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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY DEC 10 2013
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

DEC 05 2013

WATER PROTECTION PROGRAM

Ms. Sara Parker Pauley
Director
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Ms. Pauley:

RE: Permit Limits in Lieu of a TMDL for Straight Fork

This letter responds to the submission from the Missouri Department of Natural Resources dated August 26, 2013, regarding Straight Fork. Straight Fork is listed as impaired on Missouri's 2012 § 303(d) list by chloride. The MDNR proposes to correct the impairment with a national pollutant discharge elimination system permit limit in lieu of a Total Maximum Daily Load. The following water body segment is proposed to be corrected through a permit limit:

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Straight Fork	959	chloride	city of Versailles' wastewater treatment plant	MO0094927	2004/2006 303(d)

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 40 CFR §130.7(b)(1)(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.

In regards to Straight Fork, federal regulations at 40 CFR §130.7(b)(1)(ii) provide that [where more 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 WQS], a TMDL is not required. The U.S. Environmental Protection Agency, Region 7, has completed its review of this submission, and other previously submitted information supporting this permit in lieu of a TMDL, and concur that a TMDL is not required for this impaired water body because the impairments are being addressed through more stringent national pollutant discharge elimination system permit limits as per 40 CFR 130.7(b)(ii).



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The Versailles wastewater treatment plant has been identified as the sole source for the chloride impairment on Straight Fork by surface water monitoring directly above and below the plant. The current permit was signed into effect August 1, 2013 and expires on October 31, 2015. Discharges from outfall #002 are considered a bypass and are no longer authorized subject to 40 CFR 122.41 (m). The schedule of compliance is complete and the chloride limits remain at 376 milligrams per liter daily maximum and 188 mg/L monthly average. The permit limits will continue to ensure the WQS of 230 mg/L chloride will be met. The permit requires instream monitoring of chloride ensuring limits are appropriate. The permit also includes a reopener clause to allow for stricter limits if monitoring indicates WQS exceedances.

Enclosed with this letter is the Region 7 4b Rationale Document which summarizes the EPA's approval of the permit in lieu of a TMDL. The EPA believes the separate elements of the PIL described in the enclosed form adequately address the pollutant of concern.

If you have any questions or concerns in regards to this matter, please do not hesitate to contact Tabatha Adkins, of my staff, at (913) 551-7128.

Sincerely,



Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosure

cc: Mr. Bill Whipps, MDNR
Mr. John Hoke, MDNR



EPA Region 7 4B Rationale

Water body ID(s): MO_0959

State: MO

Water body Names(s): STRAIGHT FORK

Pollutant(s): CHLORIDE

HUC(s): 10300102

Basin: LOWER MISSOURI-BLACKWATER (LOWER MISSOURI-MOREAU RIVER BASIN),
OZARK/MOREAU/LOUTRE EDU

Tributary(ies): UNNAMED TRIBUTARY

First Listing Cycle: 2012

Submittal Date: 10/3/2007

Approved: Yes

Submittal Letter

State submittal letter indicates final Maximum Daily Load(s) for specific pollutant(s)/water(s) were adopted by the state, and submitted to EPA for approval under section 303(d) of the Clean Water Act. Include date submittal letter was received by EPA and date of receipt of any revisions.

The U. S. Environmental Protection Agency received this submittal, for the impairment chloride, with the cover letter, check list, final permit, biological stream assessment report, source verification report, map and water quality review sheet on October 3, 2007. This submittal was in support of the April 26, 2007, Missouri submission of the 2004/2006 303(d) list, where this water body was listed in category 4b for chloride and volatile suspended solids. The EPA approved a permit in lieu of TMDL for VSS on December 11, 2006. Follow-up documents were submitted by email April 9, May 15, June 10 and June 16, 2008. Straight Fork chloride impairment was not removed from category 5 of the 2004/2006 303(d) list and has remained in category 5 in subsequent 2008, 2010 and 2012 303(d) lists.

