



Missouri Department of dnr.mo.gov

# NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

**SEP 18 2017**

Mr. Edward Chu  
Deputy Administrator, Region 7  
U.S. Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, KS 66219

Dear Ed:

On July 18, 2017, while attending a meeting at the Environmental Protection Agency's (EPA) Headquarters, I received from you the letter from DeAndré Singletary of Region 7 Enforcement Coordination Office transmitting the Region 7 Draft EPA Planned Inspections for the Fiscal Year. I understand that this letter has long been part of the annual planning and collaboration process between Region 7 and the Missouri Department of Natural Resources (MoDNR) to avoid duplicative inspections and ensure the best allocation of resources by both agencies. Historically, the inspection function has been shared, with the EPA regularly conducting a percentage of inspections under the various media.

MoDNR believes that it is appropriate at this time to revisit and clarify our respective roles, particularly for how we conduct inspections, set enforcement objectives and approach permitting decisions. As the current MoDNR administration has expressed on many occasions, MoDNR will continue to stand on its own two feet on environmental matters in Missouri, a vision that aligns squarely with the principle of cooperative federalism, which has been articulated by Administrator Pruitt and other senior EPA officials. Under this principle, we believe that the state is in the best position to craft environmental policy and implement programs to achieve the outcomes articulated by the state and federal statutes.

While not overlooking the fact that there are specific situations that warrant Region 7 assistance in these areas of inspection, enforcement and permitting, I would ask Region 7 to step back from its routine practice of conducting individual inspections and taking enforcement actions in Missouri. It is appropriate for the EPA to retain its oversight role by periodically and routinely auditing state implementation programs to achieve national minimum standards, but the Department is the implementer of these programs, not the EPA. To the extent that Missouri has received delegated federal authority for the various programs, we believe that implementation functions should reside with the state program, except where particular circumstances or the pursuit of specific goals would recommend otherwise. Exceptions to this should be identified through close communication and involvement of upper management of both agencies.



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In the same vein, it is apparent that Region 7 has long been accustomed to reviewing a large volume of permits issued in Missouri. This is noted especially, though not exclusively, in the area of National Pollutant Discharge Elimination System permitting. The Department requests that Region 7 review its practice of routinely scrutinizing the proposed and final permits, over and above what is authorized in existing memoranda of agreement or other programmatic agreements.

I understand that this represents a significantly different direction from the past and will require dedicated effort and communication to reach an understanding on its implications and practices. I also realize that such changes may require revisiting memoranda of agreements, partnership agreements and other documents regarding coordination and workload. We will be reviewing all such agreements for areas in which the scope and frequency of Region 7's activities would seem to exceed what is expected of a normal audit function.

Through this, I am confident that you will recognize the opportunities available to Region 7 to direct more resources to those activities which are the exclusive function your agency. Together, I'm confident that we can achieve greater compliance, environmental protection and economic benefit to Missouri by working in concert under this approach.

Should you have any questions, please feel free to contact me at 573-751-0763, by email at [ed.galbraith@dnr.mo.gov](mailto:ed.galbraith@dnr.mo.gov), or by mail at the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY



Ed Galbraith  
Director

EG:so

c: Ms. Carol S. Comer, Missouri Department of Natural Resources  
Mr. Dru Buntin, Missouri Department of Natural Resources  
Mr. Steven Feeler, Missouri Department of Natural Resources  
Mr. Aaron Schmidt, Missouri Department of Natural Resources  
Mr. DeAndré D. Singletary, U.S. EPA, Region 7, Enforcement Coordination Office  
Ms. Katie Jo Wheeler, Missouri Department of Natural Resources  
Mr. Don Willoh, Missouri Department of Natural Resources