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

DEC 05 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 Jerry's Lake

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 June 10, 2013, for a Total Maximum Daily Load document which contained a TMDL for eutrophication. Jerry's Lake 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	WPIB	Pollutant
Jerry's Lake	KS-MO-11-LM067801	eutrophication

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 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.

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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 this TMDL. 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, Chief, Watershed Planning, Monitoring and Assessment Section, KDHE