

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-09-245/252
KS-Q-09-161/165

Beginning Date: October 1, 2009
Comments Due: October 31, 2009

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-09-245

Application(s) for New or Expansion of Existing Swine Facilities

<u>Name and Address of Applicant</u>	<u>Owner of Property Where Facility Will Be Located</u>
Michael Springer 5881 CR 3300 Independence, KS 67301	Chuck Springer 6264 CR 1950 Elk City, KS 67344

<u>Legal Description</u>	<u>Receiving Water</u>
SW/4 of Section 04 T31S, R14E Montgomery County	Verdigris River Basin

Kansas Permit No.: A-VEMG-H010

Federal Permit No.: KS0095346

This is an application for a permit for the expansion at an existing swine facility. The applicant is proposing to increase the maximum capacity by 240 head of swine weighing less than 55 pounds each. The Department is also re-approving expansion plans initially approved on September 10, 2003. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-09-246/252

Pending Permits for Confined Feeding Facilities

<u>Name And Address of Applicant</u>	<u>Legal Description</u>	<u>Receiving Water</u>
Graham County Feed Yard Mark Reese PO Box 219 Penoque, KS 67659	NE/4 of Section 34 T08S, R24W Graham County	Solomon River Basin

Kansas Permit No.: A-SOGH-C001

Federal Permit No.: KS0079669

This is a re-issuance of a permit for an existing facility for 4,999 head (4,999 animal units) of cattle weighing greater than 700 pounds. This is a decrease from the previous permitted capacity of 9,000 head (9,000 animal units) of cattle.

Bellar Farms, Inc. Mike Bellar 1411 Killdeer Howard, KS 67349	SW/4 of Section 03 T30S, R10E Elk County	Verdigris River Basin
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Kansas Permit No.: A-VEEK-S011

This is a re-issuance of a permit for an existing facility for 300 head (120 animal units) of swine weighing greater than 55 pounds and 320 head (32 animal units) of swine weighing 55 pounds or less.

Bellar Fams Mike Bellar 1411 Killdeer Howard, KS 67349	SW/4 of Section 02 T30S, R10E Elk County	Verdigris River Basin
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Kansas Permit No.: A-VEEK-S010

This is a re-issuance of a permit for an existing facility for 500 head (200 animal units) of swine weighing greater than 55 pounds and 500 head (50 animal units) of swine weighing 55 pounds or less.

Mike Bellar 1411 Killdeer Howard, KS 67349	SW/4 of Section 02 & NW/4 of Section 11 T30S, R10E Elk County	Verdigris River Basin
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Kansas Permit No.: A-VEEK-S004

This is a re-issuance of a permit for an existing facility for 2,400 head (960 animal units) of swine weighing greater than 55 pounds.

Stan Chipperfield 5069 East McReynolds Road	SE/4 of Section 23 T15S, R02W	Smoky Hill River Basin
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Gypsum, KS 67448

Saline County

Kansas Permit No.: A-SHSA-S005

This is a re-issuance of a permit for an existing facility with a increase in head count for 250 head (100 animal units) of swine weighing greater than 55 pounds, 300 head (30 animal units) of swine weighing 55 pounds or less, 75 head (75 animal units) of cattle weighing greater than 700 pounds and 75 head (37.5 animal units) of cattle weighing less than 700 pounds for a total of 242.5 animal units. The increase in head count is due to the addition of 10 head of cattle weighing greater than 700 pounds and 10 head of cattle weighing less than 700 pounds, the head count of swine remains the same.

Bainter Construction Company, Inc.
PO Box 705
Hoxie, KS 67740

SW/4 of Section 18
T06S, R27W
Sheridan County

Solomon River Basin

Kansas Permit No.: A-SOSD-B007

This permit is being re-issued for an existing facility with a maximum capacity of 598 head (299 animal units) of cattle weighing 700 pounds or less. There is no change in the permitted animal units.

Stigge Farms
Alan Stigge
211 D Street
Washington, KS 66968

SW/4 of Section 32
T02S, R03E
Washington County

Big Blue River Basin

Kansas Permit No.: A-BBWS-B013

This permit is being re-issued for an existing facility with a maximum capacity of 800 head (800 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units.

