



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 16 2009

Ms. Leanne Tippett Mosby
Division of Environmental Quality
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, Missouri 65102

Dear Ms. Mosby:

The United States Environmental Protection Agency (EPA), Region 7, has completed its review of public comments regarding proposed changes made by EPA to Missouri's 2008 Clean Water Act (CWA) Section 303(d) list, as described in the August 6, 2009, decision letter to the Missouri Department of Natural Resources (MDNR).

EPA reviewed Missouri's 2008 303(d) list of impaired waters, and had determined that Missouri's list of water quality limited segments still requiring Total Maximum Daily Loads (TMDLs) did not include certain waters and pollutants required to be listed. EPA partially approved and partially disapproved Missouri's 303(d) list and provided its rationale for this action in its letter to MDNR dated August 6, 2009. EPA then issued a public notice on August 6, 2009, seeking written comments on EPA's decision to add/restore 17 water body/pollutant pairs to Missouri's 2008 303(d) list. The 60-day public comment period closed on October 5, 2009. Pursuant to Region 7's revised method for public noticing decisions on 303(d) lists (as described in the September 12, 2008 Federal Register Vol. 23, No. 178 p. 52928), EPA placed its public notice and the associated decision letter on the EPA-Region 7 website. The record supporting EPA's decision was available upon request. EPA's request for public comments was limited to decisions to add or restore specific water body/pollutant pairs to Missouri's 2008 303(d) list.

Based on EPA's review of the comments, Region 7 is amending its decision and removing four water body/pollutant pairs it had previously proposed to restore to Missouri's 303(d) list. EPA is approving the delisting of Dry Auglaize Creek (WBID 1145) for unknown pollutants and Little Beaver Creek (WBID 1529) for low dissolved oxygen because a permit in lieu of a TMDL has been approved and is expected to result in attainment with WQS. These two water body/pollutant pairs are appropriate for placement in Category 4B. EPA is also approving the delisting of Flat Creek (WBID 0865) for unknown pollutants based on additional data and clarification provided by MDNR subsequent to the submission of their 2008 303(d) list. EPA reviewed that data during the public comment period and is including its evaluation in this responsiveness summary. EPA is also approving the delisting of Village Creek (WBID 2863) for manganese. At this time, the data are not sufficient to support identifying manganese as a pollutant causing impairment in this segment of Village Creek. The enclosure to this letter

provides a detailed responsiveness summary to public comments the Agency received and includes a consolidated list summarizing EPA's decisions on Missouri's 2008 303(d) list.

EPA would like to discuss this decision further with MDNR as you prepare your 2010 303(d) list for submission. Please contact me at 913-551-7401, or John DeLashmit, Chief of the Water Quality Management Branch, at 913-551-7821.

Sincerely,



William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosure

cc: Missouri Department of Natural Resources:
Mr. Scott Totten
Mr. John Ford
Mr. John Hoke
Mr. Refaat Mefrakis