

PUBLIC COMMENTS
ON THE
DRAFT HINKSON CREEK TMDL

Received by the U.S. Environmental Protection Agency
during the Public Notice period

Oct. 29 – Dec. 1, 2010

Hinkson Creek
WBIDs # 1007 and 1008

Boone County, Mo.

Comments are in alphabetical order by organization. See bookmarks in panel on left.



Comments on the Hinkson Creek TMDL

John Holmes to: R7TMDL

Cc: Ron Shy, Brian Harrington

12/01/2010 02:12 PM

History:

This message has been replied to.

Hello,

I wish I would have had more time to review the Draft Hinkson Creek TMDL, but attached are my comments so far.

Thank you

John Holmes, P.E.
Allstate Consultants, LLC
3312 LeMone Industrial Blvd.
Columbia, MO 65201
573-875-8799



hinkson TMDL round 3 holmes comments to EPA.doc

Comments on the March 2010 version of the Hinkson Creek TMDL

John Holmes, P.E., Allstate Consultants, LLC.

December 1, 2010

I regret that my schedule this month has not allowed sufficient time for review of this TMDL. If the deadline for comments were to be extended, I would attempt to provide additional comment. It would have been helpful if the significant revisions to the document since the last version had been documented in an executive summary to help me to determine where to spend my review time. I have previously submitted some of the comments below but do not see that they have been addressed. There are also some new comments included.

Section 2.2 – This section talks about how much more development has occurred, but it doesn't discuss how many more people are served by the new development. If the people who will be served by the added development don't live and conduct business in the Hinkson Creek basin, they will do so elsewhere and have negative impacts on other basins where there is relatively little regulation. Wouldn't it make more sense to look at allowable impact per person than maximum impact per area? This would result in some streams that don't meet their beneficial uses, but these would be offset by less impact to other streams that are closer to pristine.

Section 3.2.3 – The last sentence in the last paragraph above table 5 is incomplete.

Section 4.6.2 – What were the SCI scores for the attainment streams? If they were significantly better than the minimum needed for attainment, then this approach is overestimating what needs to be done to meet the minimum level of attainment.

Section 4.6.2 USGS Water Resources Investigation Report 95-4231 lists average main channel slopes for 4 of these 5 streams (see table below). I have calculated the main channel slope for the third stream, Middle Fork of Salt River, to be 2.97 ft/mi. At 11.1 ft/mi Hinkson Creek is significantly steeper than all four of the attainment streams. Main channel slope is a significant factor in determining runoff characteristics and should not be ignored when comparing flow duration curves (FDC). To quantify the effect of the slope, I applied the Missouri Rural USGS rural peak flow regression equations to these watersheds and these equations predict that Hinkson, if it wasn't urbanized, would produce twice the peak flow rate per square mile for the 2 year storm that the other basins would. So, a rural Hinkson Creek would be expected to be naturally flashier than any of these four reference streams. In other words, the FDC would be expected to be higher for events such as the ones in the 3 to 5% flow exceedance range because of the steepness of the stream slope. The target FDC should include an adjustment for slope.

Stream	Size (mi ²)	Main Channel Slope	Hydrologic Region	Predicted 2 Year Peak Flow per square mile, USGS 1995 Regression Equations*
Hinkson	69.8	11.1	2	47.4
Big Creek	414	3.3	2	21.4
Middle Fk. Salt River	313	Measured at 2.97 using CARES data	1	18.9
North River	354	5	1	22.1
S. Fabius River	620	3.4	1	16.2

* USGS Water Resources Investigation Report 95-4231, Techniques for Estimating the 2-to 500-Year Flood Discharges on Unregulated Streams.

Table 15. – The 5th row, “Target Percent Increase” seems to indicate that the TMDL is seeking an increase in the peak flow for large storms and a decrease in peak flow for small storms?

Table 15. _ These WLAs and LAs do not provide any method for adjustment based on weather. While the earlier versions of the TMDL which were somehow tied to rainfall amounts were confusing they did have an advantage in that there was an avenue by which precipitation could be accounted for (it just wasn’t clear what that avenue was). This version of the TMDL seems to imply that the community will be responsible for meeting these fixed flow rate goals regardless of weather conditions.

