



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 12 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 Walnut 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 TMDLs for dissolved oxygen. Walnut 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 segments and pollutant) are:

<u>Water Body Name</u>	<u>WBID</u>	<u>Pollutant</u>
Walnut Creek	KS-UA-08-597_2, 4, 5 and 6	Dissolved Oxygen
Walnut Creek	KS-UA-08-597_8 and 10	Dissolved Oxygen
South Fork Walnut Creek	KS-UA-07-596_10	Dissolved Oxygen
North Fork Walnut Creek	KS-UA-07-596_1	Dissolved Oxygen
Boot Creek	KS-UA-08-597_15	Dissolved Oxygen
Dry Creek	KS-UA-08-597_14	Dissolved Oxygen
Sand Creek	KS-UA-08-597_3	Dissolved Oxygen
Otter Creek	KS-UA-08-597_12	Dissolved Oxygen
Sandy Creek	KS-UA-08-597_11	Dissolved Oxygen
Alexander Dry Creek	KS-UA-08-596_7	Dissolved Oxygen
Bazine Dry Creek	KS-UA-08-596_9	Dissolved Oxygen
Darr Creek	KS-UA-07-596_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 TMDLs. Enclosed with this letter is the Region 7 TMDL Decision Document which summarizes the rationale for the EPA's approval of the TMDLs. The EPA believes the separate elements of the TMDLs described in the enclosed document adequately address the pollutant of concern, taking into consideration seasonal variation and a margin of

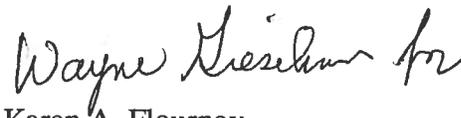


safety. Although the EPA does not approve the monitoring plan submitted by the state, the EPA acknowledges the state's efforts. The EPA understands that the state may use the monitoring plan to gauge the effectiveness of the TMDL and determine if future revisions are necessary or appropriate to meet applicable water quality standards.

The EPA 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 these TMDLs 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.

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

Sincerely,



Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosure

cc: Mr. John Mitchell, Director, Division of Environment, KDHE
Mr. Tom Stiles, KDHE