

Presented below are water quality standards that are in effect for Clean Water Act purposes.

EPA is posting these standards as a convenience to users and has made a reasonable effort to assure their accuracy. Additionally, EPA has made a reasonable effort to identify parts of the standards that are not approved, disapproved, or are otherwise not in effect for Clean Water Act purposes.

KANSAS SURFACE WATER QUALITY STANDARDS VARIANCE REGISTER



Prepared by Kansas Department of Health and Environment
Watershed Planning, Monitoring, and Assessment Section Bureau of Water
Division of Environment

December 30, 2020

KANSAS SURFACE WATER QUALITY STANDARDS VARIANCE REGISTER

SECTION ONE

This consolidated list has been established per K.A.R. 28-16-28h and includes the water quality standards (WQS) variances that have been adopted by the State of Kansas and approved by the Environmental Protection Agency. Because WQS variances will vary by request this list is divided in sections based on the variance name and initial approval date. Sections will include narrative language and listing information for each approved WQS variance. The Kansas Variance Register is updated as new variances are approved or during routine permit renewal cycles, which is dependent on the type of WQS variance being implemented.

Abbreviations and Symbols:

HUC	= hydrologic unit code	a	= Secondary contact recreation stream segment is by law or written permission of the landowner open to and accessible by the public
NPDES	= National Pollutant Discharge Elimination System	b	= Secondary contact recreation stream segment is not open to and accessible by the public under Kansas law
HAC	= Highest Attainable Condition	DS	= designated for domestic water supply use
SEG	= stream segment	FP	= designated for food procurement use
AL	= designated for aquatic life	GR	= designated for ground water recharge
S	= special aquatic life use	IW	= designated for industrial water supply use
E	= expected aquatic life use water	IR	= designated for irrigation use
R	= restricted aquatic life use water	LW	= designated for livestock watering use
CR	= designated for contact recreational use	i	= individual variance
A	= Primary contact recreation stream segment is designated public swimming area	m	= multiple discharger variance
B	= Primary contact recreation stream segment is by law or written permission of the landowner open to and accessible by the public	*	= signifies a 101(a)(2) use (no asterisk signifies a non-101(a)(2) use)
C	= Primary contact recreation stream segment is not open to and accessible by the public under Kansas law	**	= no or inadequate data to calculate HAC, monitoring is recommended

The "Receiving Water Body" column of listings will be populated with the hydrologic unit code and segment number or the lake project number as identified in the "Kansas Surface Water Register" adopted by reference in K.A.R. 28-16-28g.

KANSAS SURFACE WATER QUALITY STANDARDS VARIANCE REGISTER

SECTION TWO

Variance Name: Multiple-Discharger Wastewater Lagoon Ammonia Variance

Prepared: January 8, 2021

Process Description:

The following municipal dischargers, referred to as discharger from this point forward, have been shown to be eligible, based on K.A.R. 28-16-28f(d), to receive a water quality standard variance to the numeric ammonia criteria, identified by K.A.R. 28-16-28e(c), as an alternative condition serving as the basis for the operating limit within their NPDES wastewater permits. The requirements of the numeric ammonia criteria WQS variance are either the HAC identified at the time of the adoption of this variance or the HAC later identified during any reevaluation, whichever is more stringent. The interim effluent condition shall be derived as outlined in Section 4 Appendix A of the Kansas Implementation Procedures for Surface Water Quality Standards, dated December 30, 2020. This reflects the greatest pollution reduction achievable with current pollution control technologies installed when this variance is adopted along with the adoption and implementation of the Pollutant Minimization Plan (PMP) for each discharger, thus the HAC. The HAC will be included as the permit limitations in NPDES permits of the variance recipients. Compliance with the HAC will ensure no lowering of water quality throughout the 20 year term of the variance. Reevaluation and assessment of compliance and eligibility will occur for each discharger on a five-year cycle commensurate with the reissuance of their NPDES permit during the term of the variance, including opportunity for public input through the NPDES permitting process. The term of this variance begins upon the receipt of the approval letter from EPA.

Eligibility to employ the variance to the numeric ammonia criteria will be determined through existing financial data analyzed by the department utilizing the procedures outlined in the Kansas Department of Health and Environment "Kansas Eligibility Determination for Wastewater Lagoon Variance - Ammonia", dated January 8, 2021, which is hereby adopted by reference. The department has confirmed the existing use by the discharger of a multi-cell wastewater lagoon system for secondary treatment. Additionally, the department has considered the growth or decline over the past ten years of the population served by the discharger's wastewater collection and treatment system. The following dischargers are found to be eligible for the ammonia variance because installing technology required to meet effluent limits based on Kansas' ammonia criteria, would result in substantial and widespread economic and social impact. During the permit renewal process, eligible dischargers will be subject to the HAC, otherwise known as the alternate NPDES permit limitation, upon confirmation of eligibility for the *Multiple-Discharger Wastewater Lagoon Ammonia Variance*.

