



# Application for Solid Waste Landfill Permit

\* This application is required for "significant" modifications as defined in Bureau of Waste Management Policy 98-05 (any increase in property area, and/or increases of 10% or more in the disposal capacity). Minor modifications (those that do not meet the definition of "significant") are usually requested by submitting a letter with amended plans.

\*\* This application is required if the applicant intends to manage different waste (types or characteristics), operate the facility differently, and/or if significant modifications are proposed. A streamlined application for simple permit transfers (name change or ownership change only) is provided on the Bureau of Waste Management web site.

## IV. Facility type (check all that apply):

(For new permits identify the *proposed* facility type(s). For modifications or transfers identify the *existing* facility type(s).)

Municipal solid waste landfill

Subtitle D

Small arid

Industrial landfill

Asbestos monofill

Waste tire monofill

Other (list types of waste): \_\_\_\_\_

Construction & demolition landfill

## V. Modifications proposed (if existing facility; check all that apply): N/A New Facility

Increase property area

Increase disposal capacity

Add new type of disposal unit

Municipal solid waste landfill

Subtitle D

Small arid

Industrial landfill

Asbestos monofill

Waste tire monofill

Other (list types of waste): \_\_\_\_\_

Construction & demolition landfill

Add processing unit (submit separate processing facility permit application form for each type)

Composting

Household hazardous waste

Incinerator

Land farm

Transfer station

Other: \_\_\_\_\_

Other modifications (explain): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# Application for Solid Waste Landfill Permit

## VI. Items to submit with this application (check each item or indicate "NA" for not applicable):

"†" indicates a form is available on the Bureau of Waste Management web site.

For permit modifications (or transfers using this form), only submit items that must be updated. Items submitted in the past that are still effective, correct, applicable, and acceptable do not have to be resubmitted.

### 1 Business Concern Disclosure Statement (BCDS)<sup>†</sup> or Public Entity Disclosure Statement (PEDS)<sup>†</sup>

Large companies (100 or more employees) or companies based in other states should use BCDS Form 1. Small companies (less than 100 employees) based in Kansas may use BCDS Form 2.

If the applicant submitted a BCDS to the Bureau of Waste Management within the past three years, then the applicant may either submit: a new, updated BCDS; an addendum to the BCDS to cover the period since the previous BCDS, including a new signed certification; or a signed certification that the previous BCDS is still applicable, that none of the information has changed, and that there is no new information to report.

If the applicant previously submitted a PEDS to the Bureau of Waste Management the Bureau would not normally require a new or updated PEDS.

### 2 Proof that the applicant owns the property where the landfill will be located if the landfill is:

(from K.S.A. 65-3407(m)(3))

(A) A municipal solid waste landfill; or

(B) a solid waste disposal area that has:

(i) A leachate or gas collection or treatment system;

(ii) waste containment systems or appurtenances with planned maintenance schedules; or

(iii) an environmental monitoring system with planned maintenance schedules or periodic sampling and analysis requirements.

OR 3 Evidence that the applicant leased the property prior to April 1, 1999 if the permit will be for a vertical or lateral expansion contiguous to a permitted solid waste disposal area in operation on July 1, 1999

### 4 Copy of lease agreement (if the property is leased)

### 5 Application fee:

\$5,000.00 for a new municipal solid waste landfill

\$3,000.00 for a new industrial landfill

\$1,000.00 for a new C&D landfill disposing more than 10,000 tons annually

\$ 500.00 for a new C&D landfill disposing more than 1,000 and less than 10,000 tons annually

\$ 250.00 for a new C&D landfill disposing less than 1,000 tons annually

Make check payable to: Kansas Department of Health & Environment.

A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

Application fees are not normally assessed for permit modifications and transfers unless the application constitutes a new permit (e.g., adding a municipal solid waste landfill at an existing C&D landfill).

### 6 Waste characterization

Required for industrial landfills except asbestos monofills, waste tire monofills, and other predetermined inert waste.

Submit Material Safety Data Sheets (MSDS) if available, and/or analysis of chemical constituents.

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## 7 Leaching tests

Required for industrial landfills when the waste characterization identifies constituents that pose a risk to groundwater quality.

Submit leaching test results using an EPA or ASTM method that most closely simulates the landfill environment.

## 8 Hydrogeologic investigation (see K.A.R. 28-29-104(b))

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Hydrogeologic reports may be submitted prior to submission of this application form.

