



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

RECEIVED

2005 JUN 21 AM 10:46

June 16, 2005

WATER PROTECTION PROGRAM

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 Stockton Branch

This letter responds to the submission from the Missouri Department of Natural Resources (MDNR), dated May 11, 2005, regarding Stockton Branch, which was listed as impaired on Missouri's 1998 §303(d) list. In this submission, MDNR proposed to correct the impairment 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
Stockton Branch	1361	Volatile Suspended Solids (VSS)	Stockton Wastewater Treatment Plant (WWTP)	MO-0055280	1998

Waters require TMDLs when certain pollution control requirements are not stringent enough to implement water quality standards 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 water quality standards. Furthermore, it may be concluded that where federal regulations at 40 CFR 130.7(b)(ii) provide that "[m]ore 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 water quality standards, a TMDL is not required.



In regard to Stockton Branch, the 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 Stockton WWTP has been identified as the sole source for the VSS as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on March 10, 2005 for the Stockton WWTP includes a compliance schedule to commence by June 1, 2005; final limits which will achieve water quality standards for VSS as identified in Attachment A will be imposed through a re-issued permit, with the conclusion of the compliance schedule, June 1, 2008.

If you have any questions or concerns in regards to this concurrence, please do not hesitate to contact Jack Generaux, TMDL Team Leader, at 913-551-7690, or Ann Lavaty, TMDL Team, at 913-551-7370.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo J. Alderman", with a long horizontal flourish extending to the right.

Leo J. Alderman
Director

Water, Wetlands, and Pesticides Division

cc: Ann Crawford, TMDL Chief, Missouri Department of Natural Resources,
Jefferson City, MO
Scott B. Totten, Director, WPSCD, Missouri Department of Natural Resources,
Jefferson City, MO