

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 PEARSON 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 a later time.

This draft TMDL addresses an 8 mile impaired section of Pearson Creek, identification number MO_2373. It is located southeast of Springfield, Missouri, in Greene County and runs from Section 5, Township 29 North and Range 20 West to its confluence with the James River. The impaired segment drains a 22.83 square mile watershed. Pearson Creek is designated in the Missouri WQS for General Criteria Use and as a Metropolitan No-Discharge Stream. It is on the Missouri 303(d) List for unknown toxicity from unknown sources that are causing a reduction in the natural community of aquatic invertebrates. This reduction violates Missouri's general WQS for protection of aquatic life and natural biological aquatic communities. While no single source of toxicity is identified, data indicates elevated levels of nitrate + nitrite and low-level sediment toxicity in Jones Branch (a tributary to Pearson Creek). The toxicity is likely caused by contaminants entering the stream during storm water events. This TMDL addresses Pearson Creek's aquatic life impairment by using storm water flows as a surrogate for the chemical pollutants in storm water and the physical effects on the stream characteristics in accordance with Section 303(d) of the CWA. This comment period ends on September 30, 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, Pearson 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

8/25/10
Date