

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

October 27, 2023

RECEIVED

OCT 31 2023

MARION COUNTY CLERK
MARION KS 66861

MARION COUNTY COMMISSIONERS
c/o COUNTY CLERK
200 S 3RD ST
MARION, KS 66861-1656

RE: Public Notice No. KS-AG-23-316

Enclosed is a public notice regarding proposed Kansas Water Pollution Control Permits for Agricultural and Related Wastes and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). Please post the public notice until the expiration date identified in the public notice, in accordance with Kansas Administrative Regulation 28-16-61.

Any comments you may have regarding the proposed permit should be sent to the attention of Casey Guccione, Section Chief, Livestock Waste Management Program, Bureau of Environmental Field Services, 1000 SW Jackson St., Suite 430, Topeka, KS 66612-1367, by fax to 785-559-4258 or email to kdhe.feedlots@ks.gov. If you have any questions regarding this draft permit, please contact our office immediately at 785-296-6432.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Guccione".

Casey Guccione, Section Chief
Livestock Waste Management Program
Bureau of Environmental Field Services

CG:rh
Enclosure

cc: BEFS-LWMS File

State of Kansas
Department of Health and Environment

Public Notice Concerning Kansas / Federal
Water Pollution Control Permits and Applications

State of Kansas
Department of Health and Environment
Division of Environment-Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

Telephone: (785) 296-6432 - Ag Permits
(785) 296-3056 - All Others

Public Notice No. KS-AG-23-308/316
Public Notice No. KS-Q-23-186/190

Beginning Date: November 2nd, 2023
Comments Due: December 2nd, 2023

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the State by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Las acciones propuestas con respecto a los documentos preliminares se basan en la revisión del personal, aplicando los estándares, regulaciones y limitaciones de efluentes apropiados del estado de Kansas y de la Agencia de Protección Ambiental de Estados Unidos. La acción final resultará en la emisión de una Autorización Federal del Sistema Nacional de Eliminación de Descargas de Contaminantes y un permiso de Control de Contaminación del Agua de Kansas, sujeto a ciertas condiciones, revocación y reemisión del permiso designado o terminación del permiso designado. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación al 785-296-5156 o en: KDHE.NonDiscrimination@ks.gov.

Public Notice No. KS-AG-23-308/316

Pending Permits for Confined Feeding Facilities

<u>Name and Address of Applicant</u>	<u>Legal Description</u>	<u>Receiving Water</u>
Nelson Poultry Farms, Inc. Prairie View Facility 1845 17 th Rd Clay Center, KS 66502	NW/4 of Section 13 T08S, R03E Clay County	Lower Republican River Basin

Kansas Permit No.: A-LRCY-P001

Federal Permit No.: KS0080489

The proposed action is to modify and reissue an existing State/NPDES permit for a facility for 79,000 head (2,607 animal units) of laying hens using a dry manure system that is exposed to precipitation

during stockpiling. This permit is being modified to increase the total confined capacity to 100,000 head (3,300 animal units) of laying hens using a dry manure system that is exposed to precipitation during stockpiling by adding a two-tier system to existing buildings. Each confinement building will be replaced and moved to a high-rise manure management system. This facility has an approved Nutrient Management Plan on file with KDHE.

Lane County Feeders, LLC
16 W Rd 230
Dighton, KS 67839

SW/4 of Section 01 &
SE/4 of Section 02 &
NE/4 & W/2 of Section 11 &
NW/4 of Section 12
T17S, R29W
Lane County

Upper Arkansas
River Basin

Kansas Permit No.: A-UALE-C004

Federal Permit No.: KS0115177

The proposed action is to modify and reissue the existing NPDES permit for a facility for a proposed maximum capacity of 80,000 head (80,000 animal units) of cattle weighing more 700 pounds This represents an increase in the permitted animal units from the previous permit. This permit is also being modified to remove completed SOC's and add an SOC for submittal of a Nutrient Management Plan. Only the updated portions of the permit are subject to public comment.

