UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 27 2007

Ed Galbraith, Director
Water Protection Program
Division of Environmental Quality
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

The U.S. Environmental Protection Agency (EPA) has partially completed its review of the Missouri Clean Water Act (CWA) Section 303(d) list of water quality limited segments still requiring Total Maximum Daily Loads (TMDLs), submitted by the Missouri Department of Natural Resources (MDNR) on April 26, 2007. In this 2004/2006 submittal, MDNR included the following items:

- Missouri's final 2006 CWA Section 303(d) impaired waters list.
- The *Missouri Water Quality Report 2006*, which includes their 305(b) report and 303(d) list.
- *Methodology for the Development of the 2006 Section 303(d) List in Missouri.*
- Table showing the current status of waters on the Missouri 2002 303(d) list not appearing on the 2006 list.
- Summary of the 303(d) status of border and interstate waters.
- Administrative record of all public comments received by MDNR during both of MDNR's public comment periods from October 11, 2006, through January 17, 2007, and March 7, 2007, through April 16, 2007.
- Responses to the public comments.
- Complete set of data files and/or data summaries pertaining to all 2002 and 2004/2006 303(d) listings.

Table 15 of the *Missouri Water Quality Report 2006* submitted by Missouri contains the state's CWA Section 303(d) list as approved by the Clean Water Commission. EPA continues to review a portion of the State's submission and has requested additional documentation for several water bodies. MDNR is working to gather the requested documentation and supporting information. Rather than delay decision on the entire submission, EPA partially approves Missouri's 2004/2006 CWA Section 303(d) list and defers action on the remaining water bodies and associated pollutants. The statutory and regulatory background of the CWA Section 303(d) list and EPA's rationale for approving certain delistings is included in the enclosure. This letter approves the following parts of Missouri 2004/2006 submission:

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- The listing of 32 water quality limited segments. See Section B.1 for a list of the approved water bodies on the 2004/2006 Section 303(d) list.
  - 22 water bodies are new additions to the 303(d) list in the 2004/2006 cycle
  - 10 water bodies were listed in previous cycle years
- The delisting of 131 water bodies and corresponding pollutants. These water bodies are delisted for the following reasons:
  - 101 water bodies have EPA-approved TMDLs
  - 12 water bodies have EPA-approved permits in lieu (PIL) of TMDLs
  - 10 water body/pollutant pairs have recent data indicating that designated uses are supported
  - 8 water body/pollutant pairs are delisted because the criterion no longer applies

For the remaining waters, the Agency continues to review the state's data and assessment. Upon completion of its review, the Agency will announce a second decision on the state's submission and identify additional waters for inclusion on the 303(d) list, if necessary. If EPA identifies additional waters and pollutants for inclusion on the 303(d) list, we will provide the public an opportunity to comment on the additions to the list. The Agency expects to make this second decision within the next 60 days.

I congratulate you and your staff for the completion of the list development and submission process. This process consumes a significant amount of staff resources and requires a complex evaluation and assessment of water quality data. We look forward to working with MDNR as EPA completes its review of the 2004-2006 list submission and on the development of the 2008 303(d) list.

If you would like to further discuss EPA's action, 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: Rob Morrison, MDNR
John Ford, MDNR
Phil Schroeder, MDNR
John Hoke, MDNR
Refaat Mefrakis, MDNR