



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

Division of Environment

www.kdheks.gov

April 13, 2009

Theodore A. Brown, P.E.
Headquarters, U.S. Army Corps
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

Re: Topeka Flood Risk Management Project, Topeka, KS

Dear Mr. Brown:

Mr. Donald Carlson, Bureau of Water has offered the following comments. I have no objection to the proposal but offer the following comment for review and consideration:

Any construction activity which disturbs one acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater.

Answers to questions regarding or additional information concerning construction stormwater permitting requirements can be obtained by calling (785) 296-5549.

Sincerely,

Donna Fisher
Division of Environment
Director's Office

DC/df



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment
Comments by: KDHE

Transmittal Date: April 15, 2009

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to contact person listed below. Your prompt response will be appreciated.

RETURN TO: Theodore A. Brown, P.E.
Headquarters, U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

PART I

REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II

AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary: Topeka Flood Risk Management Project, Topeka, KS
Please see the enclosed comments submitted by Glenna Drake and Don Carlson.

PART III

RECOMMENDED ACTION COMMENTS

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clearance of the project should be granted. | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments. | |

DIVISIONS/ AGENCY/ COMMISSION

Reviewer's Name: John W. Mitchell Date: April 15, 2009

Organization: John W. Mitchell, Director, Division of Environment
Kansas Department of Health & Environment

MEMORANDUM

To: Donna Fisher
From: Glenna Drake
BER/Remedial Section
CC: Rick Bean, BER
Date: April 3, 2009
Re: Agency Review - Topeka Flood Risk Management Project

Approved: Yes

Comments: Note that groundwater in the area may be contaminated with volatile organic compounds from area sites. The following Identified Sites are located within one mile of the river near the project areas.

Project Code	Site Name	Status	Contamination Type
C408970885	SALISBURY SUPPLY COMPANY	Resolved	VOC
C408900065	CROCO ROAD SITE(SEWARD,KINCAID ROAD)	Active	VOC
C408970154	SCOTCH CLEANERS - TOPEKA	Active	VOC, Other (see Site Narrative)
C408971337	TOPEKA PARK PROJECT -- BTA	Resolved	Heavy Metal
C408971643	ONEOK FMGP - TOPEKA	Active	
C408971297	1ST & MONROE, TOPEKA	Active	VOC
C408970776	DG'S RADIATOR	Active	Heavy Metal
C408900026	HYDRO-FLEX CORP., INC.	Resolved	Heavy Metal
C408970728	ELT TOPEKA, LLC	Active	VOC
C408971976	TOPEKA RIVERFRONT DEVELOPMENT -- BTA	Active	
C408970230	BNSF - MAGNUS METALS SITE	Resolved with Restrictions	Heavy Metal
C408900058	MIDWEST MACHINE WORKS	Resolved with Restrictions	VOC
C408900027	INDUSTRIAL CHROME, INC.	Active	Heavy Metal
C408971651	JEFFERSON STREET DRUMS	Resolved	Refined Petroleum, SVOC, VOC
C408903035	ARMCO - TOPEKA	Active	Heavy Metal, Refined Petroleum, VOC
C408971975	EBA BUILDING -- BTA	Active	
C408971557	DEGGINGER'S FOUNDRY	Active	Heavy Metal
C408970958	BNSF - TOPEKA SHOPS	Active	Heavy Metal, Refined Petroleum
C408903009	SEWARD & GOLDEN, TOPEKA	Active	Heavy Metal, Refined Petroleum, SVOC

More information about these sites can be viewed on our Identified Sites List website at <http://kansas.kdhe.state.ks.us/pls/certop/l/Search>.



Natural Resources Conservation Service
760 South Broadway
Salina, Kansas 67401-4604

Phone: 785-823-4500
FAX: 785-823-4540
www.ks.nrcs.usda.gov

March 31, 2009

Mr. Theodore A. Brown
Headquarters, U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, Virginia 22315-3860

Dear Mr. Brown:

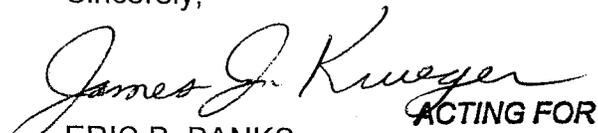
As requested and in accordance with established coordination procedures on water resources reports, the Kansas Natural Resources Conservation Service (NRCS) has reviewed the Topeka Kansas Flood Risk Management Project Feasibility Study Report and Environmental Assessment (EA) as requested.

In past reviews, NRCS has provided comments related to Food Security Act compliance and Form AD-1006, Farmland Conversion Impact Rating. These assessments and documents are included in your December 2008 document as part of EA Appendix B and Public Involvement Appendix B.

The Kansas NRCS has no changes or amendments to offer and I concur with the U. S. Army Corps of Engineers proposed project report and EA.

If you have any questions, please contact Terry M. Conway, State Resource Conservationist, at 785-823-4547 or by e-mail at terry.conway@ks.usda.gov.

Sincerely,


ERIC B. BANKS
State Conservationist

ACTING FOR

cc:

Terry M. Conway, State Resource Conservationist, NRCS, Salina, Kansas
Kenneth A. Kuiper, State Biologist, NRCS, Salina, Kansas
Jeffrey L. Gross, Assistant State Conservationist, NRCS, Salina, Kansas



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

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PEP/NRM

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ER 09/337

Mr. Theodore A. Brown, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works
Headquarters
U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, VA 22315-3860

RE: Thirty-Day Review of Chief of Engineers Proposed Report,
Topeka Flood Risk Management Project, Topeka, Kansas

Dear Mr. Brown:

The U. S. Department of the Interior (Department) has reviewed the U. S. Army Corps of Engineers (USACE), Chief of Engineers Proposed Report on the Topeka Flood Risk Management Project, Topeka, Kansas.

The Department does not object to the proposed project. Our U.S. Fish and Wildlife Service (USFWS), Kansas Ecological Services Field Office, previously prepared a Fish and Wildlife Coordination Act (FWCA) report for the subject project and it appears that all of their concerns and recommendations have been addressed or are being implemented. If you have any questions in regards to the FWCA report, please contact Mr. Michael J. LeValley, USFWS, Kansas Ecological Services Field Office at 785-539-3474, Ext. 105.

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

TOPEKA FLOOD RISK MANAGEMENT PROJECT, TOPEKA, KS. Review manager, Tom Hughes, S&A letters mailed to District Rep, Eric Lynn, CENWK-PM-PF, 816-389-3258. S&A letters mailed 3/23/09. Comments due 3/27/09. **ACTION COMPLETE as of 5/5/09.**

Agency	Response Received
Kansas	Letter dated 4/13/09, rec'd 4/27/09
Interior	Letter dated 4/22/09, rec'd 4/23/09
Agriculture	Letter dated 3/31/09, rec'd 4/15/09
Transportation	
FHWA	No comment, via phone, 4/28/09 per Michael Bowen
FAA	No comment, via phone, 4/29/09, per Todd Madison
EPA	No comment, via phone, 4/27/09, per Joe Cothorn
FEMA	No comment, via phone, 5/5/09, per Ken Sessa
HUD	No comment, via phone, per Paul Mohr, 4/29/09