## 9 Request for Location Demonstration Information Regarding Distance from the Nearest Intake Point of a Public Surface Water Supply System<sup>†</sup>

## 10 Location demonstrations (see K.A.R. 28-29-23(d), 102, 302, and Policy 02-02)

## 11 Agency notifications and requests for comments

- Kansas Biological Survey
- Kansas Corporation Commission
- Kansas Department of Agriculture - Division of Water Resources
- Kansas Department of Wildlife and Parks
- Kansas Geological Survey
- Kansas State Conservation Commission
- Kansas State Historical Society
- Kansas Water Office
- U.S. Department of the Army - Corps of Engineers
- Other Kansas Forest Service; Natural Resources Conservation Service

Input from other agencies may be required.

## 12 Map and description of abutting properties including location and land use, names and mailing addresses of property owners. If the proposed site is adjacent to a public road, include property across the road.

## 13 Design drawings and calculations (see K.A.R. 28-29-6, 23, 103, 104, 304, 325)

## 14 Groundwater monitoring plans and reports (see K.A.R. 28-29-111 through 113)

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Groundwater monitoring plans and reports may be submitted separate from this application form.

## 15 Operations plan (see K.A.R. 28-29-23, 108, 308, 325)

## 16 Closure and post-closure plans (see K.A.R. 28-29-12, 121, 304, 321, 325)

## 17 Closure, post-closure, and estimated life worksheets<sup>†</sup>

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Closure cost estimate worksheets are required for all applications.

Post-closure cost estimate worksheets are required for all new permits, and for significant modifications (or transfers using this form) when the facility includes groundwater monitoring and/or gas monitoring.

Estimated life worksheets are required for all applications involving municipal solid waste landfills.

18 Construction quality assurance plan (see K.A.R. 28-29-12, 121, 321, 325, and Policy 00-04)

CQA plans must address construction of waste containment structures (liner/bottom and sides of disposal area, final cover) and permanent controls (storm water control structures, leachate collection systems). CQA plans should specify: responsible parties; types and frequencies of tests and observations; pass/fail criteria; methodology for addressing problems; and CQA report contents (summary of construction activities, representative photographs, field notes, test results, as-built drawings, and P.E. certification that the construction was in accordance with the approved plans (or describe any deviations)). CQA activities should generally conform to U.S. EPA's *Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities* (EPA/600/R-93/182). CQA plans must be signed and sealed by a Professional Engineer licensed in Kansas.

19 Financial assurance<sup>†</sup> (see K.A.R. 28-29-2101 through 2113)

20 Liability insurance certificate (see K.A.R. 28-29-2201)

21 Restrictive covenant<sup>†</sup> (see K.A.R. 28-29-20)

Submit a draft restrictive covenant for Bureau of Waste Management approval prior to filing it with the Register of Deeds.

22 Notices of intent for storm water discharge (see <[www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater)>)

Other items may be required if necessary to properly evaluate the application and satisfy state statutes, regulations, policies, and standards. Bureau of Waste Management staff will identify any additional requirements during the review process.

VII. Other facility information:

A. Land characteristics (general description)

Existing rock quarry

B. Estimate existing site acreage devoted to the following uses:

Heavily wooded 0

Light brush 0

Grasses or pasture 0

Cultivated 0

Cleared or developed 0

C. Estimated acreage to be cleared 0

D. Proposed method of clearing N/A

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E. Onsite soil classification

_____	% Sand	
_____	% Silt	
10	% Clay	
90	% Other	Rock

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F. If sufficient cover material is not available at the site, where will it be obtained?

N/A

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G. Existing/proposed land use within a one-mile radius (attach land use map if available).

	South	West	North	East
Residential	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Light industrial	_____	_____	_____	_____
Heavy industrial	_____	_____	_____	_____
Agricultural	E	E	E	E
Mixed	_____	_____	_____	_____

Note "E" for existing and "P for proposed.

H. Are there any wells within a one-mile radius? Yes  No \_\_\_\_\_

If "Yes" list types and legal descriptions 1: 2350'N & 4080'W of SE cor 28-10S-9E. 2: 2380'N & 4200'W of SE cor 28-10S-9E. 3: NW/4 NE/4 NE/4 of 32-10S-9E. All are surface diversions for industrial use for Bayer Construction. No use reported for 1 & 2 since 1981 and since 2002 for 3.

