Kansas Water Pollution Control Permit for Agricultural and Related Wastes

Livestock Waste Management Program

Kansas Department of Health and Environment

Permit Application

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

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT
LIVESTOCK WASTE MANAGEMENT SECTION
1000 SW JACKSON STREET, SUITE 430
TOPEKA, KS 66612-1367

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

RECEIVED
JUL 21 2020
LIVESTOCK WASTE MANAGEMENT SECTION

If a registration form has been submitted to KDHE within the previous eighteen months, only pages 1 through 7 and not previously submitted portions of Appendix 3 need to be completed. Any information from pages 5 or 7 submitted with the registration does not need to be resubmitted unless changes need to be noted.

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

Check one:
- ☐ New Facility Application
- ☐ Renewal Application Permit #_____ (only complete pages 1 & 11 & Sec # 10 Equip. List)
- ☒ Facility Modification/Expansion Application Permit # A-BBWS-H009
- ☐ Facility Name/Owner Change ONLY Permit #_____ (only complete pages 1 & 6)

1. Name of Applicant: Livingston Enterprises, Inc. Date:_____

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

2. Name of Facility: LEI River View, LLC

3. Mailing Address: 1501 K Street

   City: Fairbury State: NE Zip: 68352

4. Facility Address (if different): 2015 27th Road

   City: Hollenburg State: KS Zip: 66946

5. Applicant's Telephone No.: (402) 729-3200 Home Telephone No.:_____

   Cellular Telephone No.: (402) 300-0282 Fax No.: (402) 729-3205

   E-Mail Address: bruce@livingstonent.com

Applicant 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.

ADDITIONAL CONTACT INFORMATION: (optional additional facility contact to receive electronic copy of correspondence)

Name: Adam Rogge

Title: Safety and Environmental Director

Email address: adamrogge@livingstonent.com

FACILITY DESCRIPTION

6. Legal description of property where facility is located:

Facility ID	Quarter(s)	Section	Township	Range	County
RVV	SW 1/4	17	1 South	4 Circle E or W	Washington
			South	Circle: E or W	
			South	Circle: E or W	

7. The existing, proposed, and/or expanded livestock operation will consist of: (mark **E** if existing or **P** if proposed)

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

8. Existing and/or proposed waste control systems: (mark **E** if existing or **P** if proposed)

__E__ Earthen Retention Structure ____ Sedimentation Basin ____ Concrete Storage Structure

Other (explain)_____

9. Are there any county or local comprehensive land use plans or zoning requirements or restrictions at this site?
Yes_____ No__X__.
If yes, please explain: _____

10. Waste Management Equipment: Needed for all applications. Indicate the type and size of equipment available for: land application and transportation of process waste (in any form: liquid, slurry, or solid). Indicate whether each piece of equipment is owned, leased, or contractor provided. If a wastewater retention structure is present at the facility dewatering equipment **must** be listed. (Please attach additional page if needed)

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)
See Attached			

KDHE LWMS Permit Application
Section 10. Waste Management Equipment

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 ©
Center Pivot Sprinkler	Apply Wastewater	600 GPM	O
Berkeley 4BJ Pump w/ Cummins 3.3 Liter Turbo Diesel Engine	Dewatering	600 GPM	O
John Deer 9410R; 410 HP Tractor			O
John Deere 8370R; 370 HP Tractor			O
John Deere 7230R; 230 HP Tractor			O
(2) AGI Boom; 4.5 L; 145 HP John Deere Engine	Deep Pit Agitator	2500 GPM	O
(2) Booster Pumps; John Deere 5069, 13.5 L, 550 HP	Booster Pumps from Pit to Applicator	3200 GPM	O
42' Coulter Injection Toolbar	Ground Application/Injection		O

ANIMAL UNITS CALCULATION TABLE

Please complete the table below. Identify the **maximum** capacity of each type of animal 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*	**Current 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	3096	1601	0.4	1878.8
Swine weighing 55 pounds or less	4940	576	0.1	551.6
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	-
Laying Hens/Broilers w/ dry manure system[1]	-	-	0.003	-
Horses	-	-	2.0	-
Ducks	-	-	0.2	-
Other-*specify species*_____	-	-		-
Total	8036	2177		2430.4

***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, 30,000 ducks w/ other than liquid manure system, 5,000 ducks w/ liquid manure system, 55,000 turkeys, 30,000 laying hens/broilers w/ liquid manure system, 125,000 chickens other than laying hens (broilers) w/ other than liquid manure system, and 82,000 laying hens w/ other than liquid (dry) manure system.

[1] A 0.033 AU conversion factor should be used for chicken facilities with dry litter systems if manure is exposed to precipitation during collection or when stored in stockpiles, or if manure is land applied without incorporation into the soil within 24 hours.

SEPARATION DISTANCE WAIVERS AND PUBLIC NOTICE REQUIREMENTS

Habitable Structure Separation Distances: On Appendix 2, the applicant is required to provide KDHE with a list all owners of habitable structures and mailing addresses, 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 in Appendix 2 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/.

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 and 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. Please read the requirements on page 10 carefully.

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 4 and 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	6a.	If plans/drawings are prepared by a consultant provide documentation the consultant has adequate general commercial liability insurance coverage addressing errors and omissions in the design plans and specifications has been obtained and is in effect, or plans include a stamp by a KS professional engineer. Per KAR 28-18-12(d)
N/A	7.	Waste Management Plan (Required if the facility is less than the EPA thresholds listed on page 3)
N/A	8.	Nutrient Management Plan (Required if the facility meets or exceeds the EPA thresholds listed on page 3)
	9.	Swine Facility Plans (include the following as appropriate):
X	a.	Nutrient Utilization Plan [Required if 1,000 AU or more]
X	b.	Odor Control Plan [Required if 1,000 AU or more]
X	c.	Emergency Response Plan [Required if 1,000 AU or more]
X	d.	Manure Management Plan [Required if 1,000 AU or more]
X	e.	Dead Swine Handling Plan [Required if 1,000 AU or more]
N/A	f.	Facility Closure Plan [Required if 3,725 AU or more]
N/A	g.	Financial Assurance for Facility Closure [Required if 3,725 AU or more]
N/A	h.	Financial Assurance for Swine Waste-Retention Lagoon or Pond Closure [Required if 3,725 AU or more]
N/A	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 that may be used for future expansion.

ANNUAL PERMIT FEE

The annual permit fee is based on the facility 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: (required for all swine facilities)

I, LCI River View LLC, will consult with the KSU county extension agent, or
(Applicant's Name)
qualified 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:** 7/15/2020

Permit Application Certification: (required for all species)

I hereby certify that the information submitted and/or attached herein is true and correct to the best of my knowledge and belief.

I hereby make application to the Kansas Department of Health and Environment for a water pollution control permit for the facility described in this application in conformance with K.S.A. 65-171d et seq. and K.A.R. 28-18-1 through 17 and/or K.A.R. 28-18a-1 through 33.

Applicants Name: LCI River View, LLC by Bruce D. Livingston President
(Print Name and Title)

Applicants Signature: _____ **Date:** 7/15/2020

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; or (3) in the case of a sole proprietorship, by the proprietor.