



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAY 26 2006

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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 Walnut Creek (WBID 1339)

This letter responds to the submission from the Missouri Department of Natural Resources (MDNR), dated April 10, 2006, regarding Walnut Creek, which was listed as impaired on Missouri's 1998 §303(d) list, for Biochemical Oxygen Demand (BOD) and Volatile Suspended Solids (VSS). MDNR proposes to correct the impairments with National Pollutant Discharge Elimination System (NPDES) permit limits in lieu of a Total Maximum Daily Load (TMDL). The following water body segment was proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Walnut Creek	1339	Biochemical Oxygen Demand Volatile Suspended Solids	El Dorado Springs Wastewater Treatment Facility (WWTF)	MO-0040002	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 Walnut Creek, 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 U.S. Environmental Protection Agency (EPA) has completed its review of this submission, and other previously submitted information supporting this permit in lieu of a TMDL, and concurs that a

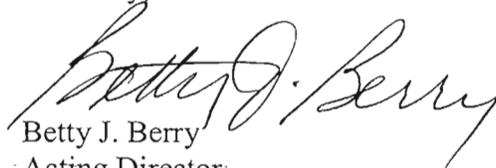


TMDL is not required for this impaired water body because the impairment is being addressed through more stringent NPDES permit limits as per 40 CFR 130.7(b)(ii).

The El Dorado Springs WWTF has been identified as the sole source for the VSS and BOD, on Walnut Creek, as a result of surface water monitoring directly above and below the WWTF. The NPDES permit was issued on March 24, 2006, for the El Dorado Springs WWTF as a non-discharging system and includes emergency discharge final limits that will take affect March 24, 2009. By eliminating the discharge to the stream and including emergency discharge final limits, WQS should be achieved.

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,



Betty J. Berry  
Acting Director  
Water, Wetlands, and Pesticides Division

cc: Ann Crawford, TMDL Chief, MO Dept of Natural Resources