Stiles

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

February 25, 2005

Mr. Roderick L. Bremby
Secretary
Kansas Department of Health and Environment
Office of the Secretary
1000 SW Jackson, Suite 540
Topeka, Kansas 66612-1368

RECEIVED
FEB 28 2005
BUREAU OF WATER

Dear Mr. Bremby:

RE: Neosho Basin TMDLs

This letter is in response to twelve Total Maximum Daily Load (TMDL) documents submitted by the Kansas Department of Health and Environment and received by the U.S. Environmental Protection Agency (EPA) on January 13, 2005. Specifically, these twelve documents, representing their water bodies and impairments, were addressed:

1. South Cottonwood River - Mercury.
2. Allen Creek – Copper.
3. Eagle Creek – Copper.
4. Flat Rock Creek – Copper.
5. Owl Creek – Copper.
6. Neosho River - Chanute – Copper.
7. Neosho River - Parkerville – Copper.
8. North Cottonwood River – Copper.
9. Big Creek – Copper.
10. Cow Creek – Sulfate.
11. Bachelor Creek – Dissolved Oxygen.
12. Tar Creek – Lead, Zinc and Cadmium.

In addition to fulfilling the Clean Water Act statutory requirement to develop TMDLs for those waters listed on the Kansas §303(d) list, this submission was made pursuant to Paragraph 7 of the Consent Decree requirements entered on April 13, 1998.

EPA has completed its review of these TMDL documents and by this letter, EPA approves the twelve TMDL documents submitted. Region 7 TMDL review forms are enclosed with this letter which summarize the rationale for EPA's approval for each TMDL document. EPA believes the separate elements of the TMDLs described in the review forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

RECYCLE

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

EPA commends KDHE on its efforts to submit these TMDLs for the Neosho Basin as set forth in the Consent Decree requirements. EPA appreciates the thoughtful teamwork and partnering effort that Kansas has put forth in the development of these TMDLs as well. We will continue to cooperate and assist, as appropriate, in future efforts by Kansas to develop TMDLs.

Sincerely,

Mary Tietz Mindrup for

Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division

Enclosures

cc: Tom Stiles, Kansas Department of Health and Environment
John Simpson, Kansas Natural Resource Council