Aidan Daly
Celtic, LLC
38 Dairy Circle
Tribune, KS 67879

SE/4 of Section 03
T16S, R40W
Greeley County

Smoky Hill River Basin

Kansas Permit No.: A-SHGL-D001

Federal Permit No.: KS0095303

The proposed action is to modify and reissue an existing NPDES permit for an existing facility for 3,000 head (4,200 animal units) of mature dairy cows and 50 head (25 animal units) of dairy calves; for a total of 4,225 animal units of cattle. The permit has been modified to add composting as a method of mortality management. Only the updated portion of the permit is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Peterson Farm & Livestock, Inc.
10729 S Simpson Rd
Assaria, KS 67416

SW/4 of Section 22
T16S, R02W
Saline County

Smoky Hill River Basin

Kansas Permit No.: A-SHSA-B010

The proposed action is to reissue an existing State permit for an existing facility for 300 head (300 animal units) of cattle weighing greater than 700 pounds, and 698 head (349 animal units) of cattle weighing 700 pounds or less; for a total of 649 animal units of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Brad Ebel
Ebel Farms, Inc.
3308 Horned Owl Rd
Hiawatha, KS 66434

NW/4 & SW/4 of Section 02
T01S, R16E
Brown County

Missouri River Basin

Kansas Permit No.: A-MOBR-S004

The proposed action is to reissue an existing State permit for an existing facility for 425 head (170 animal units) of swine more than 55 pounds, 300 head (30 animal units) of swine 55 pounds or less, 60 head (60 animal units) of cattle more than 700 pounds, and 60 head (30 animal units) of cattle 700 pounds or less, for a total of 290 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Max Menefee
33670 Quivira Rd
Paola, KS 66071

NW/4 of Section 02
T18S, R24E
Miami County

Marais des Cygnes
River Basin

Kansas Permit No.: A-MCMI-S028

The proposed action is to reissue an existing State permit for an existing facility for 575 head (230 animal units) of swine weighing greater than 55 pounds, 300 head (30 animal units) of swine weighing 55 pounds or less, and 20 head (10 animal units) of cattle weighing 700 pounds or less for a total of 270 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Josh Hartter
Schurter Finishers
1948 224th Rd
Bern, KS 66408

E/2 of NW/4 of Section 18
T01S, R14E
Nemaha County

Missouri River Basin

Kansas Permit No.: A-MONM-S075

The proposed action is to reissue an existing State permit for an existing facility for 2,400 head (960 animal units) of swine weighing more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

4-N Inc
8831 S Woodlawn Rd
Newton, KS 67114

NE/4 of Section 25
T24S, R01E
Harvey County

Walnut River Basin

Kansas Permit No.: A-WAHV-B001

The proposed action is to reissue an existing State permit for an existing facility for 700 head (700 animal units) of beef cattle weighing greater than 700 pounds and 299 head (149.5 animal units) of beef cattle weighing 700 pounds or less, for a total of 999 head (849.5 animal units) of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an

approved Waste Management Plan on file with KDHE.

Myron Voth
Upland Farms
730 Goldenrod
Walton, KS 67151

SW/4 of Section 32
T21S, R02E
Marion County

Neosho River Basin

Kansas Permit No.: A-NEMN-M025

The proposed action is to reissue an existing State permit for an existing facility for 90 head (126 animal units) of mature dairy cows and 60 head (30 animal units) dairy calves weighing less than 700 pounds; for a total of 156 animal units of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No.: KS-Q-23-186/190

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>RECEIVING STREAM</u>	<u>TYPE OF DISCHARGE</u>
Atchison, City of 515 Kansas Avenue Atchison, KS 66002	Missouri River	Treated Domestic Wastewater

Kansas Permit No. M-MO01-IO01 Federal Permit No. KS0039128
Legal Description: E½, NE¼, NW¼ & W½, NW¼, NE¼, Section 18, Township 6S, Range 21E,
Atchison County, KS
Facility Location: 39.53229, -95.11449

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: Bar screens (2), grit chamber, pre-aeration (2), primary clarifiers (2), ABF tower, activated sludge basin (2), final clarifiers (2), sludge storage tank, and UV disinfection. In addition, there are eight CSO discharge point outfalls. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, and E. coli; as well as monitoring for Ammonia, Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, and Total Nitrogen. Permittee has received an Amended Consent Agreement and Final Order Case Docket No.09-E-124 BOW from KDHE. Permittee shall implement the requirements of the Order and any amendments or replacements thereto.

Hillsboro, City of
P.O. Box 125
Hillsboro, KS 67063

South Cottonwood River
via unnamed tributary

Treated Domestic
Wastewater

Kansas Permit No. M-NE35-OO02 Federal Permit No. KS0097896
Legal Description: SE¼, NE¼, Section 35, Township 19S, Range 2E, Marion County, KS
Facility Location: 38.35724, -97.17189

