

Draft Missouri 2020 Section 303(d) Impaired Waters List/Clean Water Act: Missouri Department of Natural Resources November 15th Public Notice



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The Missouri Department of Natural Resources (“MDNR”) issued its Draft Missouri 2020 Section 303(d) Impaired Water List.

MDNR states that it has included the prioritization of waters for the Total Maximum Daily Load (“TMDL”) development as part of the draft 2020 Section 303(d) Impaired Waters List.

Section 303 of the Clean Water Act requires that each state develop water quality standards (“WQS”) for jurisdictional waters of the United States within their borders. WQS serve a dual purpose. They establish the water quality goals for a specific body of water and also serve as the regulatory basis for the development of water-quality based effluent limits and strategies for individual point source discharges.

A WQS consists of three parts:

- The designated uses of a waterbody
- The water quality criteria (“WQC”) that are necessary to protect existing uses and to attain the beneficial uses designated by the state; and
- An anti-degradation statement or policy to protect existing uses in high quality water

Each state must adopt uses consistent with the Clean Water Act objectives and water quality criteria sufficient to protect the chosen uses. However, EPA is required to ensure that state WQS, along with any changes, meet the minimum requirements of the Clean Water Act.

EPA will assess whether the WQS protects state criteria and/or designated uses taking into account the water’s use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, navigation and other purposes. The Clean Water Act regulations provide for EPA review of any state WQS changes.

Section 303 of the Clean Water Act also requires each state to identify those waters within its boundaries for which the technology-based effluent limitations required by the Clean Water Act and defined by EPA are not stringent enough to attain the applicable WQS. Waters so designated are known as “water quality limited segments” or “impaired waters.” Each state is required to submit this list of waters to EPA biennially (accompanied by a listing determination).

MDNR states it will hold a public hearing on the draft Impaired Water List on February 13th. Further, public availability meetings for the draft Impaired Water List have been scheduled for:

- December 10, 2019, from 9 a.m. to 12 noon in the Lewis and Clark State Office Building, Nightingale Creek Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101; and
- January 14, 2020, from 9 a.m. to 12 noon in the Lewis and Clark State Office Building, Nightingale Creek Conference Room, 1101 Riverside Drive, Jefferson City, MO

A copy of the public notice which contains a link to the draft Impaired Waters List can be found [here](#).