



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101
SEP 30 2009

Roderick L. Bremby, Secretary
Kansas Department of Health and Environment
Charles Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, Kansas 66612-1367

Re: Approval of TMDL for Winfield City Lake, Big Hill Lake, Elk City Lake, Council Grove Lake, Eureka Lake, Fall River Lake, Marion Lake, and Toronto Lake

Dear Mr. Bremby:

This letter responds to the submission from the Kansas Department of Health and Environment (KDHE), originally received by the U.S. Environmental Protection Agency (EPA), Region 7, on March 13, 2009, for eight Total Maximum Daily Load (TMDL) documents which contained TMDLs for eutrophication, siltation, dissolved oxygen, pH and turbidity. Winfield City Lake, Big Hill Lake, Elk City Lake, Council Grove Lake, Eureka Lake, Fall River Lake, Marion Lake, and Toronto Lake were identified on the 2008 Kansas § 303(d) list as impaired. This submission fulfills the Clean Water Act statutory requirement to develop TMDLs for impairments listed on a state's § 303(d) list. The specific impairments (water body segment and pollutants) are:

<u>Water Body Name</u>	<u>WBID</u>	<u>Pollutant(s)</u>
Winfield City Lake	KS-WA-18-LM050801	Eutrophication
Big Hill Lake	KS-VE-03-LM023001	Eutrophication
Elk City Lake	KS-VE-02-LM025001	Eutrophication and Siltation
Council Grove Lake	KS-NE-01-L-22000	Eutrophication
Eureka Lake	KS-VE-01-LM040201	Eutrophication and Siltation
Fall River Lake	KS-VE-02-LM023001	Eutrophication, Siltation and Dissolved Oxygen
Marion Lake	KS-NE-02-L-12100	Eutrophication
Toronto Lake	KS-VE-01-LM024001	Eutrophication, Siltation and Dissolved Oxygen

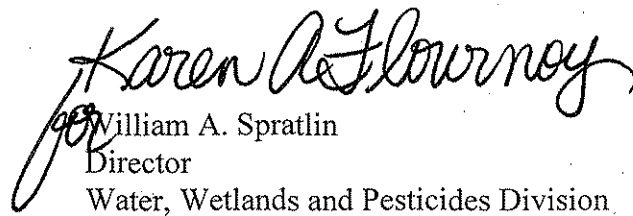
EPA has completed its review of the TMDLs with supporting documentation and information. By this letter, EPA approves the submitted TMDLs. Enclosed with this letter are the Region 7 TMDL Decision Documents which summarize the rationale for EPA's approval of

the TMDLs. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. Although EPA does not approve the monitoring plans submitted by the state, EPA acknowledges the state's efforts. EPA understands that the state may use the monitoring plans to gauge the effectiveness of the TMDLs and determine if future revisions are necessary or appropriate to meet applicable water quality standards.

EPA is currently in consultation under Section 7 of the Endangered Species Act with the U. S. Fish and Wildlife Service regarding these TMDL documents. While we are approving the TMDLs at the present time, we may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

EPA appreciates the thoughtful effort that KDHE has put into these TMDLs. We will continue to cooperate with and assist, as appropriate, in future efforts by KDHE to develop remaining TMDLs.

Sincerely,


William A. Spratlin
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Tom Stiles, KDHE