Recipients of a variance to the numeric ammonia criteria will abide by a Pollutant Minimization Plan, issued by the department. The Pollutant Minimization Plan will include requirements that the discharger will:

- 1) retain a certified operator as required by regulations;
- 2) provide reasonable and adequate maintenance of the existing wastewater treatment lagoon system;
- 3) maintain operation and performance of the existing lagoon system to comply with secondary treatment limitations;
- 4) does not allow industrial strength wastewater containing high concentrations of nitrogen to enter the existing lagoon system through the collection system or otherwise;
- 5) monitor the depth of accumulated sludge in each lagoon cell;
- 6) plan for expansion of the lagoon system should population and its associated pollutant loading approach the rated design capacity of the existing lagoon system.

The department will evaluate the capacity of each discharger receiving a variance to incorporate any additional elements into their PMP, see the “Kansas Implementation Procedures: Surface Water Quality Standard” the Water Quality Standards Variance section, that further optimize their treatment of wastewater to further reduce discharged ammonia prior to the reissuance of the Discharger’s NPDES permit.

Failure to reevaluate compliance and eligibility of the discharger prior to the reissuance of the discharger’s NPDES permit will result in effluent limits for ammonia based on the numeric ammonia criteria, within the Kansas regulations, for the next permit limits for ammonia imposed on the discharger.

The reevaluation of the variance to the ammonia criteria shall be conducted every five years after the date of approval throughout the term of the variance. The reevaluation will use all existing and readily available information and will be made available to the public for input for up to 60 days after the completion of the reevaluation. In addition, the public will have every opportunity to provide public comment during each permit’s renewal process. The variance to the ammonia criteria will no longer be the applicable water quality standard if:

- 1) a reevaluation of the variance is not performed during a specified five year review period; or
- 2) the results of the reevaluation are not submitted to United States Environmental Protection Agency (USEPA) within 30 day of completion.

When such incidents occur the current ammonia criteria listed in the “Kansas Surface Water Quality Standards: Tables of Numeric Criteria,” as adopted by K.A.R. 28-16-28e(e), will be the applicable water quality standard until the reevaluation is completed and submitted to the USEPA.

Multiple-Discharger Wastewater Lagoon Ammonia Variance Register Discharger List

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener ⁺	Economic Eligibility Assessment Score - Secondary Screener ^o	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Altamont, City of	KS0045918	M-NE01-OO01	11070205	27	Deer Creek via Unnamed Tributary	4.5	2.05	2.50	1-Jul-18	1-Jul-23
Americus, City of	KS0047406	M-NE02-OO01	11070201	5	Allen Creek via Troublesome Creek via Pester Creek	7.5	2.93	2.20	1-Jul-18	1-Jul-23
Arma, City of	KS0045926	M-NE03-OO01	11070207	27	First Cow Creek via Unnamed Tributary	9.9	3.13	2.40	1-Jul-18	1-Jul-23

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener [†]	Economic Eligibility Assessment Score - Secondary Screener [‡]	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Chetopa, City of	KS0031135	M-NE13-OO01	11070205	28	Neosho River via Town Creek	7.8	3.29	1.80	1-Jul-18	1-Jul-23
Girard, City of	KS0022551	M-NE31-OO01	11070205	44	Lightning Creek via Thunderbolt Creek	15.5	2.26	1.80	1-Jul-18	1-Jul-23
Highland, City of	KS0047457	M-MO09-OO01	10240005	339	Missouri River via Mission Creek	9.6	2.49	2.20	1-Jul-18	1-Jul-23
Marion, City of	KS0051691	M-NE45-OO01	11070202	3	Cottonwood River	8.7	2.42	1.80	1-Jul-18	1-Jul-23
Seneca, City of	KS0047538	M-MO19-OO01	10240007	16	South Fork Big Nemaha	8.9	2.4	2.40	1-Jul-18	1-Jul-23
St. Paul, City of	KS0084174	M-NE59-OO02	11070205	LM053401	Neosho River via Flat Rock Creek via KDWP&T Neosho Wildlife Area	3.2	2.86	1.83	1-Jul-18	1-Jul-23
Strong City, City of	KS0031178	M-NE63-OO01	11070203	19	Cottonwood River via Fox Creek	8.8	4.46	NA	1-Jul-18	1-Jul-23
Galena, City of	KS0048135	M-NE28-OO01	11070207	3	Spring River via Unnamed Tributary	15.1	2.05	2.20	1-Jan-19	1-Jan-24
Burlingame, City of	KS0024694	M-MC07-OO01	10290101	80	Dragoon Creek via Switzler Creek	7.7	3.99	1.80	1-Apr-19	1-Apr-24
Mulberry, City of	KS0087467	M-MC27-OO01	10290104	324	Cox Creek via Unnamed Tributary	15.2	5.65	NA	1-Apr-19	1-Apr-24
Pomona, City of	KS0029068	M-MC36-OO01	10290101	18	Marais Des Cygnes River	11.7	3.31	2.00	1-Apr-19	1-Apr-24

