1:07
WATER PROTECTION PROGRAM



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

www.dnr.mo.gov

December 21, 2009

Mr. Robert J. Brundage
Newman, Comley & Ruth, P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537

RE: Response to Comments on the Indian Camp Creek Total Maximum Daily Load

Dear Mr. Brundage:

The Missouri Department of Natural Resources (department) appreciates your comments on the draft Indian Camp Creek Total Maximum Daily Load (TMDL). This letter responds to comments received from the public notice period of November 12–December 12, 2009 for this TMDL. Please find herein the department's response to each comment and the location of the revision (if applicable) within the final document as it will be submitted to the U.S. Environmental Protection Agency.

Comment 1 – “Under section 6.1, there is a discussion that says ‘other permitted facilities identified to contribute to the sediment loading of the impaired segment shall adopt appropriate best manage of practices to reduce such loading from their storm water outfalls.’ The Department and EPA should not approve a TMDL that does not identify the permitted facilities to which the Department intends to impose new and additional BMPs. The TMDL in its current form is vague in this regard and gives the Department unfettered discretion to impose requirements on unidentified permitted facilities at sometime in the future at the sole discretion of the Department without any scientific input. It seems that the TMDL should either identify the facilities or remove this reference. After implementation of the TMDL and through the continuing monitoring process, the Department may at a later date revisit the issue whether other permitted facilities should be required to adopt best management practices and revise the TMDL accordingly.”

Section 6.1 of the document discusses TMDL implementation options to control point sources. Section 2.1 discusses point source contributions to Indian Camp Creek and lists the permitted facilities in the watershed in Table 2. The discussion in this section notes that only three of the 12 site specific permits in the watershed do not have total suspended solids effluent limits in their permits. Total suspended solids are a quantitative indicator of inorganic sediment, thus the listing of these facilities as potential point source

Mr. Robert J. Brundage
Page Two

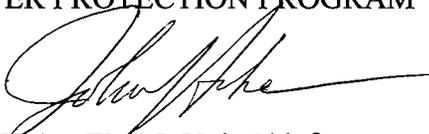
contributors to the impairment. Due to observations made by field staff, the JZ Landfill is cited as being the primary contributor of inorganic sediment to Indian Camp Creek. However, should post implementation monitoring indicate the need to reduce total suspended solids concentrations from other permitted point sources, the department will revisit the wasteload allocation section of the Indian Camp Creek TMDL. Should the wasteload allocation section need to be revised or additional facilities required to receive wasteload allocations, the TMDL will be placed on public notice to receive comments on these changes. However, if additional monitoring is required to determine whether a facility is to receive a new or modified wasteload allocation, the department can require this monitoring under state and federal rule. These monitoring requirements would occur at permit renewal and be subject to the operating permit public notice process.

In addition, states are not required under Section 303(d) to develop TMDL implementation plans and EPA does not approve or disapprove them. Implementation plans are included in this TMDL to provide additional information regarding how point and nonpoint sources can or should be controlled to ensure implementation efforts achieve the loading reductions identified in the TMDL.

Thank you again for your comments. If you should have questions or would like to discuss this TMDL further, please contact me at (573) 526-1446 or by mail at the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "John Hoke", written over a horizontal line.

John Hoke, TMDL Unit Chief
Water Quality Monitoring and Assessment Section

JH:mkl



Fw: indian camp creek
John Hoke to: Michael Kruse

12/13/2009 09:05 PM

John Hoke
Environmental Specialist IV, TMDL Unit Chief
Water Quality Monitoring & Assessment Section
Missouri Department of Natural Resources
Phone: (573) 526-1446 Fax: (573) 522-9920

----- Forwarded by John Hoke/WPCP/DEQ/MODNR on 12/13/2009 09:03 PM -----

From: "Barbara Rain" <barbara135@centurytel.net>
To: john.hoke@dnr.mo.gov
Date: 12/13/2009 07:25 AM
Subject: indian camp creek

Dear Mr. Hoke

I am delighted that DNR is planning to reduce (hopefully someday eliminate) pollution in Indian Camp Creek. Clean free running streams are the right of every citizen in this country.