Section 6. – The first sentence in the third paragraph references table 16, but I can’t find a table 16.

Section 7. – The first sentence references table 16, but I can’t find a table 16.



Public Comment Hinkson Creek TMDL attached
Karen Miller to: R7TMDL

12/01/2010 02:50 PM

History: This message has been replied to.

1 attachment



EPA Final Comment.tif

The hard copy is in the mail.
Karen

Karen M. Miller
District I Commissioner
Boone County MO
801 E. Walnut, Room 245
Columbia, MO 65201
573-886-4308
kmiller@boonecountymo.org

Ken Pearson, Presiding Commissioner
Karen M. Miller, District I Commissioner
Skip Elkin, District II Commissioner



Roger B. Wilson
Boone County Government Center
801 East Walnut Room 245
Columbia, MO 65201-7732
573-886-4305 • FAX 573-886-4311

Boone County Commission

December 1, 2010

Ms. Debby White
Environmental Protection Agency, Region 7
Water and Pesticides Division
901 North 5th Street
Kansas City, KS 66101

RE: Hinkson Creek TMDL

Dear Ms. White,

The Boone County Commission along with our permit partners are adamantly opposed to the use of a surrogate in the current EPA draft TMDL for Hinkson Creek. The implementation of something this widespread will likely have unintended consequences of pushing development into other sensitive watersheds. Boone County is blessed with beautiful stream resources and karst topography. The Commission works very hard to protect all of our natural resources.

The information used to create this TMDL is outdated and does not take into consideration all of the millions in improvements the community, both public and private have invested in the watershed since the 2002 sampling. It is our belief that a new baseline of the creek is needed to verify if it is currently meeting aquatic life attainability. Using the approach outlined in the TMDL will jeopardize our very limited financial resources, requiring us to focus on the Hinkson Creek watershed, and ignore developing areas in adjacent watersheds. .

The Boone County Commission concurs with the reasons and basis included in the letter submitted by Mr. David Shorr, Lathrop and Gage LLP.

The Commission along with our permit partners has always and will continue to be willing to work along side MDNR and EPA to meet the goal of the Clean Water Act for the Hinkson Creek. We are requesting a meeting with EPA and MDNR to discuss implementation before issuance of any TMDL. If you have questions, please feel free to contact me at kmiller@boonecountymo.org or at 573-864-2405.

Respectfully submitted,

Karen M. Miller
District I Commissioner



City of Columbia Comments regarding the proposed Hinkson Creek TMDL .
John Glascock to: R7TMDL

11/30/2010 02:28 PM

History:

This message has been replied to and forwarded.

Ms. White,

I have attached the Mayor's letter to EPA regarding the Hinkson Creek TMDL.

Lathrop and Gage will be submitting the technical comments by separate letter/email

Sincerely,

John Glascock, P.E.
Director of Public Works
P.O. Box 6015
Columbia, MO
Phone - 573.874.7253
Fax - 573.874.7132



jdglasco@gocolumbiamo.com Columbia Comment Letter-Hinkson TMDL_1.pdf



CITY OF COLUMBIA, MISSOURI

OFFICE OF MAYOR AND COUNCIL
BOB McDAVID, MAYOR

November 29, 2010

Environmental Protection Agency, Region 7
Water and Pesticides Division
ATTN: Debby White
901 North 5th Street
Kansas City, KS 66101

RE: Hinkson Creek TMDL

Dear Ms. White:

The City of Columbia objects to the issuance of the EPA's proposed Hinkson Creek TMDL on the basis that the TMDL is impossible to implement and based on outdated data that does not reflect improvements in the watershed from the implementation of control equipment, best management practices, and elimination of discharges in the Hinkson watershed. Columbia further objects to the 303(d) listing of the Hinkson Creek for unknown pollutants and believe that such listing is in direct conflict with the Clean Water Act. Accordingly, the City of Columbia adopts the comments submitted by Lathrop & Gage LLP in support of this correspondence.

I request that EPA host a meeting with the City of Columbia, Boone County and University of Missouri staff to resolve these issues before any TMDL is issued for Hinkson Creek. If you have questions regarding this matter, please feel free to contact John Glascock, Public Works Director at 874-7253.

