

**RESPONSE TO COMMENTS ON  
ENVIRONMENTAL SAMPLING PLAN FOR VILLAGE CREEK NEAR  
CHANUTE, KANSAS**

**June 28, 2011**

Background

The draft Environmental Sampling Plan for Village Creek near Chanute, Kansas, was made available to the public on March 11, 2011. The draft plan was publically discussed during two meetings held at EPA's Region VII office in Kansas City, Kansas, with interested parties on March 25, 2011, and April 19, 2011, and then again on June 16, in Chanute, Kansas. During these meetings and since the June 16 public meeting the following questions and comments related to the draft plan have been received by the regulatory agencies (KDHE and EPA):

1. Ponds located near the Ash Grove Cement plant should be sampled;
2. Samples should be collected from predator fish taken in the Chanute area because contaminants bio-accumulate;
3. Consideration should be given to including analytical testing of samples for dioxins and furans;
4. How will fish, sediment and water data be used to assess possible environmental and public health-related impacts?
5. What other information will be used with the data collected?
6. Who will collect what sample?
7. How will future updates to Kansas stream chemistry monitoring program (SCMP) parameters be handled?
8. How many days or hours constitute "an extended period of dry weather"?
9. What is the Village Creek base stream flow?
10. What is the basis for selecting five sampling locations?
11. Will fish tissue samples be batched?
12. Will KDHE and EPA share with all stakeholders the data collected?
13. The water plan specifically mentions (and mischaracterizes) Ash Grove as an "incineration facility." As you know, the facility is not classified as an "incinerator," but rather is classified as a "cement kiln" under the provisions of 40 CFR 63 subpart EEE. EPA and KDHE have agreed publically that this monitoring effort is not intended to single out any facility, yet continues to do so in the written plan (Attachment D); and
14. Will EPA and KDHE provide the objective and legal basis for comparing the results of this sampling effort?

## Response to Comments

The following is the Kansas Department of Health and Environment's response to the above comments:

1. **Ponds located near the Ash Grove Cement plant should be sampled.**

Response: The KDHE Bureau of Environmental Field Services (BEFS) monitors water quality conditions in streams and publicly owned lakes and wetlands throughout Kansas. This bureau also tracks environmental contaminant levels in fish and other aquatic life and performs special water pollution investigations in cooperation with the BEFS district offices and other governmental agencies. BEFS has collected samples along Village Creek previously as a part of its monitoring program and the samples proposed to be taken in this instance fit within the routine monitoring conducted by BEFS. The program does not include sampling from privately held ponds and lakes and for this reason; ponds in the vicinity of Ash Grove Cement will not be sampled.

2. **Samples should be collected from predator fish taken in the Chanute area because contaminants bio-accumulate.**

Response: KDHE intends to collect fish during its sampling of Village Creek. Where fish are present in the five sampling locations they will be collected, filleted, and submitted for analysis. The types of fish anticipated to be present may include bottom feeders as well as predator species.

3. **Consideration should be given to including analytical testing of samples for dioxins and furans.**

Response: KDHE does not routinely include analytical testing for dioxins and furans in environmental samples. Certain facilities subject to permitting under the federal Clean Air Act (CAA) and the Resource Conservation and Recovery Act (RCRA) are required to demonstrate the ability of their air pollution control equipment to limit emissions of these chemicals.

4. **How will fish, sediment and water data be used to assess possible environmental and public health-related impacts?**

Response: Data will be evaluated using (1) published consensus-based sediment quality guidelines (MacDonald et al. 2000. Arch Environ Contam Toxicol 39:20-31), (2) EPA's "Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories", and (3) the Kansas surface water quality standards (specifically, K.A.R. 28-16-28e). Data also may be compared to contaminant concentrations documented in recent years in other water bodies in Neosho County and surrounding area.

**5. What other information will be used with the data collected?**

Response: Available hydrological, meteorological, and land-use data may be considered in the interpretation of the fish, sediment, and water quality data.

**6. Who will collect what sample?**

Response: Staff from KDHE's Bureau of Environmental Field Services (BEFS) will collect all water, stream sediment, and fish tissue samples.

**7. How will future updates to Kansas stream chemistry monitoring program (SCMP) parameters be handled?**

Response: Possible future updates to the list of parameters should have no affect on the outcome of this short-term study.

**8. How many days or hours constitute "an extended period of dry weather"?**

Response: The point of this provision is to collect samples during a period of normal stream flow rather than when the stream level is substantially being impacted by recent precipitation events and runoff.

**9. What is the Village Creek base stream flow?**

Response: Based on modeling estimates provided by the USGS, the long-term median flow in Village Creek is about 3.9 cubic feet per second (Perry et al. 2002. USGS Water-Resources Investigation Report 02-4292).

**10. What is the basis for selecting five sampling locations?**

Response: This number of sampling points should facilitate the identification and assessment of any longitudinal gradients in contaminant concentrations in Village Creek.

**11. Will fish tissue samples be batched?**

Response: Yes, each sample will contain the homogenized fillets from three to six fish, depending on the size of the fish encountered during this study.

**12. Will KDHE and EPA share with all stakeholders the data collected?**

Response: All data collected as a part to this water monitoring program will be shared with the public.

**13. The water plan specifically mentions (and mischaracterizes) Ash Grove as an “incineration facility.” As you know, the facility is not classified as an “incinerator,” but rather is classified as a “cement kiln” under the provisions of 40 CFR 63 subpart EEE. EPA and KDHE have agreed publically that this monitoring effort is not intended to single out any facility, yet continues to do so in the written plan (Attachment D).**

Response: KDHE regrets this inaccuracy in the title of the area map of the Village Creek watershed included in Attachment D of the sampling plan. Appropriate changes in the title have been made.

**14. Will EPA and KDHE provide the objective and legal basis for comparing the results of this sampling effort?**

Response: Pursuant to Kansas law, KDHE is required to “investigate and report upon all matters relating to water supply and sewerage and the pollution of the waters of the state that may come before the secretary of health and environment” (K.S.A. 65-170). This screening-level study will endeavor to quantify prevailing concentrations of selected contaminants in surface water, sediment, and fish tissue in Village Creek. Data obtained through this effort will be used along with other information to assess possible environmental and public health concerns in the Chanute vicinity, primarily by comparison to the established environmental criteria and scientific guidelines discussed in paragraph 4, above.