



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



OCT 27 2006

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PEP/NRM

ER 06/0950

Mr. Thomas W. Waters
Chief, Policy and Policy Compliance Division
Directorate of Civil Works
Headquarters, U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

Dear Mr. Waters:

The U.S. Department of the Interior has reviewed the Chief of Engineers' Proposed Report on Kansas City's Levees, Missouri and Kansas.

The Department does not object to the proposed project and has no comments to offer. The point of contact is Ms. Loretta Sutton, 202-208-7565. We appreciate the opportunity to review the Chief's Proposed Report and supporting documents.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

Matt Blunt
Governor



Michael N. Keathley
Commissioner

State of Missouri
OFFICE OF ADMINISTRATION
Intergovernmental Relations
Post Office Box 809
Jefferson City, 65102
573/751-1851

October 10, 2006

Cliff Fitzsimmons
Headquarters
US Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

Dear Mr. Fitzsimmons:

Subject: 0703042

The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed the review on the above project application.

None of the agencies involved in the review had comments or recommendations to offer at this time. This concludes the Clearinghouse's review.

A copy of this letter is to be attached to the application as evidence of compliance with the State Clearinghouse requirements.

Please be advised that I am the contact for the Federal Funding Clearinghouse. You can send future requests to the following address: Sara VanderFeltz, Federal Funding Clearinghouse, 201 West Capitol, Room 125, and Jefferson City, Missouri 65101.

Sincerely,

A handwritten signature in cursive script that reads "Sara VanderFeltz".

Sara VanderFeltz
Administrative Assistant

cc:



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

November 3, 2006

Mr. Clifford L. Fitzsimmons
Headquarters
U.S. Army Corps of Engineers
CECW-P (SA)
77701 Telegraph Road
Alexandria, VA 22315-3860

RE: Comments on USACE Review of Completed Project, Kansas Citys Levees, Missouri and Kansas-Interim Feasibility Report and Environmental Impact Statement (August 2006)

Mr. Fitzsimmons:

The Kansas Department of Health and Environment (KDHE) thanks the USACE for the opportunity to comment as per your request in the cover letter to the referenced document dated, September 27, 2006.

- 1) The KDHE notes that Appendix J Clean Water Act Section 404 (b) (1) Evaluation (40 CFR 23) 5 a (2), contains the statement: "KCD will obtain a NPDES (National Pollutant Discharge Elimination System) from KDHE and MDNR for stormwater discharges from the project's construction work areas. All requirements of the NPDES stormwater discharge permit received from these agencies will be incorporated into project plans and specifications". Any questions regarding the required permitting should be directed to Joe Mester at 785/296-6804.
- 2) Any work conducted around municipal, commercial, or industrial storm sewer outlets or wastewater outlets needs to be closely coordinated with the facility owner to ensure operations are not interrupted.
- 3) Any work conducted around or near an industrial or municipal water intake needs to be closely coordinated with the owner to ensure that operation/use is not interrupted.

DIVISION OF ENVIRONMENT

Bureau of Water – Watershed Management Section
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367

Voice 785-296-4195 Fax 785-296.5509 <http://www.kdheks.gov/>

4) In Appendix D on Page 3 it is stated that the HTRW (Hazardous, Toxics, Radiological Waste) was completed in 1999 for the project areas and lists the areas of concern. The completed review of the HTRW sites is almost 8 years old and new sites may need to be identified. The KDHE recommends you contact Mr. Gary Blackburn, KDHE Bureau of Remediation, 785/296-1660 for an updated accounting of potential HTRW sites in the project area.

5) There may be permitted solid waste disposal facilities. Please contact Mr. Dennis Degner or staff at 785/296-1601

6) The USACE should recognize the waters of Kansas state and their designated uses are protected by the Kansas Surface Water Quality Standards as documented in K.A.R. 28-16-28 et. seq. (January 28, 2005)

A) Kansas and Missouri Rivers are described in the Kansas Surface Water Register [KAR 28-16-28b(g)] as being a general purpose waters and having designated uses of domestic water, food procurement, primary contact recreation (stream segment is by law or written permission of the landowner open to and accessible by the public) and secondary contact recreation, special aquatic life use, groundwater recharge, irrigation and industrial water uses,

B) Kansas and Missouri Rivers are designated **Special Aquatic Life Use** waters, as defined in K.A.R. 28-16-28d (a)(2)(A), "means surface waters that contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters that contain representative populations of threatened or endangered species."