Indian Camp Creek now more than ever should be classified as a full body contact stream. Since the establishment of Indian Camp Creek Park by St. Charles county, there are now more people than ever in that creek, many of them children. People are expecting that the creek is clean and safe. We are looking to DNR to ensure that promise. I will do whatever needs to be done to help in this effort. If you need more public comments or appearance at meetings, let me know.

Yours truly,
Barbara Rain
1575 Dietrich Rd.
Foristell, MO 63348
636-463-2662



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

www.dnr.mo.gov

December 21, 2009

Ms. Barbara Rain
1575 Dietrich Road
Foristell, MO 63348

RE: Comments on Indian Camp Creek Total Maximum Daily Load

Dear Ms. Rain:

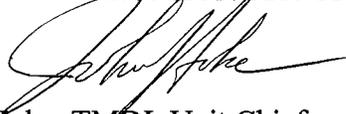
Thank you for your comments and interest in the Total Maximum Daily Load (TMDL) process. Citizen participation and cooperation is crucial for successful watershed management and is the key to protecting our natural resources. For these reasons, the Department of Natural Resources values comments such as yours. Your comments, along with any others concerning the Indian Camp Creek TMDL, will be included in the administrative record, which also includes the studies, data and calculations the TMDL is based on. All comments pertaining to this TMDL are reviewed, and any needed changes made to the final TMDL document, prior to its submittal to the U.S. Environmental Protection Agency for approval.

In regards to your comments pertaining to whole body contact recreation on Indian Camp Creek, please note that both the portion of Indian Camp Creek in St. Charles County and the portion for which the TMDL was drafted are currently assigned the whole body contact recreational use. Enclosed, please find a copy of the department's recreational use survey. If you wish, please complete and return the survey to the department for additional documentation of existing recreational uses occurring on Indian Camp Creek. This survey will be used to ensure the protection of any existing recreational uses that may be occurring on Indian Camp Creek.

If you have questions or require additional information, please contact me at (573) 526-1446, via e-mail at john.hoke@dnr.mo.gov, or by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102.

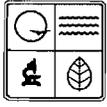
Sincerely,

WATER PROTECTION PROGRAM



John Hoke, TMDL Unit Chief
Water Quality Monitoring and Assessment Section

JH:mkl



Stream Usage Survey

Please return completed survey to: Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Mo. 65102-0176

1. Stream Name (Please write the full name of the stream or river)
2. County (Please write the county or counties where the use occurs)
3. City or Town (Please write city or town closest to the area of use)
4. Where do you use the stream? If use occurs in multiple locations, please list them all below. (Please be specific so the location can be identified on a map, e.g., 9th Street Bridge, Anytown City Park, Quarter Section-Township-Range, Latitude/Longitude, etc).
5. Have you or your family personally used the stream at this site(s) for recreation since Nov. 28, 1975?

YES NO

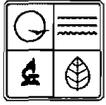
If Yes, continue to Question #6. If No, go to Question #11.

6. Have you or your family personally used the stream at this site(s) for any of the following whole body contact recreation activities? Please select all that apply:
 - Swimming
 - Tubing
 - Snorkeling/Skin Diving
 - Water Skiing

7. How many times per year have you or your family personally used the stream for these activities?

8. Have you or your family personally used the stream at this site(s) for any of the following secondary contact recreation activities? Please select all that apply:

Fishing
 Wading
 Boating
 Trapping



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9. How many times per year have you or your family personally used the stream for these activities?

10. How many of these times did children wade or play in the stream?

11. Have you observed or heard of others using the stream at this site(s) for recreation since Nov. 28, 1975?

- YES
 NO

If Yes, continue with Question #12. If No, go to Question #17.

