



EPA Region 7 4B Rationale

Water body ID(s): KS-KR-03-029_32

State: KS

Water body Names: UPPER DELAWARE RIVER/CEDAR CREEK

(s):

Pollutant(s): AMMONIA, BACTERIA, FECAL COLIFORM, LOW DISSOLVED OXYGEN

HUC(s): 10270103

Basin: KANSAS-LOWER REPUBLICAN

Tributary(ies):

First Listing Cycle: 1996

Submittal Date: 3/27/2008

Approved: Yes

Submittal Letter

State submittal letter indicates final Maximum Daily Load(s) for specific pollutant(s)/water(s) were adopted by the state, and submitted to EPA for approval under section 303(d) of the Clean Water Act. Include date submitted letter was received by EPA and date of receipt of any revisions.

The permit in lieu of (PIL) TMDL or alternative to a TMDL category 4b was submitted by the Kansas Department of Health and Environment (KDHE) with the 2006/2008 303(d) list which was submitted to the United States Environmental Protection Agency (EPA) on March 27, 2008. Follow-up information was sent via email May 19, 2008 and September 12, 2008.

Concern

A statement of the problem causing the impairment.

The sole source of the impairment is the City of Sabetha Wastewater Treatment Facility (permit number: KS0096245). Ammonia, low dissolved oxygen and bacteria were identified as the impairing parameters in the 1996, 1998, 2002 and 2004 303(d) lists and 2008 Integrated Report (IR).

Implementation Strategy

A description of the proposed implementation strategy and supporting pollution controls necessary to achieve WQS, including the identification of point and nonpoint source loadings that when implemented assure the attainment of all applicable WQS.

A site specific permit was issued on February 1, 2006. Current permit limits for ammonia are monthly. Daily maximum is calculated at 9.1 mg/L. The monthly averages and the daily maximums are stricter than the previous permit which listed monitor only. The fecal coliform limits are a monthly geometric mean of 200

colonies per 100 milliliters from April to October and 2000 colonies per 100 milliliters from November to March. Dissolved oxygen (DO) limits are monitoring only but the permit includes biochemical oxygen demand (BOD) limits of September -May 45/30 mg/L weekly average/monthly average (respectively). June - August 40/25 mg/L weekly average/monthly average (respectively). A schedule of compliance (SOC) is included within the permit indicating the completion of the new wastewater treatment facility by April 1, 2006. This WLA will ensure that water quality standards (WQS) will be achieved through the numeric standards for ammonia, fecal coliform and BOD with DO monitoring.

Time

An estimate or projection of the time when WQS will be met.

WQS should be achieved in the Upper Delaware River on December 31, 2010, four years from when the City of Sabetha was issued the permit limits, February 1, 2006.

Schedule

A reasonable schedule for implementing the necessary pollution controls.

The permit was issued February 1, 2006. The effluent limits are effective immediately. The permit includes an SOC within the permit. Discharge monitoring data indicates no violation of permit limits. On completion of the permit cycle WQS should be attained.

Monitoring

A description of, and schedule for, monitoring milestones for tracking and reporting progress to EPA on the implementation of the pollution controls.

KDHE monitors and assesses all waters on a five year rotating basin program. Under KAR 28-16-63(I), Kansas requires an "appropriate monitoring program" to be included in all permits and gives broad authority for KDHE to require the use of monitoring, recording and reporting procedures which at a minimum are at least as stringent as any national monitoring, recording, and reporting requirements specified by the administrator [of EPA] in regulations issued pursuant to the act.

Commitment to Revise

A commitment to revise, as necessary, the implementation strategy and pollution controls if progress towards meeting WQS is not being shown.

A reopener clause (included in section B, effective August 1, 1996) has been included in the permit, KAR 28-16-62 and KAR 28-16-28b through f.

********Pollution control requirements in the submittal********

National Pollutant Discharge Elimination System (NPDES) permit