8) KDHE has issued Total Maximum Daily Loads (TMDLs) on the Lower Kansas River (Kansas Stream Segment #102701041), as monitored at SC203 on the James St. Bridge, just upstream of the junction with the Missouri River. The existing TMDLs, Biological impairment, linked to Biochemical Oxygen Demand (Approved Jan. 26, 2000), Biological Impairment, linked to Total Suspended Solids (Approved Jan. 26, 2000), Chlordane Impairment (Approved Jan. 26, 2000), Fecal Coliform Bacteria (Approved Jan. 26, 2000), E. coli Bacteria (In Review at EPA) replacing Fecal Coliform Bacteria.

Each of these listings has identified water quality protection measures or non-point source best management practice actions as implementation steps to be taken by the state to meet TMDLs. These practices include the reduction of sediment in runoff through the use of vegetated filter strips and the establishment of permanent riparian vegetation. Construction activities should be planned in a manner designed to limit the amount of sediment entering the river, and to minimize the disturbance of river sediments that may contain chlordane.

Additionally, this river segment has been proposed for placement on the 2006 303(d) list, Category 5 (impaired waters needing a TMDL) for acute exceedences of the copper criteria. This will carry forward the existing listing from the 2004 303(d) list. While an existing TMDL has not yet been developed for copper, in other cases copper impairments have been linked to metal corrosion on vehicle components, and the use of copper in some construction materials. Proper vehicle maintenance and disposal of construction waste should minimize copper contributions from these sources.

9) Watershed Restoration and Protection Strategy (WRAPS) development projects have been proposed for the Lower Kansas and Missouri river basins. The goal of a WRAPS development project is to identify key watershed stakeholders, document watershed issues of concern, and form a watershed stakeholder group to lead future WRAPS activities. These proposed WRAPS project are likely to begin during FFY 2007. The USACE would be considered a key stakeholder within these basins and they are encouraged to participate in the WRAPS process. For more information about the Lower Kansas River WRAPS project, please contact Tim Christian with the Kansas Alliance for Wetlands and Streams (KAWS) at 620/ 241-3636. For more information about the Missouri river WRAPS project, please contact Gary Satter with the Glacial Hills RC&D at 785/945-6292. Examples of actions discussed for future WRAPS development include:

A) Protect and enhance riparian vegetation (buffers) and wetlands along rivers and tributaries to filter nonpoint source pollutants from adjacent uplands and stabilize streambanks.

B) Stabilize sloughing streambanks.

C) Where feasible, reconnect rivers and tributaries to their flood plains and wetlands. This will allow floodwaters to deposit sediment in flood plains and encourage nutrient uptake by riparian vegetation.

Please respond that you received this communication.

Thank you for your consideration of these comments.

Questions concerning this communication may be directed to Mr. Scott Satterthwaite, 785/296-5573.

Sincerely,



Scott L. Satterthwaite, M.S.
Non-point Source Pollution Control Specialist
Bureau of Water-Watershed Management Section

EC: KDHE: Division of Environment
BOW, BWM, NEDO



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

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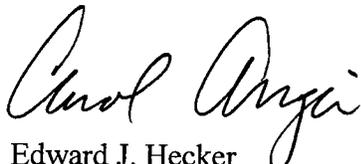
Northwestern Division
Regional Integration Team

Mr. Scott L. Satterthwaite
Non-point Source Pollution Control Specialist
Bureau of Water-Watershed Management Section
Division of Environment
Department of Health and Environment
State of Kansas
1000 SW Jackson Street
Suite 420
Topeka, Kansas 66612-1367

Dear Mr. Satterthwaite:

Thank you for your letter to Mr. Clifford Fitzsimmons, dated November 3, 2006, providing comments on the Kansas City Levees, Missouri and Kansas – Interim Feasibility Report and Environmental Impact Statement. We appreciate your evaluation of the Feasibility Study for this important flood damage reduction project, and I trust that the enclosed responses fully address your concerns.

Sincerely,

for 

Edward J. Hecker
Chief, Regional Integration Team
Directorate of Civil Works

Enclosure

Enclosure:
Corps of Engineers Responses
To State of Kansas Review Comments

Kansas Citys Levees Interim Feasibility Report and Environmental Impact Statement

Comment 1: The KDHE notes that Appendix J Clean Water Act Section 404 (b) (1) Evaluation (40 CFR 23) 5 a (2), contains the statement: "KCD will obtain a NPDES (National Pollutant Discharge Elimination System) from KDHE and MDNR for stormwater discharges from the project's construction work areas. All requirements of the NPDES stormwater discharge permit received from these agencies will be incorporated into project plans and specifications". Any questions regarding the required permitting should be directed to Joe Mester at 785/296-6804.