Respectfully,

Bob McDavid
Mayor



EPA, Region 7 Water Wetlands and Pesticides Division,
Attention Ms. Debby White, Water Quality Management Branch, Hinkson Creek

As a member of the Columbia City Council, I support the EPA recommendation for reducing the storm water runoff as a surrogate for the multiple pollutants and stressors associated with urban water runoff and nonpoint source runoff. I have lived in town, on the Hinkson Creek for 24 years now. I have notice first hand the destruction of the creek bed, the immense amount of erosion that has occurred because of the ever increasing rising of the creek during rain events, the large deposits of sediment in the creek bed, and bends. For 20 years Columbia has failed to put measures in place for both storm water control and erosion control during construction. It took five years to finally pass a Storm water Ordinance, that is slowly being chipped away at and eroded. We have a lot of time and damage to make up for and the recommendations for reducing storm water runoff are needed to repair the damage that years without storm water controls have created.

Sincerely,
Barbara Hoppe
6th Ward City Council
Columbia, Missouri 65201
Cell 573-424-9668



Answers to all: Draft Hinkson Creek TMDL - MDNR Comments
Tabatha Adkins to: R7TMDL, Debby White

11/30/2010 07:23 PM

Debby please add the proper thank you's etc. Answers in red below.

"Hoke, John"

TJ, The Department of Natural Resources (Depa...

11/30/2010 11:48:00 AM

From: "Hoke, John" <john.hoke@dnr.mo.gov>
To: Tabatha Adkins/R7/USEPA/US@EPA
Date: 11/30/2010 11:48 AM
Subject: Draft Hinkson Creek TMDL - MDNR Comments

TJ,

The Department of Natural Resources (Department) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency (EPA) draft Hinkson Creek Total Maximum Daily Load (TMDL). Staff have reviewed the draft TMDL and note that the approach and content are largely similar to the draft Hinkson Creek TMDL developed by the Water Protection Program. Because the draft EPA Hinkson Creek TMDL is largely similar to that developed by the Department prior to October 5, 2010, the Department has very few technical or editorial comments on the draft TMDL. However, what comments the Department does have on the draft EPA Hinkson Creek TMDL can be found below. If you have questions regarding the below comments or need additional assistance, please let me know. Thanks

1. Section 2.4, 2nd to last paragraph (page 8): The Department is unclear what "... the TMDL is designed to ensure reference with WQS" means. Please clarify. **Language has been edited to reflect ...ensure attainment with WQS.**
2. Section 3.1.3, first paragraph (page 10): 113 Land Disturbance permits should be changed to 112 to agree with the correct number in Table 4. **The number has been corrected.**
3. Table 16 is referenced three places in the document, but does not exist in the document. First location - Section 6, last paragraph (page 39); Second location - Section 7 (page 40); Third location - Section 8, last paragraph (page 40). The Department also believes that only Tables 13 and 15 need to be referenced in the MOS section on page 40. **All references to Table 16 have been removed and the MOS section references only Tables 13 and 15.**
4. Section 4.6.2, last paragraph (page 34): The TMDL sets targets and provides reductions between three and seven percent of the FDC, but states in this paragraph that "general watershed management is not technically warranted to control storm water" at three percent of Hinkson Creek's FDC. The paragraph should perhaps clarify that general watershed management is not technically warranted to control storm water at flows greater than three percent of Hinkson Creek's FDC. **The suggested language has been added to the TMDL to clarify TMDL targets. Thanks for your suggestion.**
5. Section 4.6.2, Table 13: Although not stated, the table appears to demonstrate a positive percent difference at the 70 percent flow duration interval. The paragraph following Table 13 explains that the TMDL targets for Hinkson Creek should be between three and seven percent to mitigate the impairment. This paragraph should also perhaps note that reductions from current levels are not needed at the 70 percent flow duration interval since this interval is more closely related to sustaining base flow conditions in the water body. Restoring the stream's base flow dynamics is one of the stated goals of the TMDL (Section 2.4, last paragraph). **Language has been included to clarify that low flow reductions are not the**

target of the TMDL.

