UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

12 FEB 2004

Jim Hull, Director
Water Pollution Control Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Dear Mr. Hull:

Re: Approval of TMDLs for Middle Fork Tebo Creek, Trib. Middle Fork Tebo Cr., West Fork Tebo Creek, and Trib. Barker Creek

This letter responds to the two submissions from Missouri received by EPA on December 12, 2003 and December 31, 2003, for ten (six Water Quality Limited (WQL) and four non-Water Quality Limited (non-WQL)) Total Maximum Daily Loads (TMDLs), and one "TMDL-not-needed", for impairments identified on the 1998 and the 2002 Missouri §303(d) lists. These submissions fulfill the Clean Water Act statutory requirement to develop TMDLs for those impairments listed on a state's §303(d) list. The specific impairments (water body segments and pollutants) are:

Water Body Name	WBID	Listed pollutant	TMDL pollutant
East Fork Tebo Creek	1282	pH	pH (TMDL-not-needed)
Middle Fork Tebo Creek	1284	sulfate	sulfate(WQL)
Middle Fork Tebo Creek	1284	-	chloride (non-WQL)
Trib. Middle Fork Tebo Cr.	1288	pH	pH(WQL)
Trib. Middle Fork Tebo Cr.	1288	sulfate	sulfate(WQL)
Trib. Middle Fork Tebo Cr.	1288	-	chloride(non-WQL)
West Fork Tebo Creek	1292	sulfate	sulfate(WQL)
West Fork Tebo Creek	1292	-	chloride(non-WQL)
Trib. Barker Creek	1211	pH	pH(WQL)
Trib. Barker Creek	1211	sulfate	sulfate(WQL)
Trib. Barker Creek	1211	-	chloride(non-WQL)

where "WQL" means that the TMDL is established for an impairment appearing on the 1998 and/or 2002 Missouri §303(d) lists, and "non-WQL"means that the TMDL is established for a segment-pollutant that does not appear on the 1998 or 2002 Missouri §303(d) list. EPA reviews and approves/disapproves TMDLs only for impairments that appear on the §303(d) list. The

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sulfate impairment in Trib. to Barker Creek appears only on the 2002 §303(d) list. All the other five impairments appear on both the 1998 and the 2002 §303(d) lists. The WBIDs, above, are those that appear in the 1998 Missouri §303(d) list.

EPA has completed its review of the six WQL TMDLs with supporting documentation and information. By this letter EPA approves the six WQL TMDLs submitted. Enclosed with this letter are Region 7 TMDL Decision Documents which summarize the rationale for EPA's approval of each of these six TMDLs. The EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA acknowledges Missouri's effort to establish four TMDLs for segment-pollutants that do not appear in the 1998 or 2002 Missouri §303(d) list, also known as §303(d)(3) TMDLs. EPA is not required to review and approve/disapprove these four TMDLs. EPA understands that Missouri established these four TMDLs because the Missouri WQS are for "sulfate plus chloride" rather than sulfate and chloride separately, and therefore chloride levels must be considered along with sulfate to attain WQS, even though only sulfate appears on the §303(d) list.

The submittal letter dated December 12, 2003 contains water quality information for pH in East Fork Tebo Creek, and Missouri claims that this water body now attains water quality standards. EPA agrees that the evidence provided shows that the pH WQS is now attained. EPA expects future Section 303(d) lists and supporting documentation from Missouri to account for this segment-pollutant.

EPA is currently engaged in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service regarding these TMDLs. While EPA is approving these six WQL TMDLs at the present time, EPA may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

EPA appreciates the thoughtful effort that Missouri has put into these TMDLs, and will continue to cooperate with and assist, as appropriate, in future efforts by Missouri to develop the remaining TMDLs.

Sincerely,

Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division

Enclosures

cc: Sharon Clifford, TMDL Coordinator, Water Pollution Control Program, Jefferson City, MO