

Bureau of Water Overview

Kansas Environmental Conference

August 19, 2015

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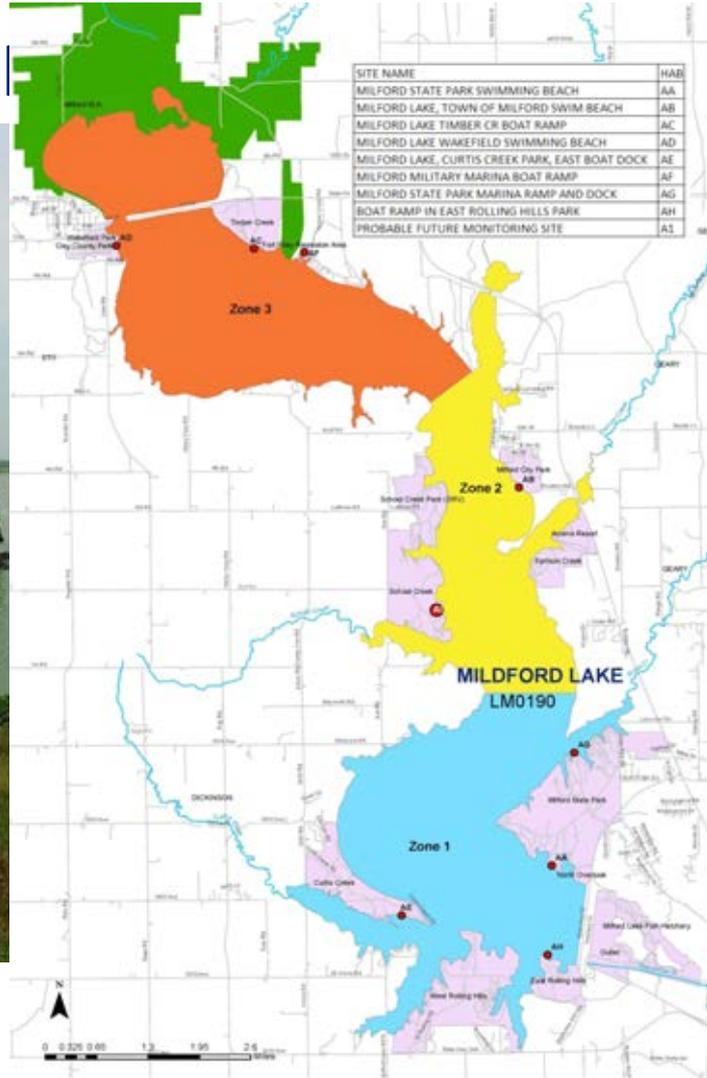
Kansas Department of Health and Environment

Nutrients

- ◆ Continued efforts in nutrient reduction
 - Point sources
 - 58% meet TN goal
 - 33% meet TP goal
 - Nonpoint source
 - Good success with KDHE managed §319 programs/WRAPS
 - 6th in nation for TN and TP reductions
 - Still a long way to go
 - Using incentive based programs for agriculture
 - » 20 to 40 years to bring enough funds to bear
 - » Looking to leverage other monies
 - Local Conservation Lending Program
 - Nutrient CREP
- ◆ Must keep moving forward

Blue Green Algae Response

◆ Harmful Algal



rimarily of blue



alyze

Kansas Variance Concept

- ◆ Concept of “general” variance – driven by NH_3 criteria
 - Establish a median household income (MHI) threshold
 - Establish a population threshold
 - KS has 355 small Q-lagoons – majority should fall below threshold
 - Establish maximum revenue generation
 - Establish a cost for mechanical treatment
 - Compare cost to maximum revenue
 - If Cost:Revenue >1 , then variance awarded
 - Permit will require certain BMPs
 - Look at non-Q, controlled-Q, NH_3 effluent \leq historic discharge, no new industry with NH_3 discharge,
- ◆ If a lagoon does not meet the thresholds above
 - Can still potentially receive a variance using a similar process

Where is KS Variance Process?

