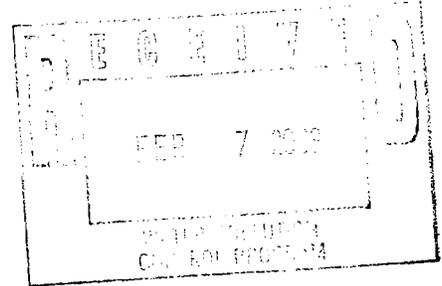




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

FEB 04 2003



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Kansas City, MO 64113

Dear Gentlemen:

Re: American Canoe Association v. EPA, Case No 98-1195-CV-W-SOW, Consolidated with  
98-4282-CV-W-SOW

Enclosed please find a report prepared by Region VII of the U.S. Environmental Protection Agency (EPA), summarizing the activities conducted under the Consent Decree entered into on February 27, 2001, regarding Total Maximum Daily Loads (TMDLs) in Missouri. This report complies with the annual reporting requirements under the Consent Decree and Settlement Decree.

Activities conducted during this reporting period focus mainly on the development and submission of Missouri TMDLs, and the U.S. EPA's review and approval of those TMDLs. Efforts are now underway to establish TMDLs for additional impaired waters. The Missouri Department of Natural Resources continues to proceed with Missouri TMDL development at an acceptable pace.

We hope this information proves useful. We look forward to working with you and your clients further on the Section 303(d) program in Missouri. Please feel free to contact Cheryl Crisler, of my staff, at 913-551-7820, if you have any questions.

Sincerely,



Carol Kather  
Acting Director  
Water, Wetlands, and Pesticides Division

Enclosure

cc: Karen Wendelowski, Office of General Counsel, USEPA, Washington, DC  
Eileen McDonough, United States Department of Justice, Washington, DC  
Scott B. Totten, MDNR, Jefferson City, MO  
Sharon Clifford, MDNR, Jefferson City, MO

**Annual Report of Year 2002 Activities  
Undertaken to Comply with the February 27, 2001  
Consent Decree and Settlement Agreement  
(American Canoe Association, Inc. and the Sierra Club v. U.S. EPA)  
Civil Action File No. 98-1195-CV-W and Consolidated Case No. 98-482-CV-W**

January 24, 2003

The U.S. Environmental Protection Agency (EPA) has prepared the following annual report for Plaintiffs, outlining activities undertaken to comply with the Consent Decree and Settlement Agreement during the reporting period. Components of the Annual Report include five items cited in paragraph 5.C. of the Consent Decree. These items are as follows:

- I. EPA established TMDLs,
- II. Waterbodies or pollutants determined not to need TMDLs, including a description of the basis for such a determination;
- III. Waterbodies which have previously approved or established TMDLs where water quality standards have been met;
- IV. Waterbodies and associated pollutants where TMDLs were established by Missouri and which EPA has approved; and
- V. Section 303(d) List

Components of the Yearly Progress Report include six items as cited in paragraphs 10, 11 and 12 of the Settlement Agreement. These items are as follows:

- VI. Continuing Planning Process
- VII. Missouri Monitoring Program
- VIII. Monitoring of Attachment B Water Segments
- IX. Approved TMDLs and supporting decision documents on Internet location
- X. Yearly Meeting between EPA and the Plaintiffs
- XI. NPDES permits reviewed

**I. EPA established TMDLs**

EPA has not established any TMDLs for waterbodies or associated pollutants for Missouri during this time period.

## II. Waterbodies or pollutants determined not to need TMDLs

No waterbodies or associated pollutants on Missouri's 1998 Section 303(d) List have been determined not to need TMDLs during this reporting period.

## III. Waterbodies which have previously approved or established TMDLs where water quality standards have been met - email to Sharon sent

Missouri has not provided to EPA a list of Missouri waters for which EPA has previously approved TMDLs where the applicable water quality standards are now being met. The previously approved TMDLs are listed in the following table.

