



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUL 20 2006

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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:

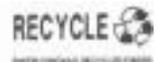
RE: Permit Limits in Lieu of a TMDL for Rocky Branch Creek

This letter responds to the submission from the Missouri Department of Natural Resources (MDNR), dated November 30, 2005, regarding Rocky Branch Creek. This waterbody was 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 segment was proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Rocky Branch Creek	3326	Biochemical Oxygen Demand (BOD)	Kansas City Rocky Branch Wastewater Treatment Plant (WWTP)	MO-0048305	2002

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.

The Kansas City Rocky Branch WWTP has been identified as the sole source of the BOD impairment, on Rocky Branch Creek, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on November 10, 2005, for the Kansas City Rocky Branch WWTP, includes final limits that are now in effect, and should achieve WQS for BOD.

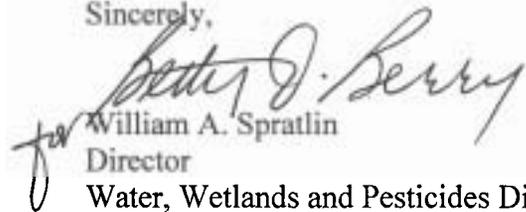


On February 27, 2001, EPA entered into a Consent Decree with the American Canoe Association, which outlined milestones for developing Total Maximum Daily Load (TMDL) documents for waterbodies included on the 1998 §303(d) list. In fulfilling the milestone obligations, Paragraph 5.B(4)(b) of the Consent 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.

Rocky Branch Creek was listed on the 2002 §303(d) list but was not listed on the 1998 §303(d) list. Therefore, the permit action on this waterbody 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 this waterbody from the list.

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,

  
William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

cc: Anne Peery, TMDLs, MDNR, Jefferson City, MO  
Phil Schroeder, MDNR, Jefferson City, MO