A revised submittal of the Straight Fork chloride 4b, permit in lieu of a TMDL, was received from the Missouri Department of Natural Resources on August 26, 2013. The submittal included the cover letter, final permit and fact sheet, water quality review sheet and discharge monitoring data sheets. This submittal is in support of the Missouri 2014 303(d) list currently on public notice.

Concern

A statement of the problem causing the impairment.

The sole source of the impairment is the city of Versailles' wastewater treatment plant MO0094927. The listing was based on data trends which suggest the treatment plant is the sole source of elevated chloride levels. Conductivity values in Straight Fork measured much higher than values from a control stream (Bonne Femme) and values gathered from neighboring tributaries within the watershed.

The Biological Stream Assessment Report, by the MDNR for 2003-2004 evaluating the chloride trends, suggested the Versailles WWTP was the sole contributor during both seasons and exceeded the water quality standards. The chloride levels in Straight Fork were much higher than in the control stream.

The Source Verification Report by the MDNR for June 30, 2007, evaluated presence or absence of additional sources for chloride in Straight Fork. The results indicated there are no additional sources contributing a significant amount of chloride to the upper watershed of Straight Fork, indicating the city of Versailles' WWTP is the sole source.

There are no other permitted facilities upstream of the treatment plant. Land use in the watershed is 82 percent grassland and forest which would indicate nonpoint source contribution of chlorides is not a problem.

Implementation Strategy

A description of the proposed implementation strategy and supporting pollution controls necessary to achieve WQS, including the identification of point and nonpoint source loadings that when implemented assure the attainment of all applicable WQS.

A permit was reissued on September 18, 2006, and revised June 9, 2008. The interim chloride limits set 376 milligrams per liter for a daily maximum and 188 mg/L for a monthly average. The reissued permit final limits for chloride are the same as the interim limits. The schedule of compliance included provisions for construction, to meet reissued permit final limits by October 1, 2010. Regardless of the source of chloride, the city will comply with the water quality based effluent limits for chloride. The city will need to investigate its user industries and internal processes as a means to achieve the necessary reductions. The reissued permit limits will ensure that the water quality standard of 230 mg/L chloride will be met.

The current permit was signed into effect August 1, 2013. Discharges from outfall #002 would be considered a bypass and are no longer authorized subject to 40 CFR 122.41 (m) as listed in the permit. The permit expires on October 31, 2015. The schedule of compliance is complete and the chloride limits remain at 376 mg/L daily maximum and 188 mg/L monthly average. The permit limits will still ensure that the WQS of 230 mg/L chloride will be met.

Time

An estimate or projection of the time when WQS will be met.

The current permit ensures water quality standards will be achieved in Straight Fork. The chloride limits are calculated to meet water quality standards and have been in force within the permit since October 1, 2009.

Schedule

A reasonable schedule for implementing the necessary pollution controls.

A permit was reissued on September 18, 2006, and revised June 9, 2008. The interim effluent limits became effective October 1, 2009. These interim limits included a daily maximum of 376 milligrams per liter chloride and a monthly average of 188 mg/L chloride. These limits became final effluent limits August 1, 2011. The chloride final and interim permit limits were the same. The original permit included a schedule of compliance for the city of Versailles to complete construction improvements, to meet the new limits and attain water quality standards. The SOC is completed; the current permit was signed into effect August 1, 2013. The chloride limits remain the same.

Monitoring

A description of, and schedule for, monitoring milestones for tracking and reporting progress to EPA on the implementation of the pollution controls.

The MDNR will schedule ambient stream monitoring one year after the chloride limits go into effect. The permit includes monthly outfall and instream monitoring for chloride.

Commitment to Revise

A commitment to revise, as necessary, the implementation strategy and pollution controls if progress towards meeting WQS is not being shown.

A reopener clause has been included in the permit to allow for incorporation of stricter effluent limits if monitoring shows that water quality standards are not being achieved.

******* Pollution control requirements in the submittal*******

National Pollution Discharge Elimination System