6. Section 10, first paragraph: The 319 grant awarded to study the hydrology of Hinkson Creek is discussed in greatest detail in Appendix E, not Appendix D. **The reference has been changed to Appendix E. Thanks**

7. Section 11: Please add reference to Appendix E at the end of the last sentence. **Reference to Appendix E has been added.**

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



Comment on Hinkson Creek TMDL
Ken Midkiff to: R7TMDL

11/21/2010 11:11 AM

History:

This message has been replied to.

Please accept the following as comments from the Missouri Clean Water Campaign, a program of the national Sierra Club's Water Sentinels.

1. The Environmental Protection Agency is subject to a federal court order (see American Canoe Association et al v. EPA) that this TMDL, and all other TMDLs on the court's list, be finalized by December 31, 2010. Any extension beyond that date - unless approved by a federal court with jurisdiction - would constitute a violation of that court order and one that would force the Sierra Club (we are the "et al") to file an "enforcement" motion. We will oppose any attempt to extend beyond the Dec. 31, 2010, deadline. Ten years is long enough.

2. We do understand that there is a threat of a lawsuit by the City of Columbia, the County of Boone, and the University of Missouri - if the lawsuit requests a "stay", that would be viewed as a contradiction of the federal court order. While it is likely that any federal court would reject an earlier court deadline, we adamantly oppose any attempt to "stay" the TMDL and its recommendations. It bears repeating: Ten years is long enough.

3. The use of "stormwater" is an appropriate and legal surrogate for "unknown pollutants". Stormwater carries a load of contaminants into Hinkson Creek including, but not limited to oil and grease, water that is more than 5 degrees of ambient, antifreeze, various lawn chemicals, dirt from construction sites and various compounds from impervious surfaces. Any reduction in stormwater will of necessity lead to a reduction in those contaminants.

4. There is little doubt that Hinkson Creek is subject to "flashiness" - quick up after a rain event, and quick down later. This flashiness - stormwater runoff - causes a myriad of problems with aquatic habitat in Hinkson Creek. The TMDL calls for a reduction of stormwater runoff and we support that.

5. Hinkson Creek is an urban stream and one that is impaired by a plethora of pollutants. Again, we view stormwater as a surrogate for those pollutants to be appropriate and legal.

6. While we fully support the TMDL and its recommendations, we would request that, after a suitable period (5 years?) of implementation of the TMDL's recommendations, monitoring occur each summer to ensure that reduction of stormwater leads to non-impairment. Akin to all TMDLs, there is no guarantee that the recommendations will result in a return to meeting water quality standards. That is particularly true when the pollutants are "unknown".

Ken Midkiff
Chair, Missouri Clean Water Campaign
No virus found in this outgoing message.
Checked by AVG - www.avg.com

Version: 8.5.449 / Virus Database: 271.1.1/3270 - Release Date: 11/21/10
07:35:00



Sierra Club comments: Hinkson TMDL
Hank Ottinger to: R7TMDL

11/30/2010 02:13 PM

History: This message has been replied to.

1 attachment



EPARegion7StrmwtrCmnt.doc

Thanks for your consideration of these comments.



Osage Group

OSAGE GROUP

<http://missouri.sierraclub.org/osage/index.htm>

November 29, 2010

Sir or Madam,

The following are comments of the Osage Group, Sierra Club, on the Hinkson Creek TMDL:

- We find the surrogate of “stormwater runoff” to be appropriate and legal.
- The contaminants contained in stormwater are many and varied, ranging from oil and grease to mud. The increase in stormwater has led to an increase in contaminants. Reduction of stormwater will result in a reduction in pollutants causing the impairment of aquatic habitat.
- We do not, however, understand why EPA has reduced the amount of stormwater runoff that will result in meeting water quality standards. After a review of the findings contained in the Hinkson Creek TMDL, we find that a reduction of at least 50.1% is required in order to negate the impairment.
- For years, the Osage Group has opposed projects that would hasten stormwater runoff, and, for those years, our opposition has been ignored. We find the proposed solutions to be similar to those we have recommended: Retention ponds and a reduction of impervious surfaces (parking lots, roofs, sidewalks, driveways and roads). Certainly retrofitting will not be easy nor cheap. Millions have been realized in the contamination of Hinkson Creek; now millions need to be spent in cleaning it up.
- We would ask that after the recommendations for reduction are implemented, monitoring occur on a regular basis to ensure that the recommendations are successful in returning Hinkson Creek to a healthy state.

