



Kansas *Protection* TMDLs



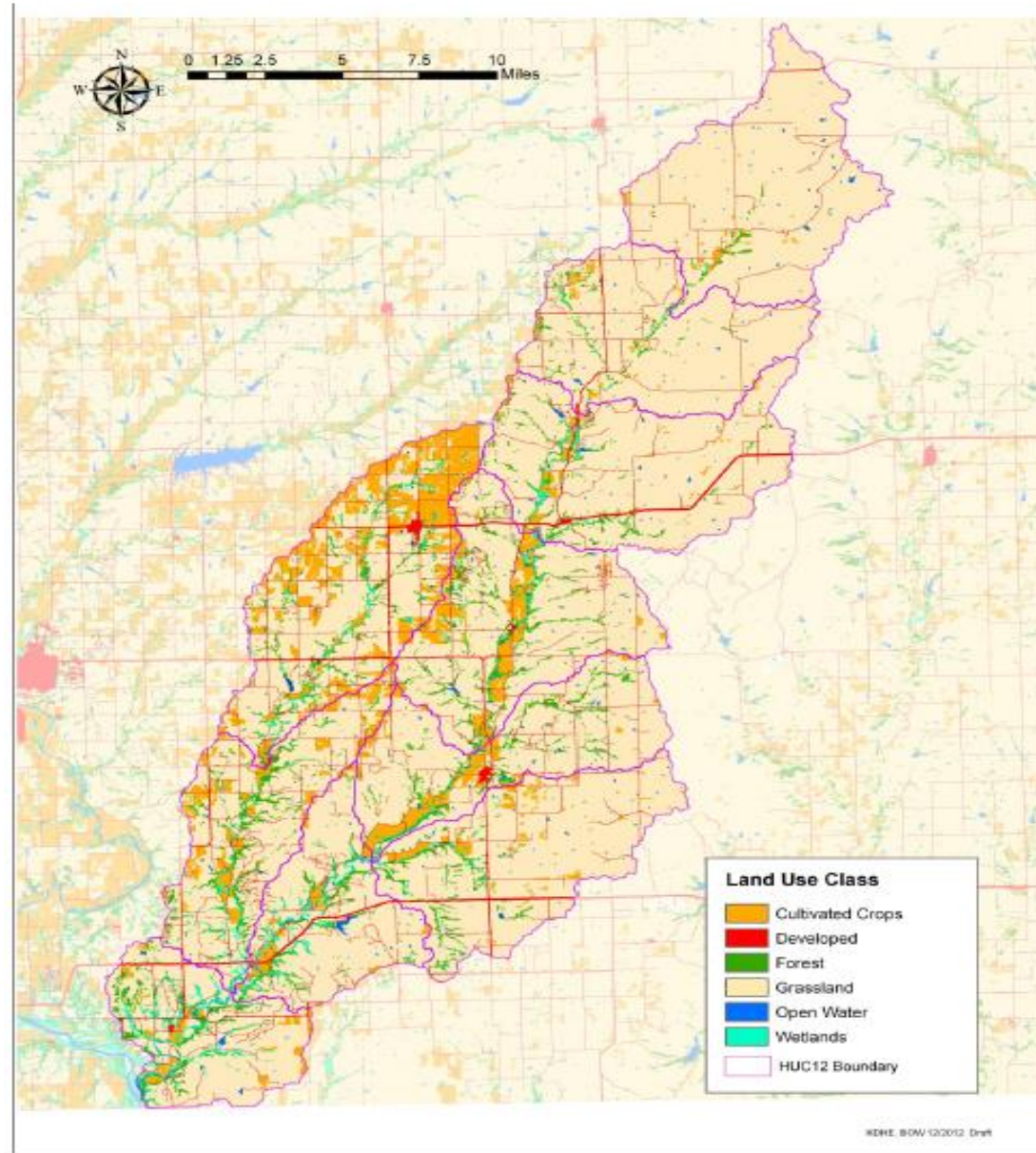
Our Mission: To protect and improve the health and environment of all Kansans.