I. Access roads serving site

City _____	State _____
Township _____	Interstate _____
County <u>X</u>	Other (explain) _____

J. Types of road surface serving the site (indicate whether on or off site)

Concrete _____	Gravel <u>On Site</u>
Asphalt <u>Off Site</u>	Crushed stone <u>On Site</u>
Seal coat _____	Dirt _____
Soil cement _____	Other _____

K. Service Areas

Disposal site to serve:  
City \_\_\_\_\_ Township \_\_\_\_\_ County \_\_\_\_\_ Region X Business \_\_\_\_\_

L. Will site be open to the general public? Yes  No \_\_\_\_\_

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M. Population data:

Population served by facility: Now 92,700 Next 10 Years 102,500  
 Total area population: Now 92,700 Next 10 years 102,500

N. Distance to center of service area

Average haul distance (miles one way) 30

Characteristics of areas adjacent to major haul routes within one-half mile of the site  
 (residential, commercial, schools, agricultural, etc.)

Agricultural

O. Utilities (indicate whether on-site or nearby)

Water source (example: water main, bottled water, well) Nearby (non-potable on site)

Electricity On Site

Telephone On Site

Sewer system (example: sanitary, lagoon, septic, privies) Nearby

P. Hours of operation

Days	MON	TUE	WED	THU	FRI	SAT	SUN
Hours	8AM - 5PM	Occasional	Closed				

Q. Restrictions

Types of solid waste accepted:

Residential  Industrial  
 Commercial  Construction/demolition  
 Agricultural  Other Non-friable asbestos

Types of solid waste not accepted (in disposal area):

Putrescible waste  Junked automobiles  
 Construction/demolition waste  Dead animals  
 Appliances  Street sweepings  
 Electronics  Tires  
 Asbestos  Sewage sludge  
 Treated wood  Medical services waste  
 Other (specify) \_\_\_\_\_

R. Employees and equipment

Number of employees on site (average daily) Two

Equipment on site (normal operations) Caterpillar 816 Trash Compactor

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S. Fire protection available (specify sources)

Water \_\_\_\_\_  
 Firebreak \_\_\_\_\_  
 Municipal fire department Riley County, Zeandale Township Rural Fire Department

T. Tipping fees, other fees

(Optional) List the anticipated tipping fees and other fees (e.g., surcharge for unacceptable waste). These fees are subject to change without notice, at the permittee's discretion. \_\_\_\_\_  
\$17.00/ton

U. Estimated disposal rates

Parameters	Daily			Annually		
	MSW	Ind.	C&D	MSW	Ind.	C&D
Number of loads						
Types of Waste						
Total tons			126.9			33,000
Total cubic yards			253.8			66,000

V. Proposed post-closure site use(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Wildlife habitat        | <input type="checkbox"/> Parking                    |
| <input type="checkbox"/> Recreational            | <input type="checkbox"/> Waste management/recycling |
| <input checked="" type="checkbox"/> Pasture      | <input type="checkbox"/> Industrial                 |
| <input checked="" type="checkbox"/> Agricultural | <input type="checkbox"/> Commercial                 |
| <input type="checkbox"/> Storage                 | <input type="checkbox"/> Other                      |

Describe proposed post-closure use(s): Native grass pasture

VIII. Notes:

1. Statutes and regulations, policies, technical guidance documents, forms, and other information are available on the Bureau of Waste Management web site <[www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste)>.
2. Call the Bureau of Waste Management at (785) 296-1600 and ask to speak with solid waste permitting staff if you have any questions about landfill requirements.
3. Submit three sets of the completed application form and supporting documents to: Kansas Department of Health and Environment, Bureau of Waste Management, 1000 SW Jackson, Suite 320, Topeka, KS 66612-1366.
4. The following steps occur after an application is received by the Bureau of Waste Management:
  - (a) Preliminary evaluation to determine compliance with statutory requirements in K.S.A. 65-3407(c), (d), and (m).
  - (b) Completeness review in accordance with BWM Policy 04-02.
  - (c) Public meeting per BWM Policy 04-02.
  - (d) Technical review to determine compliance with all statutes, regulations, policies, and standards.

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- (e) Public hearing per K.A.R. 28-29-6a.
- (f) Final decision and processing.

- 5. When a facility receives a permit and begins accepting solid waste for disposal, a \$1.00/ton tonnage fee must be paid to the Kansas Department of Health and Environment. Refer to K.S.A. 65-3415b for rules and exceptions.
- 6. Active facilities must pay an annual permit renewal fee in accordance with K.A.R. 28-29-84. A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

IX. Applicant's Certification:

I hereby certify that the information in this application and in the supporting documents is true and correct to the best of my knowledge.

Neil W Horton  
Signature of Applicant

March 12, 2013  
Date

Neil W Horton  
Name (Print or Type)

Managing Member  
Title

Tarkio CD Disposal LLC  
Organization

X. Local Government Certifications:

See next page.





