Kansas

Robert Moser, MD, Secretary | Department of Health & Environment | Sam Brownback, Governor

Permit Application

Livestock Waste Management Program

Instructions: PLEASE PRINT. Complete and provide all information as requested. Attach all drawings and plans to this application. If you need assistance with completing this form please call (785) 296-6432 or your local KDHE District Office. Mail completed application to:

LIVESTOCK WASTE MANAGEMENT SECTION
KDHE - BUREAU OF WATER
1000 SW JACKSON STREET, SUITE 420
TOPEKA, KS 66612-1367

Department Use Only
Facility ID No._____
Certification No._____
Permit No._____
Date Permit Application Complete:_____
Permit Fee: Yes No

RECEIVED
SEP 08 2011
BUREAU OF WATER

NOTICE: Failure to provide all required documentation at the time of submission of this permit application will result in the entire permit package being returned to the applicant for completion.

FACILITY IDENTIFICATION

1. Name of Applicant: Seaboard Foods LLC Date: 9/8/11

   Name of Property owner(s) (if different than Applicant): _____

2. Name of Facility: Seaboard Foods - Ladder Creek Site

3. Mailing address: 2801 Hurliman Road

   City: Guymon State: OK Zip: 73942

4. Facility address (if different): Intersection of Road D and Road 20

   City: Tribune State: KS Zip: 67879

5. Business Telephone No.: 580/338-4900 Home Telephone No.: _____

   Cellular Telephone No.: 913/558-3694 Fax No.: 580/338-4119

   E-Mail address: Don_Owens@Seaboardfoods.com

hereby makes application to the Kansas Department of Health and Environment in conformance with K.S.A. 65-171d et seq. and K.A.R. 28-18-1 through 17, and/or 28-18a-1 through 33.

FACILITY DESCRIPTION

6. **Legal description of property where facility is located:**

Facility ID	Quarter(s)	Section	Township	Range	County
Barns	NE/4	12	16 South	40 Circle: E or [W]	Greeley
Barns	W/2 (7), SW/4 (21)	7, 21	16 South	39 Circle: E or [W]	Greeley
Barns	N/2 & W/2 (18), NE/4 & S/2 (20)	18, 20	16 South	39 Circle: E or [W]	Greeley

Directions from nearest city or town From Tribune, KS proceed north from the intersection of Hwy 90/27 for 13 miles to County Road D/13 Mile Road, then proceed 4 miles east to site.

7. **The existing, proposed, and/or expanded livestock operation will consist of:** (please indicate Existing or Proposed)

_____ Open Lots __P__ Enclosed Bldg. _____ Both Open/Closed _____ Truck Wash _____ Other

8. **Existing and/or proposed waste control systems:** (please indicate Existing or Proposed)

_P_ Lagoon ____ Sedimentation Basin ____ Concrete Storage Structure

Other (explain)_____

9. **Are there any local comprehensive land use plans or zoning requirements at this site?**

Yes_____ No__X__.

If yes, please explain: _____

10. **Indicate the type and size of equipment available for: 1) land application, and 2) transportation of process waste (in any form: liquid, slurry, or solid), and for each piece of equipment whether it is owned, leased, or contractor provided:**

Equipment Description (55 hp tractor, high lift, pto driven pump, manure wagon, honey wagon, center pivot, traveling gun, etc.)	**Equipment Purpose** (transportation, collection, land application, agitate manure in basin, etc.)	**Capacity** (gallons per minute, gallons, bushels, acres, cubic yards, etc.)	Owned (O), Leased (L), or Contractor's (C)
Pumping Unit	Land application	3500 gpm	O
Traveling Gun	Apply manure	800 gpm	O
Center pivots	Apply manure		Leased (easements)
Large assortment of pipes, hoses and fittings	Transport		O
Note: Seaboard Foods can mobilize and dewater as necessary within 10-day.			

ANIMAL UNITS CALCULATION TABLE

Please complete the table below. Be certain to identify all the types of animals that you have at your facility. Each pig, weaned or unweaned, weighing 55 pounds or less must be counted as 0.1 animal units. Similarly, for permitting purposes, dairy facilities must count calves and heifers weighing less than 700 pounds as 0.5 animal units and bulls, and heifers weighing more than 700 pounds as 1.0 animal unit. Lactating and dry dairy cows should be counted as 1.4 animal units, etc.