## IV. Waterbodies and associated pollutants where TMDLs were established by Missouri and which EPA has approved

WBID	Waterbody Name <sup>1</sup>	Pollutants <sup>1</sup>	Received	Approved
0942	North Moreau Creek	NFR	11/30/99	Yes
0278	Rush Creek	BOD/ NFR	11/17/99	Yes
2859	Saline Creek	Nickel	11/24/99	Yes
2860	Goose Creek	Nickel	11/24/99	Yes
1714	Rock Creek	BOD, NH3	11/24/99	Yes
3239	Clear Creek	BOD, NFR, NH3	11/30/99	Yes
2604	Eleven Point River	Chlorine	12/05/00	Yes
2190	Saline Creek	BOD, NH3	12/14/00	Yes
0737	Cedar Creek	pH, Sulfate	01/02/01	Yes
3490	Trib. To Little Muddy Creek	Temperature	12/05/00	Yes
0856	Little Muddy Creek	Temperature	12/05/00	Yes
0912	Davis Creek	BOD, NH3	01/02/01	Yes
2582	Howell Creek	Chlorine	01/02/01	Yes
2614	Piney Creek	Chlorine	01/02/01	Yes
2347	James River	Nutrients, Unknown	3/30/01	Yes
2362	James River	Nutrients, Unknown	3/30/01	Yes
2365	James River	Nutrients, Unknown	3/30/01	Yes
417	Blue River	Chlordane	9/17/01	Yes
418	Blue River	Chlordane	9/17/01	Yes
419	Blue River	Chlordane	9/17/01	Yes
421	Blue River	Chlordane	9/17/01	Yes
7054	Lake St. Louis	Chlordane	9/17/01	Yes
7255	Creve Coeur Lake	Chlordane	9/17/01	Yes
7211	Pleasant Hill Lake	Chlordane	9/24/01	Yes
859	Brushy Creek (Fork)	BOD, NH3, NFR	12/31/01	Yes

855	Muddy Creek	BOD	12/31/01	Yes
1505	(East) Whetstone Creek	BOD	12/31/01	Yes
686	Sugar Creek	pH	11/26/02	Yes

Missouri has cumulatively established and submitted to EPA 39 TMDLs for 28 waterbody segments as of December 31, 2002. Missouri has met the 28 waterbody segments as given in the Consent Decree schedule as outlined in paragraph 5.B.(3).

#### **V. Section 303(d) List**

EPA has submitted comments on MDNR's 2002 CWA 303(d) list methodology during 2002. EPA received the official Missouri submittal and final 2002 CWA 303(d) list on August 24, 2002. EPA has not yet issued a decision.

#### **VI. Continuing Planning Process**

EPA has made available a copy of Missouri's CPP in the Region VII library for public review from May 23, 2001 during the pendency of this Settlement Agreement. EPA Region VII received a final copy of the new CPP on February 25, 2002 labeled "approved by the Missouri Clean Water Commission November 28, 2001." EPA reviewed and provided comments to Missouri on March 29, 2002 and noted Missouri's intent for subsequent planning for frequent updates.

#### **VII. Missouri Monitoring Program**

On April 5, 2002 EPA provided to Missouri and the Plaintiffs the final EPA study of the State of Missouri's monitoring program including a summary of EPA findings and recommendations. This report is also available to the public.

#### **VIII. Monitoring of Attachment B Water Segments**

On November 5, 2001, EPA received the report of data generated under the Interim Monitoring Plan by MDNR. EPA has reviewed the report and comments were finalized January 29, 2002 and were forwarded to MDNR and a copy provided to Plaintiffs. EPA is currently using this data in the review of Missouri's 2002 CWA 303(d) list and is continuing to work with MDNR on these waterbodies.

#### **IX. Approved TMDLs and supporting decision documents on Internet location**

EPA has provided access to all Missouri approved TMDLs and supporting decision documents on our regional Internet page; the address is <http://www.epa.gov/region07/water/apprtmdl.htm>.

## **X. Yearly Meeting between EPA and the Plaintiffs**

EPA contacted Mr. David Bookbinder (the plaintiffs) via phone regarding this meeting. It was decided that no meeting was needed because no waterbodies or associated pollutants on Missouri's 1998 Section 303(d) List had been determined not to need TMDLs during this reporting period.

## **XI. NPDES Permits Reviewed**

EPA is currently working on a letter to MDNR listing the sample of draft Missouri NPDES permits that EPA has reviewed over calendar year 2002 for compliance with wasteload allocations in approved TMDLs or are as stringent as needed to meet the applicable water quality standards. A courtesy copy of this letter will be provided to the Plaintiffs.