PLANNING & DEVELOPMENT

Monty R. Wedel, AICP  
Director

110 Courthouse Plaza  
Manhattan, Kansas 66502  
Phone: 785-537-6332  
Fax: 785-537-6331

E-mail: [mwedel@rileycountyks.gov](mailto:mwedel@rileycountyks.gov)  
Website: [www.rileycountyks.gov/planning](http://www.rileycountyks.gov/planning)

January 15, 2013

Tarkio CD Disposal LLC  
Attn: Neal Horton  
P O Box 889  
Manhattan, KS 66505-0889

Dear Petitioner:

This is notification that on January 14, 2013, the Board of Zoning Appeals approved your request for a conditional use authorization to permit the operation of a Construction & Demolition (C & D) Landfill in the "AG" (Agricultural District) for a tract of land in Zeandale Township, Section 33, Township 10 South, Range 9 East.

Please be aware of the conditions that were agreed upon and approved by the Board of Zoning Appeals and that building permits must be obtained before construction may begin on this tract.

If you have any questions regarding this matter or need additional information, please contact this office at 785-537-6332.

Riley County Planning and Development

Copy: Bayer Construction Co. Inc., Owner



## CONDITIONAL USE AUTHORIZATION

WHEREAS, pursuant to the provision of Section 23 of the Zoning Regulations of Riley County, Kansas, Tarkio CD Disposal LLC, petitioner, and Bayer Construction Co., Inc., owner, have made application that an exception be granted to the Zoning Regulations of Riley County, Kansas, to permit a conditional use authorization to permit the operation of a Construction & Demolition (C & D) Landfill in the "AG" (Agricultural District) zoning designation upon the following described tract of land:

A tract of land situated in the Northeast Quarter (NE ¼) of Section 33, Township 10 South, Range 9 East of the 6th Principal Meridian, Riley County, Kansas, described as follows: Beginning at the Southeast Corner of said Northeast Quarter (NE ¼); thence along the South line of said Northeast Quarter (NE ¼), North 89°51'45" West a distance of 1755.53 feet; thence North 01°50'55" East a distance of 272.24 feet; thence North 24°06'59" East a distance of 127.89 feet; thence North 38°44'44" East a distance of 404.71 feet; thence North 65°22'51" East a distance of 220.19 feet; thence North 90°00'00" East a distance of 1249.78 feet to a point on the East line of said Northeast Quarter (NE ¼); thence along the East line of said Northeast Quarter (NE ¼), South 00°37'37" West a distance of 800.47 feet to the Point of Beginning. Said tract contains 29.90 acres, more or less.

WHEREAS, the Board of Zoning Appeals, after duly publishing notice of public hearing on said request, did on January 14, 2013, conduct a public hearing on said request;

WHEREAS, the Board of Zoning Appeals finds that the requested conditional use will not be contrary to the public interest and that the spirit of the zoning resolution shall be observed, public safety and welfare secured, and substantial justice be done; and

WHEREAS, the Board of Zoning Appeals has approved all of the conditions pertaining to the request, listed herein.

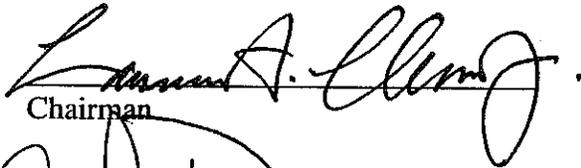
NOW THEREFORE a Conditional Use Authorization is hereby granted by the Board of Zoning Appeals of Riley County, Kansas, to permit the operation of a Construction &

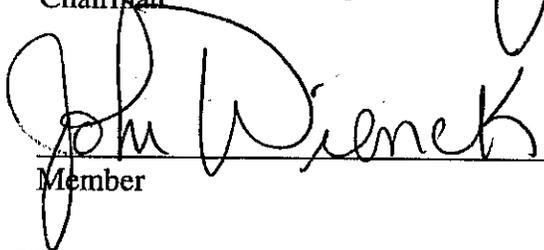
Demolition (C & D) Landfill in the "AG" (Agricultural District) zoning designation, subject to the following conditions:

1. This conditional use authorization shall apply to the entire ±29.9-acre tract of land, as legally described herein.
2. Normal hours of operation shall be from 8:00 AM to 5:00 PM Monday through Friday, and 8:00 AM to 12:00 PM Saturday. Closed on Sundays. Occasionally, special projects or circumstances may require utilization of the landfill beyond normal hours of operation.
3. Establish and implement an operations plan that includes procedures for screening unacceptable waste materials, as defined by K.S.A. 65-3402(u).
4. Obtain the required operating permits from the Kansas Department of Health & Environment (KDHE) and other pertinent regulatory agencies to operate a construction and demolition landfill, and submit copies of such permits to the Riley County Planning & Development Department.
5. Prior to commencing landfill operations, a Reclamation Plan shall be submitted to and approved by the Riley County Board of Zoning Appeals.
6. Once the operations have ceased, as determined by the Director of Planning & Development, the subject site shall be reclaimed as per the submitted and approved Reclamation Plan and as per the Kansas Department of Health & Environment Construction and Demolition Landfill Requirements. In the event it is determined that KDHE is not making sufficient progress enforcing such reclamation, the Director of Planning & Development may require reclamation of the site in conformance to the submitted and approved Reclamation plan.
7. At the completion of such reclamation, the applicant shall notify Riley County Planning & Development and a determination shall be made by the Zoning Enforcement Officer that the landfill has been successfully reclaimed in its entirety.
8. Signage, as shown on the site plan, must meet the minimum requirements of Section 15 of the Riley County Zoning Regulations.
9. No exterior lighting shall be installed on the subject site for the duration of the operation.

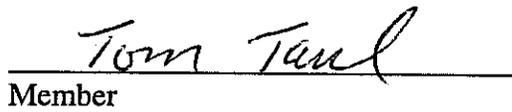
GRANTED THIS 14<sup>th</sup> DAY OF January, 2013

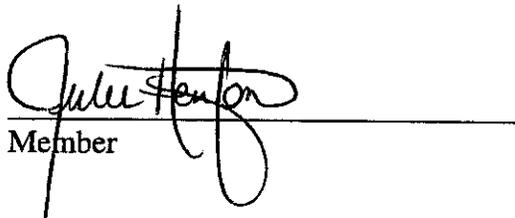
BOARD OF ZONING APPEALS  
of Riley County, Kansas

  
Chairman

  
Member

  
Member

  
Member

  
Member

MAR 05 2013

# LOCAL GOVERNMENT CERTIFICATIONS

Applicant's Name Tarkio CD Disposal, LLC  
 Facility Name Stewart Pit  
 Facility Location SE 1/4 NE 1/4 Section 33 Township 10 South Range 9 East  
 Application Type (new permit, modification, or transfer) New permit

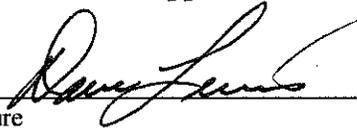
As specified in K.S.A. 65-3407 "Permits to construct, alter or operate solid waste processing facilities and solid waste disposal areas", the secretary shall require the following information as part of this application:

## Solid Waste Management Plan Consistency

(m)(1) Certification by the board of county commissioners or the mayor of a designated city responsible for the development and adoption of the solid waste management plan for the location where the processing facility or disposal area is or will be located that the processing facility or disposal area is consistent with the plan. This certification shall not apply to a solid waste disposal area for disposal of only solid waste produced on site from manufacturing and industrial processes or from on-site construction or demolition activities.

**I certify that, to the best of my knowledge, the facility described in this application is consistent with the Solid Waste Management Plan.**

Dave Lewis  
 Name (Print or Type)

  
 Signature

Chairman of County Commission  
 Title

2-25-13  
 Date

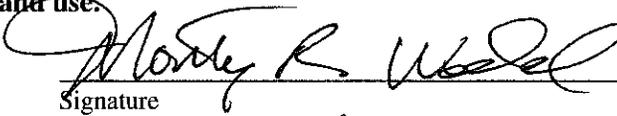
Riley County 110 Courthouse Plaza, Manhattan, KS 66502  
 County or City Street Address State, Zip Code

## Zoning or Land Use Consistency

(m)(2) If the location is zoned, certification by the local planning and zoning authority that the processing facility or disposal area is consistent with local land use restrictions or, if the location is not zoned, certification from the board of county commissioners that the processing facility or disposal area is compatible with surrounding land use.

**I certify that, to the best of my knowledge, the facility described in this application is consistent with (check one): local land use restrictions/zoning or surrounding land use.**

Monty R. Wedel  
 Name (Print or Type) Signature

  
 Signature

Director of Planning & Development  
 Title

2-14-13  
 Date

Riley County 110 Courthouse Plaza, Manhattan, KS 66502  
 County or City Street Address State, Zip Code

If a special/conditional use permit is required, please attach a copy to this application.

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- (e) Public hearing per K.A.R. 28-29-6a.
- (f) Final decision and processing.

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Signature of Applicant

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X. Local Government Certifications:

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