(A)	(B)	(C)	(D)	(E)
Type of Facility*	**Maximum Permitted Capacity (Head)**	**Proposed Expansion or New (Head)**	**AU Conversion Factor**	**Maximum Animal Units (B+C) x D**
Swine weighing more than 55 pounds		132,000	0.4	105,600
Swine weighing 55 pounds or less			0.1	
Cattle weighing more than 700 pounds			1.0	
Cattle weighing less than 700 pounds			0.5	
Mature Dairy Cows (Lactating and Dry)			1.4	
Sheep/Lambs/Goats			0.1	
Turkeys			0.018	
Laying Hens/Broilers w/ continuous overflow watering			0.01	
Laying Hens/Broilers w/ liquid manure system			0.033	
Chickens (other than Laying Hens) w/ other than liquid manure system[1]			0.008	
Laying Hens w/ other than liquid manure system[1]			0.0122	
Horses			2.0	
Ducks w/ liquid manure system			0.2	
Ducks w/ other than liquid manure system			---	
Other-*specify species*_____				
Total		132,000		105,600

Refer to Appendix 5 for specific animal unit explanations.

*Minimum EPA thresholds requiring an NPDES permit are: 700 head of mature dairy cows (lactating or dry), 1,000 head of veal calves, 1,000 head of cattle other than mature dairy cows or veal calves, 2,500 head of swine weighing greater than 55 pounds, 10,000 head of swine weighing 55 pounds or less, 500 horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000 laying hens/broilers w/ liquid manure system, 125,000 chickens other than laying hens w/ other than liquid manure system, and 82,000 laying hens w/ other than liquid manure system.

[1] Use a 0.033 AU conversion factor if the manure, from chicken facilities that only use dry litter systems, is exposed to precipitation during collection, when stored in stockpiles, or land applied without incorporation into the soil within 24 hours.

SEPARATION DISTANCE WAIVERS AND PUBLIC NOTICE REQUIREMENTS

Habitable Structure Separation Distances: On Appendix 2, list all owners of habitable structures, and the headquarters of all city, county, state, or federal parks, and wildlife refuges within the applicable separation distance for the maximum animal unit capacity of the facility.

	Animal Units (AU)	Habitable structure Separation Distance	Wildlife Refuge Separation Distance (Swine Only)
new facility or expansion	300-999	1,320 feet	
new facility or expansion	1,000-3,724*	4,000 feet	10,000 feet
swine expansion that will meet or exceed	3,725	4,000 feet**	
new swine facility that will meet or exceed	3,725	5,000 feet	16,000 feet

* no ceiling for non-swine
** if within original designated expansion boundary, otherwise 5,000 feet.

The applicant should request owners of habitable structures within the applicable separation distance to sign a wavier of the separation distance to the proposed facility. Waivers shall be filed by the applicant with the register of deeds office of the county in which the habitable structure is located. Evidence of proper notice such as, signed waiver agreements, or signed certified mail receipts to match the list provided in Appendix 2. These shall be provided before KDHE will notify the public a permit has been drafted. A Confined Animal Feeding Facility/Habitable Structure - Separation Distance Agreement form is available upon request from the department or on-line at http://www.kdheks.gov/feedlots/.

The applicant of a proposed new construction or new expansion of a **swine** facility is required to give notice to all owners of habitable structures within the applicable separation distance, by certified mail, of the applicant's intention to apply for a water pollution control permit. The notice should include pertinent information regarding the location, size, general methods of waste management, and any other information the applicant deems necessary.

ATTENTION: FAILURE TO PROVIDE REQUIRED NOTICE OF APPLICATION FOR A WATER POLLUTION CONTROL PERMIT TO OWNERS OF HABITABLE STRUCTURES, WITHIN THE SEPARATION DISTANCE IS GROUNDS FOR AUTOMATIC DENIAL OF THE PERMIT APPLICATION BY THE SECRETARY OF KDHE

List of Property Owners Within One Mile of the Facility: On Appendix 2a the applicant is required to provide KDHE with a list containing the names and mailing addresses for each owner of a habitable structure or any property within 1 mile of a proposed **new construction or new expansion** of a confined feeding facility. In addition, the applicant of a proposed new construction or new expansion of a confined feeding facility is required to provide KDHE with the address of the United States post office or offices serving the immediate area of the facility.

