

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) 296-5517 - All Others

Public Notice No. KS-AG-13-172/179  
KS-Q-13-106  
KS-GP-13-001/002

Beginning Date: July 4, 2013  
Comments Due: August 3, 2013

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 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.

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**Public Notice No. KS-AG-13-172/179**  
**Pending Permits for Confined Feeding Facilities**

<b><u>Name And Address of Applicant</u></b>	<b><u>Legal Description</u></b>	<b><u>Receiving Water</u></b>
Ernzen Dairy 21302 Millwood Road Easton, KS 66020	NE/4 of Section 04 T08S, R21E Leavenworth County	Kansas River Basin

Kansas Permit No.: A-KSLV-M005

This is an existing permitted facility for 230 head (322 animal units) of mature dairy cattle, 25 head (25 animal units) of cattle weighing greater than 700 pounds, and 50 head (25 animal units) of cattle weighing less than 700 pounds for a total of 372 animal units. This permit is being modified to add a second concrete waste storage structure and update the operating levels of the earthen wastewater retention structures. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment.

Pat Haffner  
7380 E Road 10 S  
Hoxie, KS 67740

NE/4 of Section 19  
T08S, R26W  
Sheridan County

Solomon River Basin

Kansas Permit No.: A-SOSD-B009

This permit is being reissued. The permit contains modifications consisting of enlarging the east existing wastewater retention structure and constructing three diversion berms to control runoff drainage. This existing beef feeding facility will have a capacity of 300 head (300 animal units) of cattle weighing more than 700 pounds. This represents a decrease in the permitted animal units from the previous permit.

Willem Vanderknaap  
Deerfield Dairy, LLC  
18080 80<sup>th</sup> Avenue  
Coopersville, MI 49404

SE/4 of Section 05  
T23S, R35W  
Kearny County

Upper Arkansas River  
Basin

Kansas Permit No.: A-UAKE-D002

Federal Permit No.: KS0094641

This is a permit modification and re-issuance for an existing dairy facility for the proposed maximum capacity of 2,500 head (3,500 animal units) of mature dairy cattle, and 4,000 head (4,000 animal units) of dairy cattle weighing greater than 700 pounds; for a total of 7,500 animal units of dairy cattle. Surface runoff and process wastewater is controlled by collection channels, a concrete sand separator, a four-cell sediment basin, and two earthen waste storage ponds. Proposed modifications to the facility include the addition of three open lot pens and additional manure stockpile area. A diversion berm is also proposed. This facility has an approved Nutrient Management Plan on file with KDHE.

Intervet Inc.  
Intervet Inc. – Williamsburg, KS  
35500 West 91<sup>st</sup> St.  
De Soto, KS 66018

E/2 of Section 23 &  
NW/4 of Section 24  
T18S, R18E  
Franklin County

Marais des Cygnes  
River Basin

Kansas Permit No.: A-MCFR-B003

This is a permit modification and re-issuance for an existing animal health research facility that is capable of housing any combination of livestock up to 400 head (400 animal units) of beef cattle weighing greater than 700 pounds, 400 head (200 animal units) of beef cattle weighing 700 pounds or less, 100 head (140 animal units) of mature dairy cows, 100 head (40 animal units) of swine weighing greater than 55 pounds, 100 head (10 animal units) of swine weighing 55 pounds or less, 450 head (900 animal units) of horses, and 30 head (3 animal units) of sheep and goats. This represents an increase in the permitted number of animal units from the previous permit. There will be no physical changes to the facility or waste management system. The current facility is capable of housing the proposed maximum capacity of each species.

Greving Farms, Inc.  
Greving Farms Feedlot  
979 West 1100 Road  
Prairie View, KS 67664

SE/4 of Section 23  
T02S, R20W  
Phillips County

Solomon River Basin

Kansas Permit No.: A-SOPL-B009

This permit is being reissued for an existing facility with a maximum capacity of 990 head (990 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units.

Paola Livestock Auction  
P.O. Box 251  
Paola, KS 66071

SW/4 of Section 20  
T17S, R23E  
Miami County

Marais Des Cygnes  
River Basin

Kansas Permit No.: A-MCMI-B001

A permit is being reissued to an existing public livestock market with a five-year average (2008-2012) animal unit capacity of 196.2 animal units. The animal unit capacity has increased since the previous permit because of the method of calculating capacity for public livestock markets.

