

Rec 2/7/24

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](http://www.kdheks.gov)

Janet Stanek, Secretary

Laura Kelly, Governor

February 02, 2024

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

RE: Public Notice No. KS-AG-24-022

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](mailto: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 Li".

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-24-020/027  
Public Notice No. KS-Q-24- 012/015

Beginning Date: FEBRUARY 08, 2024  
Comments Due: MARCH 07, 2024

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.

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**Public Notice No. KS-AG-24-020/027**

**Pending Permits for Confined Feeding Facilities**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Rocking Heifer, LLC Rocking Heifer- Ulysses 439 E Rd 4 Ulysses, KS 67880	S/2 of Section 15 & NW/4 of Section 22 T27S, R37W Grant County	Cimarron River Basin

Kansas Permit No.: A-CIGT-C005

Federal Permit No.: KS0093670

The proposed action is to modify and reissue the existing NPDES permit for a facility for a proposed maximum capacity of 35,000 head (35,000 animal units) of beef cattle weighing more than 700 pounds.

This represents an increase in the permitted animal units from the previous permit. This permit is also being modified to add approximately 138 additional acres of open lot pens, drainage channels, sediment basin, and retention control structure to the northeast of the existing facility. This facility has an approved Nutrient Management Plan on file with KDHE.

Sheila R. Rogge  
KRB Pork, Inc.  
1071 4th Rd  
Palmer, KS 66962

SE/4 of Section 10  
T05S, R02E  
Washington County

Lower Republican  
River Basin

Kansas Permit No.: A-LRWS-H007

Federal Permit No.: KS0094956

The proposed action is to reissue an existing NPDES permit for an existing facility for 8,000 head (3,200 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 Nutrient Management Plan on file with KDHE.

Carroll Shields Farms  
2828 300 St  
Lincolnvile, KS 66858

SW/4 of Section 06  
T18S, R05E  
Marion County

Neosho River Basin

Kansas Permit No.: A-NEMN-B016

The proposed action is to reissue an existing State permit for an existing facility for 150 head (150 animal units) of cattle more than 700 pounds and 300 head (150 animal units) of cattle 700 pounds or less, for a total of 450 head (300 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.

Max Smith  
Smith Swine Farm, Inc.  
1228 R Rd  
Mankato, KS 66956

SW/4 of Section 01  
T03S, R09W  
Jewell County

Solomon River Basin

Kansas Permit No.: A-SOJW-S019

The proposed action is to reissue an existing State permit for 2,150 head (860 animal units) of swine more than 55 pounds, 1,170 head (117 animal units) of swine 55 pounds or less, and 200 head (100 animal units) of cattle 700 pounds or less, for a total of 1,077 animal units of swine and 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.

Cordell Brothers Inc.  
CBI Feeders  
9025 S. Mission Rd  
Sedgwick, KS 67135

E/2 of Section 30  
T24S, R01W  
Harvey County

Little Arkansas  
River Basin

Kansas Permit No.: A-LAHV-B009

The proposed action is to reissue an existing State permit for an existing facility for 999 head (999 animal units) of cattle more than 700 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.

Mike Berggren  
Midway Feeders, LLC  
P.O. Box 99  
Oakley, KS 67748

SE/4 of Section 29  
T10S, R32W  
Thomas County

Saline River Basin

Kansas Permit No.: A-SATH-B002

The proposed action is to reissue the existing State permit for a facility for a proposed maximum capacity of 999 head (999 animal units) of cattle weighing more than 700 pounds. This represents a decrease in the permitted animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Timberview Farms  
1732 208th Rd  
Bern, KS 66408

NW/4 of Section 26  
T01S, R13E  
Nemaha County

Missouri River Basin

Kansas Permit No.: A-MONM-M008

The proposed action is to reissue an existing State permit for an existing facility for 819.5 animal units consisting of 125 head (125 animal units) of cattle weighing greater than 700 pounds, 115 head (57.5 animal units) of cattle weighing 700 pounds or less, and 455 head (637 animal units) of mature dairy cows. 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.