Sincerely,

Hank Ottinger
Chair, Osage Group, Sierra Club

Thomas Hart Benton Group
Missouri Group
Kansas City

Osage Group
Columbia/Jefferson City

Trail of Tears Group
Cape Girardeau

White River Group
Springfield

Eastern
St. Louis



Hinkson Creek TMDL response
Oerly, Diane J. to: R7TMDL

11/23/2010 05:35 PM

History:

This message has been replied to.

Hello. I am sending this letter via US mail. But thought it might also be convenient for you to receive a copy via email. Diane Oerly



November 23, 2010

EPA, Region 7
Water Wetlands and Pesticides Division
ATTN: Ms. Debby White, Water Quality Management Branch
907 North 5th Street
Kansas City, Kansas 66101

I am writing on behalf of Show-Me Clean Streams which is an association of Missouri Stream Teams. Missouri Stream Teams are working partnership of citizens who are concerned about Missouri streams – over six thousand teams have been created since 1988. As a Stream Team association, we work to enable and represent the efforts and accomplishments of Stream Teams in the Mid Missouri area. Thanks in part to the efforts of Missouri Stream Teams, both the City of Columbia and Boone County have recently established ordinances to help address stormwater issues. Clearly as an association of Missouri Stream Teams, we are concerned about the health of our streams. But, the proposed approach that focuses only on water flow does not really address the problem. Hydrology is only one part of the problem. If we are trying to increase aquatic community health, then the solution needs to address the chemical constituents, habitat and flow.

This TMDL seems to address only the high flows (flood events), so it is likely that we could

reduce the major flooding events, but still not see the improvements in aquatic life. Restoring water quality in impaired watersheds requires understanding the complex interactions of hydrology, climate, and land use. It is important that methods not reduce base flows and overall base flow issues should be kept in mind to reach a determined ecological base flow. Without reasonable base flows nothing can survive in what was once Hinkson creek.

The proposal is confusing – even for those of us who invest our time and energy understanding and protecting our watersheds. We understand and agree that significant amounts of stormwater runoff flows into the Hinkson and that addressing flow rates are part of the solution. Spending enormous sums of money to avoid an unknown source of pollution just does not make sense at this time when various studies are underway that are likely to provide an increased understanding of the creek and its impairment. Several scientific studies are underway, the mitigation of the problem should be modified as new, more useful data becomes available. Faculty at the University of Missouri have recently published on Integrating Science Based Decision Making and TMDL Allocations in Urbanizing Watersheds. And, an October, 2010 article on scientific study currently underway in the Hinkson, see:

<http://www.stormh2o.com/october-2010/sediment-laser-diffraction.aspx>

The most cost effective way to achieve the proposed flow reductions would be to construct a large detention basin with a huge outlet structure -- culverts large enough to allow all but the 100 and 500 year events through the basin. Since it is highly likely the most cost effective solution will be implemented, it is vital that the solution be one that respects the remaining natural characteristics and is not simply an engineered solution with lots of concrete that can do more harm than good. To address aquatic life, it will be beneficial to maintain as many natural characteristics and use biotechnical methods when possible

Our understanding is that all the flow data that has been collected for this study is from a single USGS station located at Providence Road. A single point of assessing the creek is inadequate. And the precipitation data used is from the Columbia airport – which is outside of the watershed. And while the water quality sampling data and the invertebrate data was done throughout the watershed, only two sites have data for 6 sampling events. Further, the study had no invertebrate data from DNR since 2006, and 2006 is when many of Columbia's ordinances and stormwater rules went into effect.

The Hinkson Creek Watershed is large (90 square miles) and incorporates a variety of land uses and land types. A realistic solution would consider the sub-basins rather than look at the entire watershed as one basin.

The appropriate solution is balanced and reasoned. A solution that considers only flow volume without appropriate consideration of monitoring for changes in biological and chemical water quality standards cannot possibly achieve the desired goal of improving the quality of the creek and the habitat it and the watershed provide to plants and animals. We strongly encourage the Environmental Protection Agency to continue consideration of monitoring for changes in biological and chemical water quality.