Don Owens  
Seaboard Foods – Schmidt #12-16  
2801 Hurliman Road  
Guymon, OK 73942

NW/4 of Section 25 &  
NW/4 & NE/4 of Section 33 &  
NE/4 of Section 34  
All in T31S, R39W &  
SW/4 of Section 30  
T31S, R38W  
Morton & Stevens County

Cimarron River Basin

Kansas Permit No.: A-CISV-H001

Federal Permit No.: KS0091626

This permit is being reissued for an existing swine facility for 37,850 head (15,140 animal units) of swine weighing more than 55 pounds and 39,460 head (3,946 animal units) of swine weighing 55 pounds or less; for a total permitted capacity of 77,310 head (19,086 animal units) of swine. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

Kim and Nancy Goracke  
1555 Hwy 4  
Hope, KS 67451

NW/4 of Section 14  
T16S, R03E  
Dickinson County

Smoky Hill River Basin

Kansas Permit No.: A-SHDK-B024

A permit is being reissued to an existing facility with a maximum capacity of 800 head (400 animal units) of cattle weighing less than 700 pounds. The animal unit capacity has not changed since the previous permit.

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**Public Notice No. KS-Q-13-106**

The requirements of the draft permits 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><u>NAME AND ADDRESS OF APPLICANT</u></b>	<b><u>RECEIVING STREAM</u></b>	<b><u>TYPE OF DISCHARGE</u></b>
Magellan Midstream Partners, L.P. One Williams Center, MD 29-6 Tulsa, OK 74172	Elk River via Irrigation Pond (Rajah Lake) via Drainage Ditch	Groundwater Remediation Project

Kansas Permit No. I-VE23-PO05

Federal Permit No. KS0099333

Legal Description: SE¼, S13, T32S, R15E, Montgomery County, KS

The proposed action consists of reissuance of an existing permit for an existing groundwater remediation project. Hydrocarbon contaminated groundwater as a result of a gasoline pipeline break is extracted and discharge to a storage tank. Extracted groundwater is then treated with an oil/water separator, an air stripper, and a granular activated carbon filter prior to discharge to an adjacent irrigation pond via drainage ditch. The proposed permit contains limits for total petroleum hydrocarbons-GRO, benzene, and pH, as well as monitoring for MTBE, volatile organic compounds, and flow.

**KS-GP-13-001/002**

**PUBLIC NOTICE OF TWO DRAFT COMBINED KANSAS WATER POLLUTION CONTROL GENERAL STORMWATER PERMITS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL STORMWATER PERMITS FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

The Kansas Department of Health and Environment has prepared two draft general stormwater permits for small municipalities with separate storm sewer systems (MS4). The permits are written for non-urban and urbanized areas in Kansas based on the 2010 U.S. census and the designation criteria in 40 CFR Parts 122 and 123. General permit G-FST-0604-SO01 is written for applicants receiving a MS4 permit for the first time. General permit G-SCD-0604-SO01 is written for the permittees who are receiving a re-issued permit.

A general stormwater permit is provided for those entities engaged in similar activities and discharging stormwater of similar quality. A general permit is placed on public notice once during the life of the permit and then is made available, without further public notice, to all qualified entities which meet the requirements of the permit. The permittees are also required to meet all other federal, state and local requirements.

The small MS4 general permit program addresses MS4s that generally serve populations less than 100,000 in urbanized areas, and those MS4s located outside of urbanized areas that have or may have the potential to negatively impact surface water quality as a result of their discharges.

Both general permits require the permittee to develop, implement, and enforce a stormwater management plan (SMP) designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas law. The SMP covers the six minimum stormwater control measures and also requires implementation of Best Management Practices (BMPs) for discharges of stormwater to designated Total Maximum Daily Load (TMDL) streams and lakes in the immediate area downstream of or within the municipality. The SMP document must address the BMPs to be implemented by the

permittee, provide measurable goals for the BMPs, designate the municipality or municipalities responsible for implementing the control measures, provide appropriate maps and conduct stormwater/receiving stream sampling and testing based upon the TMDL impairments. The draft permits contain schedules of compliance requiring the development and submittal of the various documents to KDHE and implementation of practices to control stormwater pollution from the MS4.

Copies of the draft permits, the designated TMDLs, fact sheets, may be downloaded from [www.kdheks.gov/muni](http://www.kdheks.gov/muni) by accessing MS4 Stormwater General Permits. These documents may be obtained by writing: Kansas Department of Health and Environment, Bureau of Water - Municipal Programs Section, 1000 SW Jackson St. - Suite 420, Topeka, Kansas 66612-1367.

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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 if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Livestock Waste Management Section for agricultural related draft documents or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before **August 3, 2013**, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-172/179, KS-Q-13-106, KS-PG-13-001/002) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue 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).

All draft documents / application and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.