

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

Effective December 21, 2018

The attached document is in effect for Clean Water Act (CWA) purposes with the following exception:

Kansas Department of Health and Environment withdrew the 10 facilities, listed below in Table 2, from variance consideration prior to EPA's 12/21/18 action. These 10 variances are not effective for CWA purposes.

Table 2

Discharger NPDES Permit Number	NPDES Permit Number
Hillsboro, City of	KS0097896
Russell, City of	KS0091367
Delphos, City of	KS0092169
Lucas, City of	KS0095222
Miltonvale, City of	KS0021911
Plainville, City of	KS0093165
Rantoul, City of	KS0048119
Fontana, City of	KS0095532
Glen Elder, City of	KS0020982
Kensington, City of	KS0093998

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

October 31, 2017

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: October 31, 2017

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 the 99th percentile value or highest value of recent historical (e.g., last five years) effluent discharge water quality data, whichever is lower. 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 Variances", dated July 11, 2016, 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		Type of Variance and Use	Pollutant / Criterion	Highest Attainable Interim Criteria Limit – Unit mg/L (May be seasonal)
			HUC8	Segment or Lake Project Name Code			
Altamont, City of	KS0045918	M-NE01-OO01	11070205	27	m*	Ammonia	n
Americus, City of	KS0047406	M-NE02-OO01	11070201	5	m*	Ammonia	n
Arma, City of	KS0045926	M-NE03-OO01	11070207	27	m*	Ammonia	n
Bern, City of	KS0047244	M-MO02-OO01	10240007	212	m*	Ammonia	n
Chetopa, City of	KS0031135	M-NE13-OO01	11070205	28	m*	Ammonia	n
Dwight, City of	KS0051675	M-NE20-OO01	11070201	30	m*	Ammonia	n
Erie, City of	KS0045977	M-NE25-OO01	11070205	15	m*	Ammonia	n
Girard, City of	KS0022551	M-NE31-OO01	11070205	44	m*	Ammonia	n

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body		Type of Variance and Use	Pollutant / Criterion	Highest Attainable Interim Criteria Limit – Unit mg/L (May be seasonal)
			HUC8	Segment or Lake Project Name Code			
Highland, City of	KS0047457	M-MO09-OO01	10240005	339	m*	Ammonia	n
Marion, City of	KS0051691	M-NE45-OO01	11070202	3	m*	Ammonia	n
Oswego, City of	KS0047554	M-NE53-OO01	11070205	21	m*	Ammonia	n
Seneca, City of	KS0047538	M-MO19-OO01	10240007	16	m*	Ammonia	n
St. Paul, City of	KS0084174	M-NE59-OO02	11070205	LM053401	m*	Ammonia	n
Strong City, City of	KS0031178	M-NE63-OO01	11070203	19	m*	Ammonia	n
Weir, City of	KS0079146	M-NE67-OO01	11070207	26	m*	Ammonia	n
Fairview, City of	KS0098744	M-MO06-OO02	10240008	39	m*	Ammonia	n
Galena, City of	KS0048135	M-NE28-OO01	11070207	3	m*	Ammonia	n
Hillsboro, City of	KS0097896	M-NE35-OO02	11070202	456	m*	Ammonia	n
Burlingame, City of	KS0024694	M-MC07-OO01	10290101	80	m*	Ammonia	n
Lane, City of	KS0081515	M-MC19-OO01	10290101	51	m*	Ammonia	n
Mulberry, City of	KS0087467	M-MC27-OO01	10290104	324	m*	Ammonia	n
Pomona, City of	KS0029068	M-MC36-OO01	10290101	18	m*	Ammonia	n
Tipton, City of	KS0085219	M-SO42-OO01	10260014	21	m*	Ammonia	n
Russell, City of	KS0091367	M-SH31-OO02	10260006	13	m*	Ammonia	n
Delphos, City of	KS0092169	M-SO11-OO02	10260015	12	m*	Ammonia	n
Hillsdale, City of	KS0081396	M-MC60-OO01	10290102	25	m*	Ammonia	n
Lucas, City of	KS0095222	M-SA08-OO02	10260010	12	m*	Ammonia	n

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body		Type of Variance and Use	Pollutant / Criterion	Highest Attainable Interim Criteria Limit – Unit mg/L (May be seasonal)
			HUC8	Segment or Lake Project Name Code			
Melvern, City of	KS0046027	M-MC23-OO01	10290101	42	m*	Ammonia	n
Miltonvale, City of	KS0021911	M-SH27-OO01	10260008	4	m*	Ammonia	n
Moran, City of	KS0047490	M-MC25-OO01	10290104	12	m*	Ammonia	n
Mound City, City of	KS0047503	M-MC26-OO01	10290102	33	m*	Ammonia	n
Natoma, City of	KS0031160	M-SA10-OO01	10260009	7	m*	Ammonia	n
Pleasanton, City of	KS0116653	M-MC35-OO01	10290102	46	m*	Ammonia	n
Princeton, City of	KS0093891	M-MC38-OO01	10290101	50	m*	Ammonia	n
Scranton, City of	KS0031283	M-MC44-OO01	10290101	27	m*	Ammonia	n
Eskridge, City of	KS0046400	M-MC09-OO01	10290101	27	m*	Ammonia	n
Osage City, City of	KS0022675	M-MC29-OO01	10290101	29	m*	Ammonia	n
Osborne, City of	KS0092398	M-SO29-OO02	10260014	3	m*	Ammonia	n
Plainville, City of	KS0093165	M-SA14-OO02	10290009	7	m*	Ammonia	n
Rantoul, City of	KS0048119	M-MC40-OO01	10290101	3	m*	Ammonia	n
Fontana, City of	KS0095532	M-MC10-OO01	10290102	16	m*	Ammonia	n
Williamsburg, City of	KS0093203	M-MC50-OO02	10290101	1589	m*	Ammonia	n
Glen Elder, City of	KS0020982	M-SO18-OO01	10260015	18	m*	Ammonia	n
Kensington, City of	KS0093998	M-SO21-OO02	10260012	19	m*	Ammonia	n
Oberlin, City of	KS0098655	M-UR17-OO02	10250011	4	m*	Ammonia	n
Overbrook, City of	KS0046451	M-MC32-OO01	10290101	LM028001	m*	Ammonia	n

Discharger	NPDES Permit Number	KS Permit Number	Receiving Water Body		Type of Variance and Use	Pollutant / Criterion	Highest Attainable Interim Criteria Limit – Unit mg/L (May be seasonal)
			HUC8	Segment or Lake Project Name Code			
Smith Center, City of	KS0098221	M-SO38-OO02	10260012	10	m*	Ammonia	n
WaKeeny, City of	KS0099309	M-SH38-OO02	10260007	7	m*	Ammonia	n

n - The Highest Attainable Interim Criteria Limit shall be derived as the 99th percentile value or highest value of recent historical (e.g., last five years) effluent discharge water quality data, whichever is lower. The Highest Attainable Interim Criteria Limit will be calculated when permits come up for renewal.