



EPA Region 7 4B Rationale

Water body ID(s): KS-KR-03-XXX_45

State: KS

Water body Names: BANNER CREEK

(s):

Pollutant(s): AMMONIA

HUC(s): 10270103

Basin: KANSAS-LOWER REPUBLICAN

Tributary(ies): DELAWARE RIVER, ELK CREEK, KANSAS RIVER

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 Oldham's LLC (permit number: KS0003271). This facility is a hog slaughtering operation. Ammonia was identified as the impairing parameter 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 June 1, 2005. Ammonia daily maximum is calculated at 8.0 mg/L. The permit includes ammonia daily averages. These permitted limits will ensure that water quality standards (WQS) will be achieved through the numeric standards for ammonia.

Time

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

WQS should be achieved in Banner Creek on May 31, 2010, five years from when the Oldham's LLC was issued the permit limits, June 1, 2005.

Schedule

A reasonable schedule for implementing the necessary pollution controls.

The permit was issued June 1, 2005. There has not been a recently reported violation of the 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.

The permit mass effluent limits has been based on slaughtering operations of 1008 head per day. KDHE reserves the right to reopen the permit should scheduled production rates not be met as planned (Supplemental Conditions - D. 14. page 11).

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

National Pollutant Discharge Elimination System (NPDES) permit