- ◆ Meetings with EPA HQ and R7
 - Monthly meeting
 - Discussing cost curve development with EPA consultant
 - KDHE has had little input on model and not sure of its quality
 - HQ wants assessment of lagoon *add-ons*
 - Big concern if this removes advantage of Multi-Discharger Variance
- ◆ Bill passed by Legislature to allow for variances in KS
- ◆ KDHE beginning discussions on regulatory language
 - Lots of bureaucratic hoops
- ◆ EPA got WQS Clarification Rule out this month – will help
 - Incorporates significant language on variances
 - KDHE played a role through ACWA in crafting language

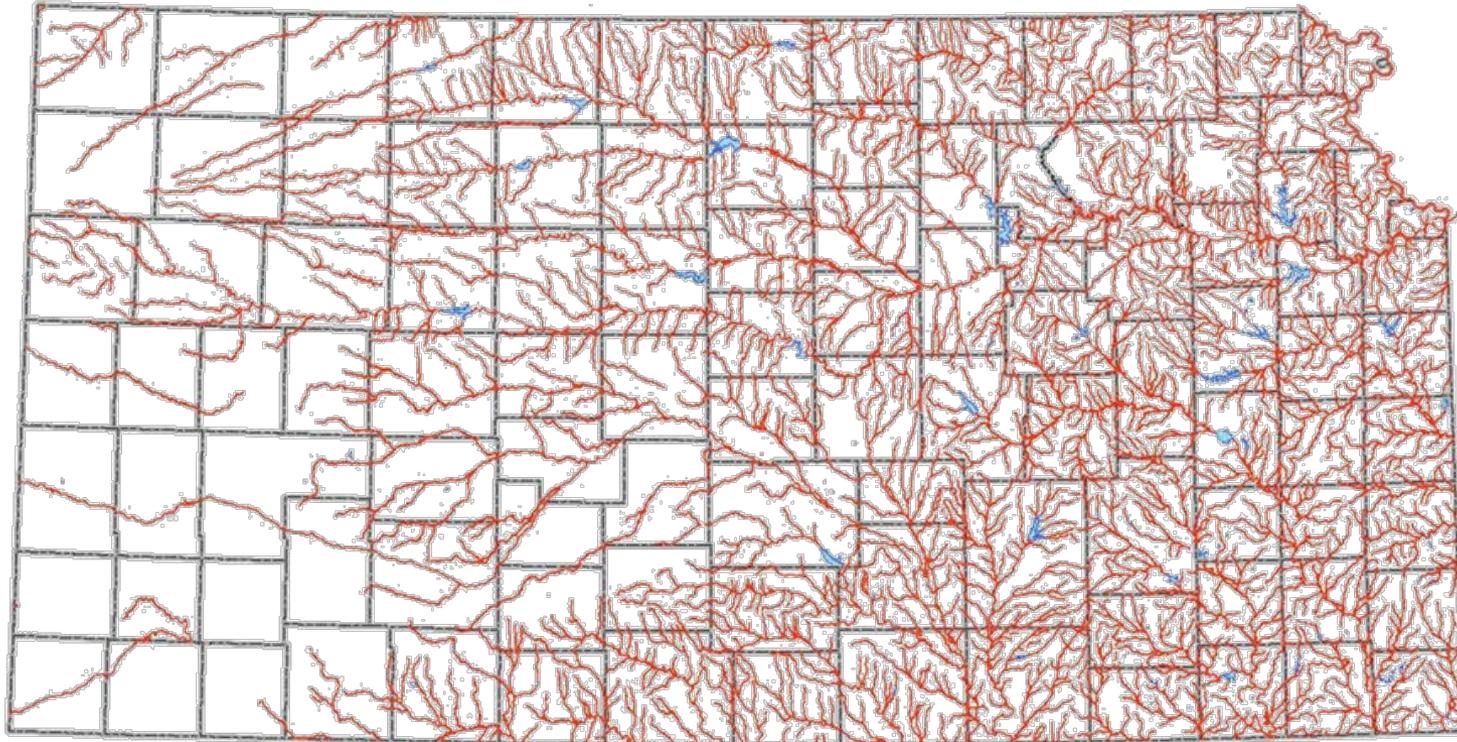
Waters of the US - Where It Stands

- ◆ COE/EPA renamed the *Clean Water Rule*
 - Adopted June 29, 2015
 - Effective August 28, 2015
- ◆ To date
 - 29 states (including KS) and over a dozen trade association have filed suits against the rule
 - Have asked for injunctions to stay the rule
- ◆ EPA has asked that all suits be consolidated
 - Also asked that an injunction not be considered until consolidation decision is made
- ◆ KS joined WV, AL, GA, FL, KY, SC, UT, WI in their complaint
- ◆ Wait and see!

WoUS Unintended Consequences?

