



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 11 2006

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WATER PROTECTION DIVISION

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

Dear Mr. Galbraith:

RE: Permit Limits in Lieu of a TMDL for East Brush Creek (WBID 811) and
Straight Fork (WBID 959)

This letter responds to two submissions from the Missouri Department of Natural Resources (MDNR). The first submission is dated August 21, 2006, and is regarding East Brush Creek. The second submission is dated October 13, 2006, and is regarding Straight Fork. Both submissions were listed as impaired on Missouri's 1998 §303(d) list, for Biochemical Oxygen Demand (BOD) and/or Volatile Suspended Solids (VSS). MDNR proposes to correct the impairments with National Pollutant Discharge Elimination System (NPDES) permit limits in lieu of Total Maximum Daily Loads (TMDLs). The following water body segments are proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
East Brush Creek	811	Biochemical Oxygen Demand (BOD) Volatile Suspended Solids (VSS)	California Wastewater Treatment Plant (WWTP)	MO-0023281	1998
Straight Fork	959	Volatile Suspended Solids (VSS)	Versailles Wastewater Treatment Plant (WWTP)	MO-0094927	1998

Waters require TMDLs when certain pollution control requirements are not stringent enough to implement water quality standards (WQS) for such waters. To exempt an impaired water from the TMDL process, the pollution control requirements cited in the regulation under 130.7(b)(i), (ii), and (iii) must be established and enforced by federal, state, or local laws or regulations, and be stringent enough that, when applied, the receiving water will meet WQS.

In regards to East Brush Creek and Straight Fork, Federal regulations at 40 CFR 130.7(b)(ii) provide that where [more stringent effluent limitations (including prohibitions) required by either state



or local authority preserved by section 510 of the Act, or Federal authority (law, regulation, or treaty)] are stringent enough to implement WQS, a TMDL is not required. The Environmental Protection Agency (EPA) has completed its review of these submissions, and other previously submitted information supporting these permits in lieu of TMDLs, and concurs that TMDLs are not required for these impaired water bodies because the impairments are being addressed through more stringent NPDES permit limits as per 40 CFR 130.7(b)(ii).

The California WWTP has been identified as the sole source for the VSS and BOD impairments on East Brush Creek as a result of surface water monitoring directly above and below the WWTP. The NPDES permit was issued on February 4, 2005, and revised August 4, 2006, for the California WWTP and includes a compliance schedule to commence by April 1, 2007. Final limits, which will achieve WQS for VSS and BOD, will be imposed through the August 4, 2006, permit with the conclusion of the compliance schedule by August 4, 2009. In review of the permit, the existing effluent limits have been reduced from 65/145 weekly/monthly average BOD to 26/13. The permit also includes the addition of permit limits for ammonia, total nitrogen, total phosphorus, oil & grease, fecal coliform, and total residual chlorine. The lagoon discharge to East Brush Creek will be eliminated and wastewater will be pumped to the existing south plant. Additionally, the permit requests instream monitoring of dissolved oxygen, temperature, pH, and ammonia, ensuring limits are appropriate. The permit also includes a reopener clause to allow for stricter limits if monitoring shows WQS violations.

The Versailles WWTP has been identified as the sole source of the VSS impairment, on Straight Fork, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on September 18, 2006, for the Versailles WWTP includes a compliance schedule to commence by April 30, 2007. Final limits, which will achieve WQS for VSS, will be imposed through the September 18, 2006, permit with the conclusion of the compliance schedule by August 1, 2011. In review of the permit, the existing effluent limits have been reduced from 45/30 weekly/monthly average TSS to 30/15. The permit also includes the addition of permit limits for ammonia, total recoverable zinc, total recoverable chromium III, total recoverable chromium VI, oil & grease, fecal coliform, and chloride. Additionally, the permit requests instream monitoring of dissolved oxygen, temperature, and pH, ensuring limits are appropriate. The permit also includes a reopener clause to allow for stricter limits if monitoring shows WQS violations.

If you have any questions or concerns in regards to this matter, please do not hesitate to contact Jack Generaux, TMDL Team Leader, at (913)551-7690, or Tabatha Adkins, TMDL Team, at (913)551-7128.

Sincerely,



William A. Spratlin

Director

Water, Wetlands and Pesticides Division

cc: John Hoke
Missouri Department of Natural Resources

Phil Schroeder
Missouri Department of Natural Resources