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing

facility is a three-cell wastewater stabilization lagoon system with aeration and a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The detention time at design flow is 131 days. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. coli, and Total Phosphorus. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia during the previous and current permit cycle. Eligibility was determined through analysis of the facility's highest attainable criteria (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The results of the EED determined it is uncertain if the facility is eligible. In accordance with EPA's Interim Economic Guidance for Water Quality Standards Workbook's Appendix M, as adopted in the Kansas Surface Water Quality Standards and approved by EPA, the community shall be moved to the adjacent category for subsequent renewal of this permit. For Hillsboro, this would move them into the cannot afford category based on a preliminary screener of 1.75, and secondary screener of 2.00. Additionally, the city has made the investment to add aerators to the cells, added a baffle wall, and ongoing SSO and I/I reduction to address the Schedule of Compliance and improve water treatment. Therefore, the facility has been determined to be eligible for the MDV. The ammonia effluent limit was determined on 7/7/2023 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 6.5 mg/L for this facility. The 99th percentile limit decreased during the permit cycle but is less stringent than the final limits included in the previous permit. Codified in the NPDES regulations at 40 CFR 122.44(l), Section 402(o)(2) provides that the establishment of less stringent limits may be allowed where a variance has been granted.

Kansas 4-H Foundation
1168 K-157 Hwy
Junction City, KS 66441

Smokey Hill River via
Lyon Creek via
unnamed tributary

Treated Domestic
Wastewater

Kansas Permit No. C-SH45-OO01

Federal Permit No. KS0118443

Legal Description: SW¼, NE¼, NW¼, Section 5, Township 14S, Range 5E, Dickinson County, KS
Facility Location: 38.86757, -96.90269

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: anaerobic treatment (Imhoff Tank), an Intermittent Sand Filter (ISF) and chlorination of the effluent. The facility receives domestic wastewater from a 4-H Ranch that is a seasonal operation. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, and E. coli; as well as monitoring for Total Residual Chlorine. The facility currently does not have an operator at the correct level of certification (Class I minimum). A schedule of compliance will be included to obtain an operator of the correct level by April 1, 2024.

BP Products North America, Inc.
150 W. Warrenville Rd, MC-200-1N
Naperville, IL 64054

Verdigris River via
6,500 Feet of 4" diameter pipe

Processed Wastewater

Kansas Permit No. I-VE29-PO05

Federal Permit No. KS0096385

Legal Description: SE ¼, Sec. 18, T 30S, R 16E, Wilson County, KS
Facility Location: 37.43260, -95.68884

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This former petroleum refinery site has been impacted by past releases of free hydrocarbon product. Hydrocarbons have migrated to the groundwater located within the refinery footprint. Groundwater collected within a trench and several extraction wells is treated with an oil/water separator, equalization tank, pH adjustment, air stripper, particulate filter, and three activated carbon filters operated in series. Filter effluent is discharged to the Verdigris River via 6,500-feet of 4-inch diameter pipe. The average discharge flow rate is 32 gpm with a maximum discharge flow rate of 100 gpm. The proposed permit contains limits for pH, as well as monitoring for Flow, Total Petroleum Hydrocarbon, and Total Phosphorus.

Cessna Aircraft Company
6330 Southwest Blvd
Wichita, KS 67205

Arkansas River via Processed Wastewater
Wichita Valley Center Floodway

Kansas Permit No. I-AR94-PO09 Federal Permit No. KS0000485
Legal Description: SE¼ of Section 03, Township 28S, Range 01W, Sedgwick County, KS
Facility Location: 37.64378, -97.41520

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is engaged in the manufacture and assembly of propeller driven and jet aircraft. Non-contact cooling wastewater, air stripper effluent and stormwater runoff are discharged to the receiving stream. The outfall(s) and monitoring point(s) identified on the following page define the type and volume of wastewater discharge allowed. Domestic wastes, boiler blowdown, cooling tower blowdown, and process wastewater are discharged to the municipal sanitary sewer. Air conditioning condenser return and autoclave cooling water (0.25 MGD) are discharged to an on-site Class V injection well. The proposed permit contains limits for pH, as well as monitoring for, Flow, Trichloroethylene, Total Nitrogen, and Total Phosphorus.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before **December 2nd, 2023** will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-308/316, KS-Q-23-186/190) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, Section Chief, Livestock Waste Management Section at the KDHE Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Andrew Bowman at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone (785) 296-0076 or email at kdhe.feedlots@ks.gov. Las preguntas o comentarios por escrito deben dirigirse a Erich Glave, Director, Bureau of Environmental Field Services en KDHE: 1000 SW Jackson St., Suite 430, Topeka, Kansas 66612-1367; por correo electrónico: kdhe.feedlots@ks.gov; por teléfono: (785) 296-6432. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone (785) 296-6804 or email at Neal.Niceswanger@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary
Kansas Department of Health and Environment