12. Have you observed or heard of others using the stream at this site(s) for any of the following whole body contact recreation activities? Please select all that apply:

- Swimming
 Tubing
 Snorkeling/Skin Diving
 Water Skiing

13. How many times per year have you observed or heard of others using the stream for these activities?

14. Have you observed or heard of others using the stream at this site(s) for any of the following secondary contact recreation activities? Please select all that apply:

- Fishing
 Wading
 Boating
 Trapping

15. How many times per year have you observed or heard of others using the stream for these activities?

16. How many of these times did you observe or hear of children wading or playing in the stream?



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Natural Resources

17. Can you recommend someone else we could contact who knows the stream?

18. Do you have additional comments you would like to provide the department regarding this stream?

19. In the event the department needs to follow-up on these comments, we appreciate receiving the following contact information.

Name:

Address:

City:

State:

Zip:

Telephone:

Mobile Phone:

Thank you for taking time to complete our stream use survey. We appreciate your interest and involvement in protecting and preserving the quality of Missouri's waters. If you have questions or additional comments, please contact John Hoke, UAA Coordinator, at 1-800-361-4827 or (573) 526-1446, by e-mail at john.hoke@dnr.mo.gov, or by mail at P.O. Box 176, Jefferson City, Missouri 65102-0176.

Please return completed survey to:

Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, Mo. 65102-0176



Comments for Indian Camp Creek TMDL

Adkins.Tabatha to: john.hoke
Cc: michael.kruse

01/25/2010 08:15 AM

John and Mike,

Listed are EPA comments for Indian Camp Creek. The last few are just general observations. Thanks.

TJ

Page 4, discusses 12 site specific permits, 6 generals, 12 storm water. Then says of the 12 site specific permits MFA Bulk, Incline Village, and Masterson do not have effluent limits for TSS. All three of these are MOGxxxxx numbers. Aren't MOG's general permits. MOR's Storm water and the MO0xxx site specific. Please clarify.

Page 13, discusses public participation. It gives a general discussion that any comments received and responses will be maintained in the MDNR files. Please specify in this section that two comments were received and addressed.

Appendix D lists NFR data, Appendix A lists TSS data, the allocations are in TSS, and the TMDL LDC is labelled as Inorganic sediment and sediment. Citing NFR data without any explanation is confusing because NFR is never mentioned in the TMDL. More importantly, it appears the LDC is actually meant to be TSS tons/day. The labeling on the LDC could be changed to TSS since the argument has already been made that TSS will be the surrogate for inorganic sediment.

Revise TMDL to include the 2008 listing

Missing reference for MoRAP 2005.

Table 5 has Percentile flow exceedances while Figure 3 uses Percentile Flow. While I realize these are inverse values, it is also confusing. It would be helpful if both used the same terms.

Table 1 for Land Use Distribution does not add up. Using the numbers given, the percentages for Grassland is 22.18%, Forest and Woodland is 45.34%, Open Water 3.22% and Total 100.01%. Recommend using significant digits and using one less for the totals of Square Miles and Percentages.

Section 2.1 Point Sources: Site specific and storm water permit potential impacts are discussed here and in the WLA section. Discuss the potential impacts of the other six general permits. The WLA does state that these will be set at present loads and BMPs.

Tabatha Adkins, TMDL Coordinator
Water Quality Management Branch-WWPD,
USEPA Region 7
901 North 5th Street
Kansas City, KS 66101
913.551.7128
adkins.tabatha@epa.gov



Re: Comments for Indian Camp Creek TMDL 
John Hoke to: Adkins.Tabatha
Cc: michael.kruse

01/27/2010 09:02 AM

Thanks TJ. The department appreciates EPA's thorough review and comments on the document. Attached please find the department's responses to EPA comments and a revised version of the Indian Camp Creek TMDL. We look forward to receiving EPA approval of this TMDL. If you have additional comments or questions, please let us know. Thanks