Response 1: We concur with your comment.

Comment 2: Any work conducted around municipal, commercial, or industrial storm sewer outlets or wastewater outlets needs to be closely coordinated with the facility owner to ensure operations are not interrupted.

Response 2: We concur with your comment.

Comment 3: Any work conducted around or near an industrial or municipal water intake needs to be closely coordinated with the owner to ensure that operation/use is not interrupted.

Response 3: We concur with your comment.

Comment 4: In the Appendix D on Page 3 it is stated that the HTRW (Hazardous, Toxics, Radiological Waste) was completed in 1999 for the project areas and lists the areas of concern. The completed review of the HTRW sites is almost 8 years old and new sites may need to be identified. The KDHE recommends you contact Mr. Gary Blackburn, KDHE Bureau of Remediation, 785/296-1660 for an updated accounting of potential HTRW sites in the project area.

Response 4: The review of 1999 Reconnaissance Report – HTRW Assessment and HTRW Follow-up Investigation was just one component used to compile recommendations contained in Appendix D. In addition, the following activities occurred:

- Review of information obtained from EPA and KDHE website database searches in 2004 through 2006.
- Review of documents obtained during a 2004 EPA Region VII file search and personal interviews with EPA representatives.

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- Review of documents obtained during a 2004 KDHE file search and personal and phone interviews with the Jeff Poyer and Frank Arnwine of the KDHE Bureau of Environmental Remediation.
- Numerous site visits and walk-throughs of the Argentine Levee in 2004 and 2005 to gather additional information which could not be ascertained from file reviews and attempt to identify any potential sites not identified during previous research.
- Reviews of numerous documents and information obtained from individual properties owners identified as potential sources of HTRW contamination as well as personal and telephone interviews with representatives of the property owners. The majority of the reviews and interviews occurred in 2004 and 2005.

Comment 5: There may be permitted solid waste disposal facilities. Please contact Mr. Dennis Degner or staff at 785/296-1601.

Response 5: During the preparation of Appendix D, the Project Delivery Team coordinated with KDHE Bureau of Waste Management Solid Waste Management Staff to assist in identifying permitted solid waste facilities. We will continue to coordinate with appropriate personnel throughout implementation of the recommended plan.

Comment 6: The USACE should recognize the waters of Kansas state and their designated uses are protected by the Kansas Surface Water Quality Standards as documented in K.A.R. 28-16-28 et. seq. (January 28, 2005)

A) Kansas and Missouri Rivers are described in the Kansas Surface Water Register [KAR 28-16-28b(g)] as being a general purpose waters and having designated uses of domestic water, food procurement, primary contact recreation (stream segment is by law or written permission of the landowner open to and accessible by the public) and secondary contact recreation, special aquatic life use, groundwater recharge, irrigation and industrial water uses,

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Response 6: We concur with your comment.

****No comment #7 was included in your signed letter.**

Comment 8: KDHE has issued Total Maximum Daily Loads (TMDLs) on the Lower Kansas River (Kansas Stream Segment #102701041), as monitored at SC203 on the James St. Bridge, just upstream of the junction with the Missouri River. The existing TMDLs, Biological impairment, linked to Biochemical Oxygen Demand (Approved Jan. 26, 2000), Biological Impairment, linked to Total Suspended Solids (Approved Jan. 26, 2000), Chlordane Impairment (Approved Jan. 26, 2000), Fecal Coliform Bacteria (Approved Jan. 26, 2000), E. coli Bacteria (In Review at EPA) replacing Fecal Coliform Bacteria.

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Response 8: We concur with your comment.

Comment 9: Watershed Restoration and Protection Strategy (WRAPS) development projects have been proposed for the Lower Kansas and Missouri river basins. The goal of a WRAPS development project is to identify key watershed stakeholders, document watershed issues of concern, and form a watershed stakeholder group to lead future WRAPS activities. These proposed WRAPS project are likely to begin during FFY 2007. The USACE would be considered a key stakeholder within these basins and they are encouraged to participate in the WRAPS process. For more information about the Lower Kansas River WRAPS project, please contact Tim Christian with the Kansas Alliance for Wetlands and Streams (KAWS) at 620/ 241-3636. For more information about the Missouri river WRAPS project, please contact Gary Satter with the Glacial Hills RC&D at 785/945-6292. Examples of actions discussed for future WRAPS development include:

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B) Stabilize sloughing streambanks.

C) Where feasible, reconnect rivers and tributaries to their flood plains and wetlands. This will allow floodwaters to deposit sediment in flood plains and encourage nutrient uptake by riparian vegetation.

Response 9: Comment noted.