UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 3 1 2013

Dr. Robert Moser
Secretary
Kansas Department of Health and Environment
1000 S.W. Jackson, Suite 540
Topeka, Kansas 66612-1368

Dear Dr. Moser:

RE: Approval of TMDL document for Mulberry Creek

This letter responds to the submission from the Kansas Department of Health and Environment, originally received by the U.S. Environmental Protection Agency, Region 7, on September 27, 2012, for a Total Maximum Daily Load document which contained a TMDL for dissolved oxygen. Mulberry Creek was identified on the 2012 Kansas Section 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 pollutant) are:

Water Body Name	WBID	Pollutant
Mulberry Creek	KS-UA-04-700_12	Dissolved oxygen

The EPA has completed its review of the TMDL document with supporting documentation and information. By this letter, the EPA approves the submitted TMDL. Enclosed with this letter is the Region 7 TMDL Decision Document which summarizes the rationale for the EPA's approval of the TMDL. The EPA believes the separate elements of the TMDL described in the enclosed document adequately address the pollutant of concern, taking into consideration seasonal variation and a margin of safety.

Although the EPA does not approve the monitoring or implementation plans submitted by the state, the EPA acknowledges the state's efforts. The EPA understands that the state may use the monitoring plan to gauge the effectiveness of the TMDL and determine if future revisions are necessary or appropriate to meet applicable water quality standards. The EPA recognizes that technical guidance and support are critical to determining the feasibility of and achieving the goals outlined in this TMDL. Therefore, the implementation plan in this TMDL document provides information regarding implementation efforts to achieve the loading reductions identified.

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

Printed on Recycled Paper