- ◆ Current “Classified” Waters in Kansas
 - Waters with assigned designated uses = Waters of the US
 - Stream miles – 30,620 mi.
 - Perennial – 23,731 mi.
 - Reservoirs – 321
 - Reservoir acres – 189,258 ac.
 - All other waters = Waters of the State
- ◆ EPA/USGS National Hydrographic Dataset (NHD)
 - National database with surface water features
 - Many believe NHD constitutes Waters of the US
 - Stream miles – 134,338 mi.
 - Non-perennial – 110,225 mi.
 - Ditch/canal - 382 mi.

Kansas Classified Streams

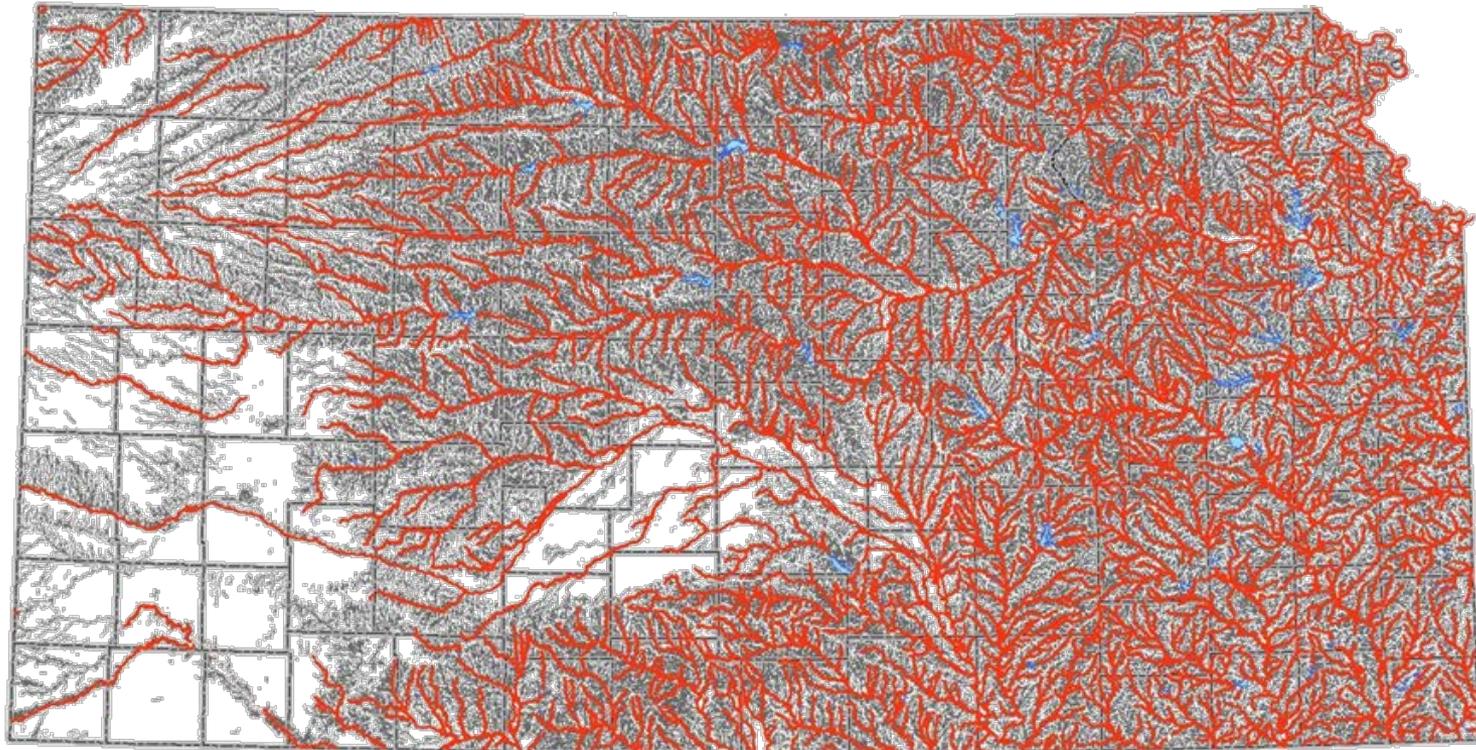


Legend

-  County
-  Registered Stream
-  Lake



Kansas – NHD and Classified Streams



Legend

-  County
-  Registered Stream
-  Lake
-  NHD Streams



An aerial photograph of a large body of water, likely a lake or reservoir. The water is divided into two distinct color zones: a vibrant green area on the left and a murky brown area on the right. The green area appears to be covered in algae or aquatic plants. The brown area is turbid, suggesting sediment or organic matter. In the background, there is a shoreline with trees, a path, and some buildings. The word "Questions?" is overlaid in large, white, bold letters with a drop shadow on the left side of the image.

Questions?