Public Notice No. KS-Q-09-161/165

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>RECEIVING STREAM</u>	<u>TYPE OF DISCHARGE</u>
Fairview, City of PO Box 175 Fairview, KS 66425	Walnut Creek via Spring Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MO06-OO01 Federal Permit No. KS0098744
Legal Description: SW¼, S27, T2S, R15E, Brown County, KS

Facility Description: The proposed action consists of issuance of the existing Kansas/NPDES Water Pollution Control permit to replace the current non-overflowing permit for the above referenced existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and E. coli, as well as monitoring for ammonia, total phosphorus, and pH. The proposed permit will allow a measurable increase in certain pollutant parameters above existing water quality, but not above concentrations necessary to maintain existing and designated uses and to protect designated critical

habitat for threatened and endangered species. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Gorham, City of
PO Box 25
Horham, KS 67640-0025

Big Creek via
Walker Creek via
Unnamed Tributary

Treated Domestic
Wastewater

Kansas Permit No. M-SH10-OO01

Federal Permit No. KS0096610

Legal Description: NE¼, SW¼, SE¼, S31, T13S, R15W, Russell County, KS

Facility Description: The proposed action consists of issuance of a new discharging permit for the existing Kansas/NPDES Water Pollution Control non-discharging permit for an upgrade and expansion of the current three cell lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli, chlorides, sulfates, and pH. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of the modified facility and to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. The proposed permit will allow a measurable increase in certain pollutant parameters above existing water quality, but not above concentrations necessary to maintain existing and designated uses and to protect designated critical habitat for threatened and endangered species. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Hillsboro, City of
PO Box 125
Hillsboro, KS 67063

Cottonwood River via
South Cottonwood River
via Unnamed Tributary

Treated Domestic
Wastewater

Kansas Permit No. M-NE35-OO02

Federal Permit No. KS0097896

Legal Description: SE¼, SE¼, SE¼, S35, T19S, R2E, Marion County, KS

Facility Description: The proposed action consists of re-issuance of the existing Kansas/NPDES Water Pollution Control permit for the above referenced existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and E. coli, as well as monitoring for ammonia, sulfates, total phosphorus, and pH. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Ottawa, City of
101 S. Hickory
Ottawa, KS 66067

Marais des Cygnes River

Process Wastewater

Kansas Permit No. I-MC31-PO04

Federal Permit No. KS0079804

Legal Description: NE¼, SW¼, S35, T16S, R19E, Franklin County, KS

Facility Name: Ottawa Municipal Power Plant

Facility Description: The proposed action consists of re-issuance of the existing Kansas/NPDES Water Pollution Control permit for the above referenced existing facility. This facility is an electric power

generating station used for peaking and emergency power. The flow from the cooling tower blowdown is monitored separately and the remainder of all process flows is directed to the facility floor drain system that goes into the oil/water separator. Wastewater discharges to the oil/water separator consist of cooling tower blowdown from internal combustion engine units, boiler blowdown, miscellaneous low volume flows that drain to floor drains throughout the facility, and stormwater runoff. The proposed permit contains limits for free available oxident, total suspended solids, oil & grease, whole effluent toxicity, and pH, as well as monitoring of total phosphorus, priority pollutants, temperature, and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to either provide KDHE with a "No exposure Certificate" or prepare an acceptable Stormwater Pollution Prevention Plan. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Viola, City of
PO Box 302
Viola, KS 67149

Ninnescah River via
Unnamed Tributary

Treated Domestic
Wastewater

Kansas Permit No. M-AR90-0001

Federal Permit No. KS0027880

Legal Description: SE¼, SW¼, NE¼, S33, T29S, R3W, Sedgwick County, KS

Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an upgraded facility. The facility is being enlarged with the addition of a third cell, and design flow will increased from 0.0187 MGD to 0.0511 MGD. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli, chlorides, and pH. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of the upgrades to the facility by October 1, 2010. The proposed permit will allow a measurable increase in certain pollutant parameters above existing water quality, but not above concentrations necessary to maintain existing and designated uses and to protect designated critical habitat for threatened and endangered species. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

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 **October 31, 2009**, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-245/252, KS-Q-09-161/165) 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.