Public Notice Requirements: Attach all wavier and public notice documentation listed in Appendix 3 to this application.

PRODUCER'S CHECK LIST

For this permit application to be considered complete and ready for the department to review, the applicant must provide the following documentation. Please check and assemble in the order listed. Additional guidance on specific components is available upon request through the Department. Please call (785) 296-6432 or go on-line at www.kdheks.gov/feedlots/ for assistance.

Appendix Number	Document
__X__ 1.	Facility Site Maps – see page 7 for details
__X__ 2.	List of Habitable Structure Owners within applicable separation distance – see pages 4 and 8 for details
__X__ 2a.	List of Habitable Structures/Property Owners within one mile (proposed new construction or new expansion) – see page 9 for details
__X__ 3.	Public Notice Documentation – see page 10 for details
__X__ 4.	Depth to Groundwater Information
__X__ 5.	Facility Design Calculations
__X__ 6.	Construction Drawings*
__X__ 7.	Waste Management Plan (Required if the facility is less than the EPA thresholds listed on page 3)
__X__ 8.	Nutrient Management Plan (Required if the facility meets or exceeds the EPA thresholds listed on page 3)
__X__ 9.	**Swine Facility Plans** (include the following as appropriate):
__X__ a.	Manure Management Plan [Required if 1,000 AU or more]
__X__ b.	Nutrient Utilization Plan [Required if 1,000 AU or more]
__X__ c.	Emergency Response Plan [Required if 1,000 AU or more]
__X__ d.	Odor Control Plan [Required if 1,000 AU or more]
__X__ e.	Dead Swine Handling Plan [Required if 1,000 AU or more]
__X__ f.	Facility Closure Plan [Required if 3,725 AU or more]
__X__ g.	Financial Assurance for Facility Closure [Required if 3,725 AU or more]
__X__ h.	Financial Assurance for Swine Waste-Retention Lagoon or Pond Closure [Required if 3,725 AU or more]
__X__ i.	Ground Water Monitoring Plan [Required for certain swine facilities (see K.A.R. 28-18a-18).]

***Provide detailed location/site plans indicating the following:**
Major components of the facility including structures - building sizes/locations, property lines, locations and sizes (length, width, height - area/volume capacity) of lagoons, dirt lots, pits, and manure stockpile locations. Plans should include type, size and maximum anticipated number of animals in each building and/or dirt lot. Also, depict the furthest extent of the facility boundaries to include areas which may be used for future expansion.

ANNUAL PERMIT FEE

When a permit is required the annual permit fee is based on the facility's maximum number of animal units as listed below and **must be paid before processing** of the permit and annually to maintain the validation of the permit. These fees are non-refundable.

Facility Size in Animal Units (AU)	Annual Permit Fee
999 AU or less	$25
1,000 to 4,999 AU	$100
5,000 to 9,999 AU	$200
10,000 AU or more	$400
Private Truck Washing Facility (two or fewer owned trucks)	$25
Private Truck Washing Facility (three or more owned trucks)	$200
Commercial Truck Washing Facility	$320

PLEASE MAKE CHECK PAYABLE TO:
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

SIGNATURE/CERTIFICATION

Swine Facility Consultation Statement: (if applicable)

I, Seaboard Foods by Stephen Summerlin, will consult with the KSU county extension agent, or qualified
(Applicant's Name)

agronomist or individual trained in crop protection, to ensure application of swine wastes at agronomic rates and that records of this information will be available at the swine facility office as prescribed in K.S.A. 65-1,179(b)(3)(E).

Applicants Signature:___ _____ **Date:** 9-6-11

Permit Application Certification: (required for all species)

This application is to be signed by one of the following: (1) In the case of a corporation, by the principal executive officer of at least the level of Vice President; (2) in the case of a partnership, by a general partner; and(3) in the case of a sole proprietorship, by the proprietor.

I hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief:

Applicants Name: Seaboard Foods by Stephen Summerlin, Vice President
(Type or Print Name and Title)

Applicants Signature:___ _____ **Date:** 9-6-11