Utility of Protection TMDLs

- Establishes Protection for unimpaired stations influencing WQ within the TMDL watershed
- Establishes TMDLs in watersheds with anticipated growth/ new dischargers
- Establishes TMDL and Protection for segments on the cusp of being listed
- Incidentally established telling our story with larger TMDL watersheds

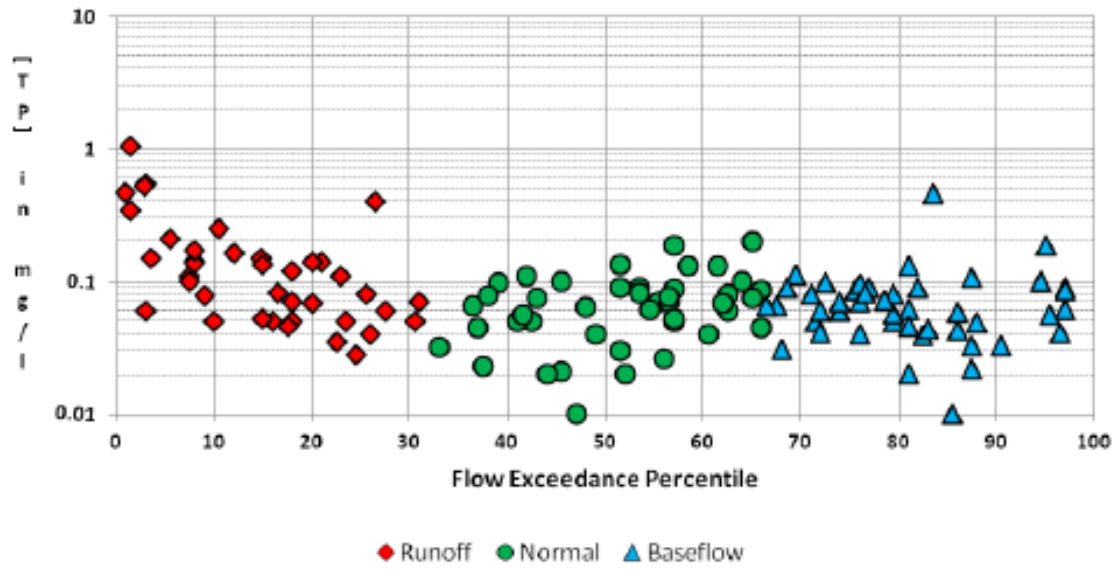
Restoration TMDLs become Protection TMDLs Once WQS Re-Attained

