

Supplemental Material for Part IV:

STATE FOR PROGRAM

DRAFT

MEMORANDUM OF AGREEMENT BY AND BETWEEN
THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND
THE STATE OF MISSOURI

The U.S. Environmental Protection Agency through the Administrator of Region VII and the State of Missouri, through the Director of the Department of Natural Resources hereby agree as follows:

1. The Administrator shall transfer to the Director all relevant Section 404 information within thirty (30) days of delegation of the 404 program to the State. The Director shall administer and enforce previously issued Section 404 permits according to their terms and conditions.
2. The Administrator may comment on, object to or make recommendations on permit applications, draft permits or draft general permits within ninety (90) days of receipt. The Administrator shall notify the Director of EPA's intent to comment, object or make recommendations within thirty (30) days of receipt. The Administrator shall send a copy of any comment, objection or recommendation to the applicant.
3. If EPA objects, the Administrator shall provide to the Director:
 - a. the reason(s) for objection,
 - b. actions by the Director (including permit conditions) necessary to eliminate the objection,
 3. the Director may revise the permit to satisfy the Administrator's objection and resubmit the permit to the Administrator, in which case the Administrator shall have fifteen (15) days within which to further object.
4. The Director shall not issue any permit which has an unresolved objection from the Administrator, but may request the Administrator hold a public hearing on the issue, in which case a hearing shall be conducted.
5. The following shall be cause for the Administrator to object to the Director's permits.
 - a. The Director has not followed recommendations, deemed worthy by the Administrator, from another affected state,
 - b. The Director has not followed proper procedure under the Clean Water Act,
 - c. Any finding of the Director misinterprets the Clean Water Act of applicable regulations or guidelines,
 - d. The maintenance of records, reporting, monitoring, sampling or other requirement is inadequate to assure compliance with permit conditions,
 - e. The applications information is insufficient to judge compliance, and
 - f. The issuance of the permit would be beyond the requirements of the Clean Water Act and regulations.

6. The Director will send applications, draft permits and proposed permits to the Administrator for review and possible objection for all activities dealing with:
 - a. potentially hazardous or toxic materials,
 - b. wetlands,
 - c. stream channelization,
 - d. discharges which affect waters of another state,
7. The Director shall summarize monthly the status of applications received and unauthorized activities, and furnish the summary to the Administrator. The Administrator shall have access to all file material of the Director concerning the administration and enforcement of the approved program.
8. The Administrator and Director shall annually renew the state/EPA agreement which will identify specific commitments for compliance monitoring and enforcement.
9. This memorandum may be modified by agreement of both parties.

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MEMORANDUM OF AGREEMENT BY AND BETWEEN
THE U. S. ARMY AND THE STATE OF MISSOURI

The Secretary of the Army, through the Chief of Engineers and the State of Missouri, through the Director of the Department of Natural Resources hereby agree as follows:

1. The staff of Missouri shall have jurisdiction on all waters of the U.S. within the state except the Missouri and Mississippi River.
2. The Director shall issue a general permit for dredge and fill activities on the Missouri and Mississippi River stating that the activity is authorized provided the applicant has secured a section 10/404 permit from the Corps. For other Section 10 waters, the Director will issue a joint state/federal public notice. The Director will forward copies of any comments received to the Secretary, who will issue or deny a Section 10 permit within thirty (30) days of the end of the public notice period and notify the Director. If no decision is received the Director will presume waiver. Upon receipt of notice or waiver the Director will proceed to issue or deny a Section 404 permit.
3. The Director will administer and enforce all general permits issued by the Corps prior to this agreement according to the terms and conditions of the permits, including any conditions contained in Section 401 water quality certifications.
4. The Secretary shall transport to the Director all pending Section 404 applications and other relevant information within thirty (30) days of delegation of the 404 programs to the State.
5. The Secretary shall indicate which applications transmitted in 4. above are incomplete or otherwise deficient upon transmittal and the Director shall not issue any permits on those applications until those deficiencies have been resolved.
6. The Director shall not issue any permits for a discharge which would substantially impair anchorage or navigation, as stated by the Secretary during the public notice period of the permit.
7. The Secretary waives the right to review the following classes and categories of permits:
Activities in headwaters and isolated waters.