

PUBLIC NOTICE

U.S. Environmental Protection Agency, Region 7
Water, Wetlands and Pesticides Division
901 North 5th Street
Kansas City, Kansas 66101

NOTICE OF AVAILABILITY
DRAFT TOTAL MAXIMUM DAILY LOAD (TMDL)
FOR BEAR CREEK, IN THE STATE OF MISSOURI

Section 303(d) of the Clean Water Act (CWA), 33 USC § 1313(d)(1)(C), and the U.S. Environmental Protection Agency's (EPA) implementing regulation, 40 CFR § 130.7(c)(1), require the establishment of TMDLs for waters identified as not meeting water quality standards (WQS) under authority of Section 303(d)(1)(A) of the CWA. TMDLs are established at a level necessary to implement applicable WQS with seasonal variations and a margin of safety that accounts for lack of knowledge concerning the relationship between pollutant loading and water quality.

EPA is establishing this TMDL to meet the milestones of 2001 Consent Decree, *American Canoe Association, et al. v. EPA*, No. 98-1195-CV-W in consolidation with No. 98-4282-CV-W, February 27, 2001, and in partnership with the state of Missouri. However, Missouri may submit and EPA may approve other TMDLs for this water segment at any time.

The draft TMDL addresses impaired sections of Bear Creek, identification number MO_115U-01. Located in northeast Missouri's Adair County, Bear Creek is near Kirksville. Missouri's general water quality criteria consist of eight narrative criteria that must be met for all waters in the state (10 CSR 20-7.031). Bear Creek is on the 2008 Missouri 303(d) List of Impaired Waters for violations of Missouri's general water quality criteria for protection of aquatic life and natural biological aquatic communities. The segment's approximate length of 8.9 miles was calculated from a geographic information system (GIS) data layer of impaired streams. Bear Creek's impaired segment originates at Brook Drive near Kirksville and ends approximately 0.2 miles south of State Highway KK. Monitoring in Bear Creek by Missouri's Department of Conservation finds unnaturally low diversity of fish species upstream. Nutrients and oxygen consuming substances from both point and nonpoint sources are considered to be the likely contributors to the impairment. The TMDL establishes loads for total suspended solids, total nitrogen and total phosphorus in accordance with Section 303(d) of the CWA. This comment period ends on November 15, 2010.

Persons wishing to comment on this proposed TMDL or offer new data or information regarding the proposed TMDL are invited to send comments to the EPA, Region 7, Water, Wetlands and Pesticides Division, 901 North 5th Street, Kansas City, Kansas 66101, ATTENTION: Ms. Debby White, Water Quality Management Branch, Bear Creek. Comments may also be sent to R7TMDL@EPA.GOV or via FAX at 913-551-9886.

A copy of the proposed TMDL can be obtained through the Internet at the following Web address: http://www.epa.gov/region07/water/tmdl_public_notice.htm. Request a copy of the TMDL via email at R7TMDL@EPA.GOV or via FAX at 913-551-9886.

_____/s/
William A. Spratlin
Director
Water, Wetlands and Pesticides Division
EPA, Region 7

10/07/10
Date