Sincerely,

Diane Oerly
President, Show-Me Clean Streams
1712 Skylane Drive

Columbia, MO 65202

cc:: Missouri Stream Team Watershed Coalition



image001.png



Further comments Wilson/Pearson TMDL

Wagner, Todd to: R7TMDL

Cc: "Lamb, Carrie", "Trent Stober (tstober@Geosyntec.com)"

12/01/2010 04:43 PM

History:

This message has been replied to and forwarded.

Thank you for the opportunity to comment further on these TMDL's. Please accept these comments. The original letter is being mailed. Thank you.

Todd Wagner, PE, CFM
Co-Interim Assistant Director of Public Works
Stormwater Services Division
Department of Public Works
City of Springfield
840 Boonville Ave.
Springfield, MO 65802
Ph - 417 864 1901
Fax - 417 864 1907
twagner@springfieldmo.gov
www.springfieldmo.gov/stormwater



Response to EPA_Wilson-Pearson Creek TMDL 11-29-10_final draft.docx

November 29, 2010

U.S. Environmental Protection Agency, Region 7
Water, Wetlands and Pesticides Division
901 N. 5th Street
Kansas City, Kansas 66101
Attn: Ms. Debby White, Water Quality Management Branch, Pearson Creek
Fax: 913-551-9886

Re: Public Comment for Wilsons Creek/Jordan Creek, Pearson Creek and Hinkson Creek Draft Total Maximum Daily Load Studies (TMDLs)

Ms. White:

The City of Springfield Stormwater Services Division has completed its review of the Draft TMDLs of Wilson Creek/Jordan Creek, Pearson Creek and Hinkson Creek and offers the following comments on behalf of our community and citizens. The City submitted specific comments regarding the Wilson Creek/Jordan Creek and Pearson Creek on September 29, 2010. Since submittal of these specific comments, the U.S. Environmental Protection Agency (USEPA) issued a draft TMDL for Hinkson Creek in Boone County, Missouri on October 28, 2010. These TMDLs have several similarities, including but not limited to, mixed land uses (urban and rural) within the watersheds, aquatic life impairments due to “unknown pollutants”, a TMDL approach that utilizes stream flow as a surrogate for water quality pollutants, use of a reference stream approach to set flow-based TMDL targets, and wasteload allocations targeted at municipal separate storm sewer systems (MS4s). Although there are several similarities between these TMDLs, USEPA used differing approaches within the Hinkson Creek TMDL as compared to the Wilson Creek/Jordan Creek and Pearson Creek TMDLs. While the City asserts the validity of our comments submitted on September 29, 2010, we offer the following additional comments related to the differing technical approaches used for these TMDLs.

The City still contends that a TMDL approach that uses flow as a surrogate for water quality is flawed. This is particularly relevant for Wilson, Jordan and Pearson Creeks that have documented pollutant sources (e.g., Jones Spring Branch) where water quality data that exceed Missouri’s numeric water quality criteria have been collected. However if USEPA ultimately sets allocations based upon the flow duration curve (FDC) concept, the development of load and wasteload allocations set at “high” flow conditions (5-10% flow exceedance) is more appropriate, rather than the full FDC range as currently proposed within the Wilson/Jordan Creek and Pearson Creek TMDLs. The Hinkson Creek TMDL targeted this upper portion of the FDC, as did the Appendices D and E in the Wilson/Jordan Creek and Pearson Creek TMDLs, respectively. In fact, USEPA states that mitigation of high flows should be sufficient to meet TMDL targets during more frequent (lower flow) stream conditions and comparisons of lower flow categories to Wilson Creek are not appropriate due to losing conditions. Therefore, the City recommends load and wasteload allocations referenced within the main body of the TMDL be revised to include only the 5th and 10th percentile flows, should USEPA continue to endorse the FDC approach.

