



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Division of Environment

July 22, 2008

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Alex:
MD
7/24/08

Pradip L. Dalal, P.E., Chief, Wastewater & Infrastructure Management Branch
Water, Wetlands, and Pesticides Division
U. S. Environmental Protection Agency, Region VII
901 N. 5th St.
Kansas City, KS 66101

Re: Vessel General Permit (VGP) and Recreational Vessel Permit (RGP) Section 401
Certification – Kansas

Dear Mr. Dalal:

As per your request dated June 26, 2008, the Kansas Department of Health and Environment (KDHE) has reviewed the referenced draft permits. It is unclear from reading the permits whether State narrative water quality criteria are sufficiently addressed. Therefore, as a condition of certification, we require the following language be added as a *state specific requirement*:

THE PERMITTEE SHALL NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF THE FOLLOWING NARRATIVE KANSAS SURFACE WATER QUALITY STANDARDS [KAR 28-16-28E(B)]:

- (1) SURFACE WATERS SHALL BE FREE, AT ALL TIMES, FROM THE HARMFUL EFFECTS OF SUBSTANCES THAT ORIGINATE FROM ARTIFICIAL SOURCES OF POLLUTION AND THAT PRODUCE ANY PUBLIC HEALTH HAZARD, NUISANCE CONDITION, OR IMPAIRMENT OF A DESIGNATED USE.
- (2) HAZARDOUS MATERIALS DERIVED FROM ARTIFICIAL SOURCES, INCLUDING TOXIC SUBSTANCES, RADIOACTIVE ISOTOPES, AND INFECTIOUS MICROORGANISMS DERIVED DIRECTLY OR INDIRECTLY FROM POINT OR NONPOINT SOURCES, SHALL NOT OCCUR IN SURFACE WATERS AT CONCENTRATIONS OR IN COMBINATIONS THAT JEOPARDIZE THE PUBLIC HEALTH OR THE SURVIVAL OR WELL-BEING OF LIVESTOCK, DOMESTIC ANIMALS, TERRESTRIAL WILDLIFE, OR AQUATIC OR SEMIAQUATIC LIFE.
- (3) SURFACE WATERS SHALL BE FREE OF ALL DISCARDED SOLID MATERIALS, INCLUDING TRASH, GARBAGE, RUBBISH, OFFAL, GRASS CLIPPINGS, DISCARDED BUILDING OR CONSTRUCTION MATERIALS, CAR BODIES, TIRES, WIRE, AND OTHER UNWANTED OR DISCARDED MATERIALS. THE PLACEMENT OF STONE AND CONCRETE RUBBLE FOR BANK STABILIZATION SHALL BE ACCEPTABLE TO THE DEPARTMENT, IF ALL OTHER REQUIRED PERMITS ARE OBTAINED BEFORE PLACEMENT.

- (4) SURFACE WATERS SHALL BE FREE OF FLOATING DEBRIS, SCUM, FOAM, FROTH, AND OTHER FLOATING MATERIALS DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO ARTIFICIAL SOURCES OF POLLUTION.
- (5) OIL AND GREASE FROM ARTIFICIAL SOURCES SHALL NOT CAUSE ANY VISIBLE FILM OR SHEEN TO FORM UPON THE SURFACE OF THE WATER OR UPON SUBMERGED SUBSTRATE OR ADJOINING SHORELINES, NOR SHALL THESE MATERIALS CAUSE A SLUDGE OR EMULSION TO BE DEPOSITED BENEATH THE SURFACE OF THE WATER OR UPON THE ADJOINING SHORELINES.
- (6) SURFACE WATERS SHALL BE FREE OF DEPOSITS OF SLUDGE OR FINE SOLIDS ATTRIBUTABLE TO ARTIFICIAL SOURCES OF POLLUTION.
- (7) TASTE-PRODUCING AND ODOR-PRODUCING SUBSTANCES OF ARTIFICIAL ORIGIN SHALL NOT OCCUR IN SURFACE WATERS AT CONCENTRATIONS THAT INTERFERE WITH THE PRODUCTION OF POTABLE WATER BY CONVENTIONAL WATER TREATMENT PROCESSES, THAT IMPART AN UNPALATABLE FLAVOR TO EDIBLE AQUATIC OR SEMIAQUATIC LIFE OR TERRESTRIAL WILDLIFE, OR THAT RESULT IN NOTICEABLE ODORS IN THE VICINITY OF SURFACE WATERS.
- (8) THE NATURAL APPEARANCE OF SURFACE WATERS SHALL NOT BE ALTERED BY THE ADDITION OF COLOR-PRODUCING OR TURBIDITY-PRODUCING SUBSTANCES OF ARTIFICIAL ORIGIN.

Contingent upon the inclusion of the above language into permits issued in Kansas, KDHE certifies both the Vessel General Permit and the Recreational Vessel Permit as per §401 of the Clean Water Act.

If you have questions, please call or email me at mtate@kdhe.state.ks.us.

Sincerely,



Michael B. Tate, PE, Chief
Technical Services Section

c – Karl Mueldener, KDHE
Ed Dillinghan, KDHE
Yan Wang, KDHE
Steve Adams, Kansas Department of Wildlife and Parks