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener [†]	Economic Eligibility Assessment Score - Secondary Screener [‡]	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Hillsdale Improvement Dist	KS0081396	M-MC60-OO01	10290102	25	Ten Mile Creek	13.2	3.47	2.20	1-Jul-19	1-Jul-24
Melvern, City of	KS0046027	M-MC23-OO01	10290101	42	Marais Des Cygnes River via Frog Creek via Unnamed Tributary	3.6	4.97	NA	1-Jul-19	1-Jul-24
Moran, City of	KS0047490	M-MC25-OO01	10290104	12	Marmaton River via Unnamed Tributary	6.3	4.23	NA	1-Jul-19	1-Jul-24
Mound City, City of	KS0047503	M-MC26-OO01	10290102	33	Little Sugar Creek	12.3	3.67	1.83	1-Jul-19	1-Jul-24
Natoma, City of	KS0031160	M-SA10-OO01	10260009	7	Saline River via Paradise Creek	13.7	4.48	NA	1-Jul-19	1-Jul-24
Pleasanton, City of	KS0116653	M-MC35-OO01	10290102	46	Marais Des Cygnes River via Muddy Creek	15.4	3.54	1.80	1-Jul-19	1-Jul-24
Princeton, City of	KS0093891	M-MC38-OO01	10290101	50	Marais Des Cygnes River via Middle Creek	27.8	4.13	NA	1-Jul-19	1-Jul-24
Scranton, City of	KS0031283	M-MC44-OO01	10290101	27	Dragoon Creek via Unnamed Tributary	15.6	2.87	2.20	1-Jul-19	1-Jul-24
Eskridge, City of	KS0046400	M-MC09-OO01	10290101	27	Dragoon Creek	7.5	4.38	NA	1-Oct-19	1-Oct-24
Osage City, City of	KS0022675	M-MC29-OO01	10290101	29	Salt Creek	14.3	2.01	2.00	1-Oct-19	1-Oct-24

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener [†]	Economic Eligibility Assessment Score - Secondary Screener [‡]	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Williamsburg, City of	KS0093203	M-MC50-OO02	10290101	1589	Marais des Cygnes River via Tequa Creek via East Branch Tequa Creek via Mill Creek	20.4	4.51	NA	1-Nov-19	1-Nov-24
Lane, City of	KS0081515	M-MC19-OO01	10290101	51	Pottawatomie Creek via Unnamed Tributary	19.1	5.15	NA	1-Dec-19	1-Dec-24
Rantoul, City of	KS0048119	M-MC40-OO01	10290101	3	Marais des Cygnes River via Unnamed Tributary	9.1	6.20	NA	1-Jan-20	1-Jan-25
Oberlin, City of	KS0098655	M-UR17-OO02	10250011	4	Sappa Creek	5.2	2.63	2.00	1-Jan-20	1-Jan-25
Smith Center, City of	KS0098221	M-SO38-OO02	10260012	10	Beaver Creek via Unnamed Tributary	10.7	2.81	2.00	1-Jan-20	1-Jan-25
Overbrook, City of	KS0046451	M-MC32-OO01	10290101	LM028001	Pomona Lake via Valley Brook Creek via Unnamed Tributary	12.4	2.52	2.00	1-Jan-20	1-Jan-25
Corning, City of	KS0081141	M-KS94-OO01	10270102	18	Vermillion Creek via Unnamed Tributary	13.1	4.71	NA	1-Apr-20	1-Apr-25
Courtland, City of	KS0083399	M-LR09-OO01	10250017	45	Republican River via Beaver Creek via Unnamed Tributary	22.5	5.11	NA	1-Apr-20	1-Apr-25
Grandview Plaza, City of	KS0116521	M-SH13-OO01	10260008	1	Kansas River via Smoky Hill River via Franks Creek	4.6	2.44	2.20	1-Apr-20	1-Apr-25
Mankato, City of	KS0095231	M-LR16-OO02	10250017	9037	Middle Buffal Creek via Dry Water Course	3.7	2.91	2.20	1-Apr-20	1-Apr-25