The Grouse Creek Watershed is dominated by grass

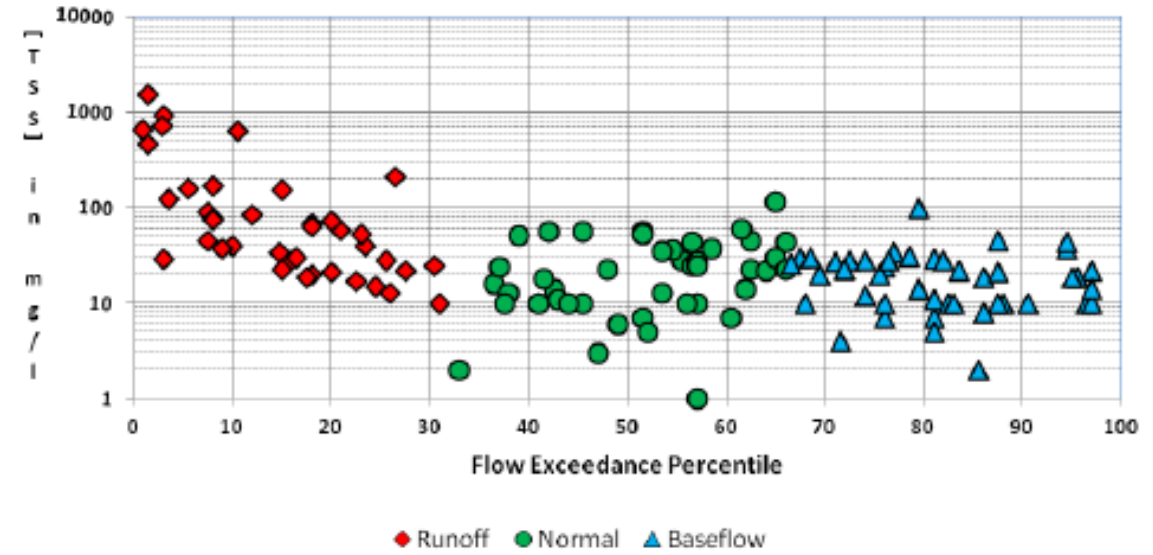


Generally High Water Quality except at Runoff

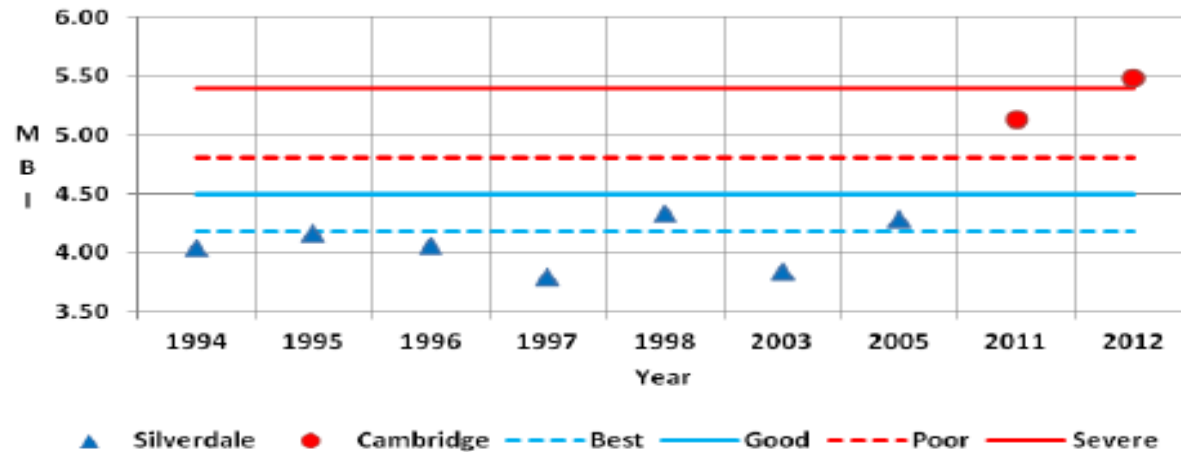
TP Concentrations on Lower Grouse Creek at Various Flows



TSS Concentrations on Lower Grouse Creek at Various Flows



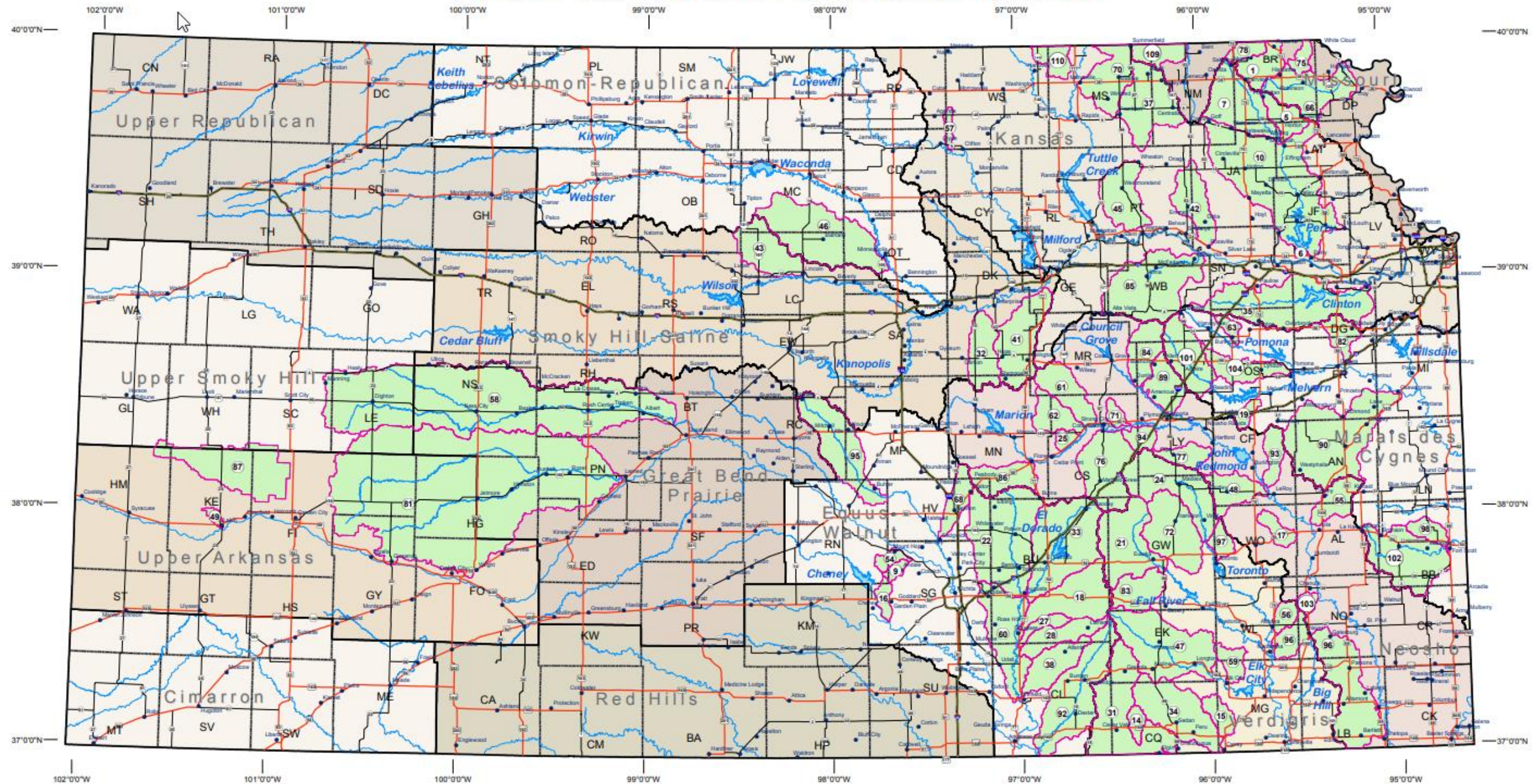
Macroinvertebrate Biotic Index for Grouse Creek