John Hoke
Environmental Specialist IV, TMDL Unit Chief
Water Quality Monitoring & Assessment Section
Missouri Department of Natural Resources
Phone: (573) 526-1446 Fax: (573) 522-9920

From: Adkins.Tabatha@epamail.epa.gov
To: john.hoke@dnr.mo.gov
Cc: michael.kruse@dnr.mo.gov
Date: 01/25/2010 08:15 AM
Subject: Comments for Indian Camp Creek TMDL

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Tabatha Adkins, TMDL Coordinator
Water Quality Management Branch-WWPD,
USEPA Region 7
901 North 5th Street
Kansas City, KS 66101
913.551.7128
adkins.tabatha@epa.gov



Indian Camp Cr Response - EPA.pdf TMDL-IndianCampCr-FINAL.doc

EPA Comments for Indian Camp Creek TMDL

- 1) *Page 4, discusses 12 site specific permits, 6 generals, 12 storm water. Then says of the 12 site specific permits MFA Bulk, Incline Village, and Masterson do not have effluent limits for TSS. All three of these are MOGxxxxx numbers. Aren't MOG's general permits. MOR's Storm water and the MO0xxx site specific. Please clarify.*

The MFA Bulk Plant, Incline Village Lake, and Masterson & Associates North facilities are covered by general permits. This section of the TMDL has been revised and additional language added to provide clarification on the different types of discharge permits in Missouri.

- 2) *Page 13, discusses public participation. It gives a general discussion that any comments received and responses will be maintained in the MDNR files. Please specify in this section that two comments were received and addressed.*

Additional text has been added to the public participation section to note the receipt of two public comments.

- 3) *Appendix D lists NFR data, Appendix A lists TSS data, the allocations are in TSS, and the TMDL LDC is labeled as Inorganic sediment and sediment. Citing NFR data without any explanation is confusing because NFR is never mentioned in the TMDL. More importantly, it appears the LDC is actually meant to be TSS tons/day. The labeling on the LDC could be changed to TSS since the argument has already been made that TSS will be the surrogate for inorganic sediment.*

References to Non-Filterable Residue (NFR) in Appendix D have been removed and replaced with references to Total Suspended Solids (TSS). Additionally, references of sediment and inorganic sediment in the figure heading and title to Figure 3, the Load Duration Curve (LDC), have also been changed to Total Suspended Solids (TSS).

- 4) *Revise TMDL to include the 2008 listing.*

Sections 1 and 9 of the TMDL have been revised accordingly and now refer to the recently approved Missouri 2008 303(d) List of impaired waters.

- 5) *Missing reference for MoRAP 2005.*

The reference section of the TMDL document has been updated to include a reference to the 2005 MoRAP Land Use/Land Cover data.

- 6) *Table 5 has Percentile flow exceedances while Figure 3 uses Percentile Flow. While I realize these are inverse values, it is also confusing. It would be helpful if both used the same terms.*

When researching this comment, it was determined that an incorrect version of Figure 3 was used in the TMDL document placed on public notice. The correct version of Figure 3 uses “Percentile Flow Exceedance”. The correct version of Figure 3 has been included in the revised TMDL document and Table 5 is now consistent in using the percentile flow exceedance heading.

- 7) *Table 1 for Land Use Distribution does not add up. Using the numbers given, the percentages for Grassland is 22.18%, Forest and Woodland is 45.34%, Open Water 3.22% and Total 100.01%. Recommend using significant digits and using one less for the totals of Square Miles and Percentages.*

Table 1 has been revised and now shows land use percentages totaling 100 percent.

- 8) *Section 2.1 Point Sources: Site specific and storm water permit potential impacts are discussed here and in the WLA section. Discuss the potential impacts of the other six general permits. The WLA does state that these will be set at present loads and BMPs.*

Additional clarifying language has been added to Section 2.1. Section 4.2 of the document has also been revised to include expected impacts of general permits in the watershed.