The City believes that the Wilson Creek/Jordan Creek and Pearson Creek TMDLs should account for hydrologic variation between reference streams to develop TMDL targets if USEPA uses the FDC approach. Our September 2010 comments discussed the differences at low frequency, high flows (5% flow exceedance) between the reference streams utilized for these TMDLs. For example, the 5th percentile normalized flow exceedances for Bryant, North and Bull Creeks are approximately 2, 3 and 4 cfs/square mile, respectively. The recommended TMDL target for this flow recurrence was the average of these reference streams (approximately 3 cfs), which infers that the hydrologic characteristics of Bull Creek (a biologic reference stream) do not meet the TMDL targets. In contrast, USEPA used a statistical approach to develop the TMDL flow targets for the Hinkson Creek TMDL, which was based upon the upper 95th percent confidence limit (95% CL) of reference stream FDCs. While it appears that the 95% CL was used due to differences in hydrologic conditions within the historic data, the approach does account for the variation that is inherent with differing catchments, such as land use, watershed morphology, etc. Accounting for the variation between FDC's of reference streams could dramatically influence TMDL targets. The difference between 5th percentile normalized flow exceedances for Wilson and Pearson Creeks compared to Bull Creek are approximately 15% and 5%, respectively. The City still believes that the dissimilarity between the watersheds of the eco-regional reference streams and the TMDL study streams invalidates the FDC approach for setting TMDL targets. However if the FDC approach is followed, the City requests that USEPA accounts for hydrologic variation between reference and TMDL streams while deriving the most appropriate TMDL targets.

Thank you for the opportunity to comment on the draft Wilson Creek/Jordan Creek, Pearson Creek and Hinkson Creek TMDLs. We continue to affirm our September 2010 comments and further assert that much more background research and consideration of all potential sources is needed. We believe a more comprehensive implementation plan is necessary for the plan to be feasible, and more likely to achieve the restoration of beneficial uses. We request that ALL potential pollutant sources be considered, studied in more depth and included in the implementation plan. We request that the presumed solution not be limited to just one narrow approach to pollution reduction, in this case stormwater runoff flow reduction, but rather be a palette of potential measures to address a variety of pollutant sources that occur in varied environmental conditions throughout our local watersheds. However, if USEPA ultimately uses the FDC approach to set TMDL targets then it should do so consistently between the three TMDL studies referenced in these comments. Please feel free to contact me if you have any questions or would like to discuss. You can reach me at 417-864-1901 or twagner@springfieldmo.gov.

Sincerely,

Todd G. Wagner, PE
Principal Stormwater Engineer
Stormwater Services Division



Comment letter on Draft Hinkson Creek TMDL
Ashbrook, Peter to: R7TMDL

12/01/2010 04:30 PM

History:

This message has been replied to.



See attached. Hinkson TMDL letter 20101201.pdf



Office of the Vice Chancellor
for Administrative Services

University of Missouri-Columbia

319 Jesse Hall
Columbia, MO 65211-1250

PHONE (573) 882-4097
FAX (573) 884-4847

December 1, 2010

Environmental Protection Agency, Region 7
Water and Pesticides Division
Att: Debby White
901 North 5th Street
Kansas City, KS 66101

RE: Hinkson Creek TMDL

Dear Ms. White:

The University of Missouri (MU) objects to the issuance of the EPA's proposed Hinkson Creek TMDL and adopts the comments submitted by Lathrop & Gage LLP in support of this correspondence. MU is fully supportive of appropriate management of storm water and protecting the water quality of the area's streams. We have taken numerous steps both independently and in coordination with the City of Columbia and Boone County to do just that.

The TMDL as currently proposed is based on such questionable and dated information that it is not clear that Hinkson Creek is even impaired. Further, there are no criteria given as to what would constitute satisfactory monitoring results. The proposed TMDL requires an extremely costly response that may not even be technically achievable to address a problem that may not even exist. Throughout the TMDL development process, MU has suggested several alternate approaches to the Missouri Department of Natural Resources; however, all have been ignored without a response. Likewise, EPA has not made any real effort to engage stakeholders in the short time it has taken over responsibility for the TMDL. It is our understanding that TMDL's are supposed to be developed in consultation with affected stakeholders, yet there has been little evidence that MU's comments have been considered.

MU takes great pride in the priority it gives to environmental issues and storm water management is no exception. We request that EPA host a meeting with the City of Columbia, Boone County and MU to resolve these issues before a TMDL is issued for Hinkson Creek. If you have any questions regarding this matter, please feel free to contact Peter Ashbrook, Director of Environmental Health and Safety at 573/882-5019.

Sincerely,



Jacquelyn K. Jones
Vice Chancellor Administrative Services