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener [†]	Economic Eligibility Assessment Score - Secondary Screener [‡]	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Netawaka, City of	KS0081591	M-KS49-OO01	10270103	42	Straight Creek via Spring Creek via Unnamed Tributary	19.1	4.55	NA	1-Apr-20	1-Apr-25
Riley, City of	KS0093301	M-KS62-OO02	10270101	2	Wildcat Creek	3.51	2.47	1.80	1-Apr-20	1-Apr-25
Centralia, City of	KS0081418	M-BB05-OO01	10270205	14	Black Vermillion River via Unnamed Tributary	11.7	3.75	2.40	1-Jul-20	1-Jul-25
Lake Wabaunsee Improvement District	KS0086568	M-KS92-OO02	10270102	693	South Branch Mill Creek via East Branch Mill Creek via Unnamed Tributary	2.7	2.78	2.40	1-Jul-20	1-Jul-25
Alma, City of	KS0046345	M-KS01-OO01	10270102	27	Mill Creek	10.9	2.10	2.20	1-Oct-20	1-Oct-25
Clifton, City of	KS0048437	M-LR06-OO01	10250017	9	Republican River	9.5	3.22	2.40	1-Oct-20	1-Oct-25
Leon, City of	KS0089133	M-WA11-OO02	11030018	13	Little Walnut River	8.8	2.72	1.80	1-Oct-20	1-Oct-25
Little River, City of	KS0085758	M-LA10-OO02	11030012	14	Little Arkansas River	5.3	3.59	2.20	1-Oct-20	1-Oct-25
Mayetta, City of	KS0026182	M-KS40-OO01	10270103	9032	Cedar Creek via South Cedar Creek via Unnamed Tributary	19.2	4.6	NA	1-Oct-20	1-Oct-25
Onaga, City of	KS0029050	M-KS53-OO01	10270102	43	Vermillion Creek via Hise Creek	10.6	3.33	2.20	1-Oct-20	1-Oct-25
Shawnee County Sewer District #2, Indian Creek	KS0116556	M-KS72-OO24	10270102	1367	Kansas River via Soldier Creek via Indian Creek via Unnamed Tributary	13.5	3.83	2.20	1-Oct-20	1-Oct-25
Westmoreland, City of	KS0046485	M-KS75-OO01	10270102	22	Rock Creek	16.2	2.72	1.60	1-Oct-20	1-Oct-25

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body			Highest Attainable Interim Effluent Limit - Unit mg/L (May be seasonal)	Economic Eligibility Assessment Score - Preliminary Screener [†]	Economic Eligibility Assessment Score - Secondary Screener [◇]	Date Variance Went into Effect for the Permit	Multiple-discharger Variance Reevaluation Date
			HUC8	Segment or Lake Project Name Code	Text Name of Receiving Water Body					
Wheaton, City of	KS0094013	M-KS79-OO01	10270205	5	Clear Fork Black Vermillion River	4.6	5.46	NA	1-Oct-20	1-Oct-25
Whitewater, City of	KS0097276	M-WA16-OO02	11030017	25	West Branch Whitewater River	5.7	2.32	2.20	1-Oct-20	1-Oct-25
Benton, City of	KS0026689	M-WA04-OO01	11030017	24	Whitewater River via West Branch White River via Unnamed Tributary	9.4	2.36	2.20	1-Jan-21	1-Jan-26
Burrton, City of	KS0049786	M-LA02-OO01	11030012	15	Kisiwa Creek via North Branch Kisiwa Creek	10.7	2.45	2.20	1-Jan-21	1-Jan-26
Maple Hill, City of	KS0046426	M-KS39-OO01	10270102	27	Kansas River via Mill Creek via Unnamed Tributary	6.9	2.12	2.40	1-Jan-21	1-Jan-26

KEY:

† : Preliminary screener: estimates the total annual pollution control costs per household (existing costs plus those attributable to facility upgrades or a new facility) as a percentage of the median household income. A resulting value greater than 4% indicates complying with the water quality standards criterion inflicts substantial economic impact on the community thereby granting economic eligibility for the multiple-discharger variance.

◇ : Secondary Screener: When the preliminary screener results in a value less than 4%, a second, more comprehensive, assessment of the economic impact of meeting the water quality standards criterion is made to determine economic eligibility for the multiple-discharger variance.

Notes: The *Multiple-Discharger Wastewater Lagoon Ammonia Variance* was approved by the U.S. Environmental Protection Agency Region 7, on May 07, 2018. The reevaluation of the Multiple-Discharger Wastewater Lagoon Ammonia Variance is due every five (5) years upon EPA approval. KDHE will begin reevaluation at year four of the reevaluation period and harmonize the reevaluation with the permit review cycles.