Implementation of a Protection TMDL

- 1. Two small towns have 2#/d WLAs for their lagoon systems = no impact to streams
- 2. Water quality is generally good except during runoff conditions
- 3. Maintain WLA and LA's at normal or baseflow conditions
- 4. Implement on MOS; Target practices for TSS or TP abatement under runoff conditions
- 5. Implementation will further enhance pollutant abatement and maintenance of good water quality under normal conditions
- **6. This was the locals' idea; top down initiatives from the State have NOT worked**
- This TMDL was not submitted to EPA, per 40 CFR 130.7(e)

Active Watershed Districts in Kansas



The Role of Watershed Districts in Water Quality

K.S.A. 24-1209. Corporate Powers and Duties

“Fourth. To construct, improve, maintain and operate works of improvement including such facilities and appurtenances as necessary for the conservation of soil, prevention of floods, disposal of water and the conservation, development and utilization of water for domestic, municipal, agricultural, industrial, recreational purposes and such other uses ...”

“Tenth. To cooperate and contract with persons, firms, associations, partnerships and private corporations, and with other watershed districts, drainage districts, and cities of all classes of this state...”

1998 Attorney General Opinion #52: “authorizes the District’s use of funds to administer and cost-share water quality projects which include the use of buffer strips and riparian areas repair.”

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History and Opportunity

Grouse – Silver Creek Watershed District – Protection TMDL – sediment & nutrients

Allen Creek Watershed District – Soil Health Practices abv John Redmond & Emporia

Clean Water Act 603 (c)(2): Clean Water SRF can be used “*for the implementation of a management program established under section 319;*”

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Can the Clean Water SRF be Used on NPS Projects?

K.S.A. 65-3322. Kansas Water Pollution Control Revolving Fund established; sources of revenue; use of moneys credited to fund.

(b) Subject to the conditions and in accordance with requirements of the federal act and the provisions of K.S.A. 65-3321 through 65-3329, and amendments thereto, the fund may be used only:

- (1) To make loans to municipalities for payment of all or a part of project costs;
- (2) to carry out planning for wastewater treatment works;
- (3) for implementation of nonpoint source pollution control programs;

K.S.A. 65-3321. Definitions.

(b) “Municipality” means any city, county, township, sewer district, improvement district, or other political subdivision of the state, or any combination thereof, which is authorized by law to construct, operate, and maintain wastewater treatment works.

(c) “Wastewater treatment works” means any treatment works, as defined in the federal act, which is publicly owned.

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A Perfect Storm Scenario for Protection

- Municipality with need for investing in watershed
 - TMDL and WLA
 - Source Water Protection
 - Water Quality Trading arrangement involving its wastewater treatment plant
- Watershed District overlies municipality's watershed of interest; its General Plan includes projects for water quality protection
- 319-WRAPS group exists or emerges with a nine-element watershed NPS plan
- Municipality and Watershed District cooperate and contract to obtain a CWSRF loan
- Municipality puts project on KDHE CWSRF Intended Use Plan; signs loan agreement
- Loan funds implement protection practices by individual agricultural producers
 - Soil Health – no till; cover crops
 - Riparian Management – buffers
 - Livestock Management
- Loan is repaid through
 - Municipal tax levies and utility rates and fees
 - Watershed District tax levies

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Questions



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