



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

APR 21 2006

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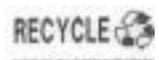
Mr. Edward Galbraith, Director
Water Pollution Control Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

RE: Permit Limits in Lieu of a Total Maximum Daily Load for Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek

This letter responds to the submissions from the Missouri Department of Natural Resources (MDNR), dated November 17, 2005, and February 27, 2006, regarding Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek. These waterbodies were listed as impaired on Missouri's 2002 §303(d) list. MDNR proposes 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 segments were proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Red Oak Creek	2038	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Red Oak Creek Tributary	3360	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Red Oak Creek Tributary	3361	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Horseshoe Creek	3413	Biochemical Oxygen Demand (BOD) and Ammonia	Oak Grove Northwest Wastewater Treatment Plant (WWTP)	MO-0106259	2002



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.

The Owensville WWTP has been identified as the sole source of the VSS impairment, on Red Oak Creek and Red Oak Creek Tributary, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on September 30, 2005, for the Owensville WWTP includes a compliance schedule; final limits will achieve water quality standards for VSS by September 30, 2008.

The Oak Grove WWTP has been identified as the sole source of the Biochemical Oxygen Demand and ammonia impairment, on Horseshoe Creek, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit was issued on February 10, 2006. The Horseshoe Creek discharges have been eliminated and the facility now discharges to a tributary of Sni-a-Bar Creek.

The Environmental Protection Agency (EPA) has completed its review of these submissions, and other previously submitted information. The permit actions appear sufficient to address the impairments per 40 CFR 130.7(b)(ii).

On February 27, 2001, EPA entered into a Consent Decree with the American Canoe Association, which outlined milestones for developing TMDL documents for waterbodies included on the 1998 §303(d) list. In fulfilling the milestone obligations, Paragraph 5.B(4)(b) of the Consent Decree indicates that waterbodies that EPA determines do not need TMDLs consistent or are subsequently removed from the Missouri §303(d) list also count toward meeting the TMDL Consent Decree requirements.

Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek, were listed on the 2002 §303(d) list but were not listed on the 1998 §303(d) list. Therefore, the permit action on these three waterbodies will not count toward meeting the TMDL Consent Decree requirements. During the next Missouri 303(d) listing process, EPA will consider all the submitted information and supporting documentation as well as any new data gathered during the intervening time as supporting evidence justifying removal of the waterbodies from the list.

If you have any questions or concerns in regards to this matter, please contact Jack Generaux, TMDL Team Leader, at (913)551-7690, or Tabatha Adkins, TMDL Team, at (913)551-7128.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty Berry".

Betty Berry

Acting Director

Water, Wetlands, and Pesticides Division

cc: Ann Crawford, TMDL Chief, MO Dept of Natural Resources, Jefferson City, MO
Phil Schroeder, Missouri Department of Natural Resources, Jefferson City, MO