Boot Hill Feeders  
20041 SW C Rd  
Jetmore, KS 67854

S/2 of Section 23 &  
SE/4 of Section 22  
T24S, R25W  
Hodgeman County

Upper Arkansas  
River Basin

Kansas Permit No.: A-UAHG-C003

Federal Permit No.: KS0115347

An update to the Nutrient Management Plan (NMP) was received for this existing facility currently permitted for 17,000 head (17,000 animal units) of cattle weighing more than 700 pounds. The facility's NMP was updated to include changes in the application rate limitations for their fields. One of the fields application rate limitation has become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

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**Public Notice No.: KS-Q-24-012/015**

**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.**

<b>NAME AND ADDRESS OF APPLICANT</b>	<b>RECEIVING STREAM</b>	<b>TYPE OF DISCHARGE</b>
BNSF Railway Company 4515 Kansas Avenue Kansas City, KS 66106	Kansas River	Process Wastewater

Kansas Permit No. I-KS27-PO02      Federal Permit No. KS0003221  
Legal Description: SE¼, Section 20, Township 11 South, Range 25 East, Wyandotte County  
Facility Location: 39.07917, -94.65619

The proposed action consists of reissuance of an existing Kansas Water Pollution Control/NPDES Permit for an existing facility. This facility services freight trains providing fuel, maintenance and repairs. Process wastewater and storm water runoff from locomotive maintenance/fueling and staging areas, train staging/classification areas, and main fuel storage tank containment area is collected in the main lift station wet well and pumped to the on-site wastewater treatment plant. The proposed permit contains limits for Oil and Grease, pH, and Total Petroleum Hydrocarbons.

Cherokee County RWD No. 4 209 E 3rd Street Scammon, KS 66773	Shawnee Creek via unnamed tributary via ditch	Process Wastewater
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Kansas Permit No. I-NE15-PO03      Federal Permit No. KS0101184  
Legal Description: NW¼, NW¼, Section 29, Township 32S, Range 24E, Cherokee County  
Facility Location: 37.23679, -94.81348

The proposed action consists of re-issuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The water treatment facility includes two parallel treatment trains, which are normally operated one at a time. Groundwater is pumped from an underground aquifer by one of the two wells, based on the 2'-3' head range of the clear well. The water is pumped to an aerator and flows by gravity to a chlorine contact chamber where chlorine is injected at a rate of 18 pounds per day (ppd). Water then flows into a sand filter. Once water leaves the filter, chlorine is injected at a rate of 5 ppd. Water then flows into the clear well where it is then pumped into the distribution system by the high service pumps. The plant has capacity of 0.17 MGD. The proposed permit contains limits for Total Residual Chlorine, Total Suspended Solids, and pH.

Hodgdon Power Company, Inc 2577 Q Avenue Herington, KS 67449	Clarks Creek via Kansas River Bison	Process Wastewater
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Kansas Permit No. I-KS30-SO01      Federal Permit No. KS0099732  
Legal Description: NW¼, Section 6, Township 16 S, Range 6E, Morris County

The proposed action consists of reissuance of an existing National Pollutant Discharge Elimination System (NPDES)/Kansas Water Pollution Control (KWPC) permit for an existing facility. This facility manufactures Pyrodex muzzle loading propellant and other similar pyrotechnic powders. Stormwater runoff flows into a dry drainage ditch in the drainage of Clarks Creek, in the Kansas River Basin. The proposed permit contains generic language to protect waters of the state.

BPU – KC Kaw Power Station  
2015 Kansas Avenue  
Kansas City, KS 66105

Kansas River  
via Kansas River Basin

Process Wastewater

Kansas Permit No. I-KS27-BO01

Federal Permit No. KS0080179

Legal Description: NE¼ of Section 20, Township 11 S, Range 25 E, Wyandotte County

Facility Location: 39.08590, -94.6470

The proposed action consists of reissuance of an existing National Pollutant Discharge Elimination System (NPDES)/Kansas Water Pollution Control (KWPC) permit for an existing facility. This facility generates electric power with high pressure steam produced by fossil fuel (natural gas only). The facility consists of:

Outfall 001A: River water used for once through condenser cooling; average discharge 14 mgd

Outfall 002A: River water used for once through condenser cooling; average discharge 14.5 mgd

Outfall 003A: Plant process wastewater and yard drains. Treatment through settling tanks and old bottom ash pit. Average discharge 1.05 mgd. Outfall 004A: River water used for intake screen wash; average discharge 0.020 mgd. Outfall 005A: River water used for intake screen de-icing during winter; average discharge 2.5 mgd. Domestic waste and demineralizer regenerate is directed to the municipal sanitary sewer. The proposed permit has a thermal variance in accordance with Section 316(a) of the Clean Water Act. The proposed permit contains limits for Oil and Grease, pH, and Total Suspended Solids and monitoring for Total Phosphorus.

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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 **MARCH 07, 2024** will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-24-, KS-Q-24-) 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, 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 Jada Martin at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone (785) 296-0076 or email at [kdhe.feedlots@ks.gov](mailto: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](mailto: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 Jamie Packard, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone (785) 296-4148 or email at [Jamie.Packard@ks.gov](mailto:Jamie.Packard@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**