This guidance policy aids in providing owners and operators of a CAFO in deciding permit requirements with KDHE as a first step in the process.

This guidance provides those individuals planning to construct or expand a CAFO with an overview of environmental permits, and registrations necessary for CAFOs in the State of Kansas. Each livestock operation has unique site characteristics, this will highlight the items to consider in your planning. The owner or operator should contact KDHE for more information.

KDHE issues livestock permits after a review and approval of plan information. The least prescriptive category is reserved for sites in the certification category. This document will primarily focus on the permits in the state and federal category. Permit type is decided by the animal units at the site. Federal regulations consider all beef cattle as one animal unit. The requirements between the state and federal permits, though similar, are different primarily in the documentation of the management activities associated with the waste.

Kansas laws require CAFOs to stay specific distances (termed a separation distance) away from habitable structures, surface water, and groundwater. Livestock operations less than 300 animal units are not required by law to have a separation distance to the habitable structures. A 100 ft. separation distance exists for all categories to property lines. An exception to the separation distance is if the owner of a habitable structure waives their statutory right to the specified separation distance through an agreement recorded with the county register of deeds.

Site Considerations

Measures to prevent pollution should also be considered when planning a livestock operation. Some of the considerations include:

- Locate away from drainage paths to surface water.
- Locate to provide separation distance from groundwater.
- Soil suitability for the planned operations.
- How will the pen runoff or waste accumulations be managed?
- How will I construct the storage lagoon to minimize seepage?
- Is there sufficient nearby cropland where the wastes can be applied as crop nutrients?
- Are the land application sites away from streams, lakes, and groundwater?
- What type of equipment will I need to land apply the wastes?

Once I have found a location for my CAFO, what do I need to do?

Registration with KDHE is required if your facility is over 300 animal units or meets the requirements for a permit. A certification option may be pursued for smaller operations and those with simpler waste system designs.

Registration

If your CAFO has a capacity of 300 or more animal units or requires a designed waste control structure, you must register the facility with KDHE and pay the $25 registration fee. **Facilities with daily discharges of wastewater, such as dairy parlors, concrete wastewater pits, or lagoons are required to register regardless of the size.**

Site Appraisal

Upon receipt of the registration, KDHE will publish a public notice in the Kansas Register and will schedule a site visit to evaluate the suitability of the site. If KDHE decides that no significant water pollution potential exists and there are no issues with separation distances from habitable structures, KDHE may certify that no permit is required.

CAFOs required to obtain a permit will need to complete a permit application and provide detailed plans of the layout and construction details of the proposed CAFO. For design standards, please refer to the KDHE publication "Design Standards for Confined Livestock Feeding Operations." Included in the design standards is an important requirement on depth to groundwater. The facility must show proof of a groundwater investigation that indicates the depth to groundwater is 10 feet or more below all structures.

Facilities aware that they will need a permit can send complete registration and permit applications with design plans to minimize steps. Assistance in developing detailed plans is available through the County Office of the Natural Resources Conservation Service, local County Conservation District, or consultants.

Application Review and Approval

KDHE reviews the permit application and accompanying materials and compares it against requirements in statutes and regulations. A complete application is needed for review. Each permit application is reviewed in the order it is received. KDHE will prepare a draft permit.

Public Notice of Draft Permit and Reaching Final Decision

KDHE draft permit is based on the information given. KDHE mails a notice to the landowners and habitable structure owners within one mile of the facility. In addition, the public is notified of the draft permit through the Kansas Register. Those notified, as well as any other interested individuals, have 30 days to give KDHE any comments or information they believe should be considered before KDHE makes a final decision.

KDHE reviews and evaluates the new information, if any, developed through the public notice process to determine if the permit application demonstrates all water pollution control requirements will be met. If the new information shows the permit application does not address all applicable water pollution control regulations and laws, then KDHE will notify the CAFO owner of the deficiencies. The owner then decides whether they will make changes and continue to try to obtain a permit.

After Permit Issuance?

Utilize the information in the permit to understand the requirements and conditions for your facility. You can expect your permit and the regulations to require you to:

- Keep your permit current until you completely close your operation and remove all manure and wastewater.
- Manage the facility wastes in a manner to prevent water pollution.

Additionally, for Federal Facilities:
- Implement a nutrient management plan
- Keep records and send annual reports to KDHE.
- Swine will have added management plan requirements according to size.
KDHE will inspect your facility to verify that you are following permit requirements. Follow-up inspections may be conducted to ensure you make any necessary changes. KDHE has six district offices whose staff conduct inspections for the agency.

Summary

Planning to minimize the potential for pollution should be part of your overall first planning for your CAFO. The size of the CAFO, the location of habitable structures, and the site location and conditions are very important considerations in planning an operation. In addition, a registration and permit application with complete information and sufficient details will ensure the public understands what to expect and how the facility owner is minimizing the potential for water pollution from the facility.

Additional Permits

**KDHE Construction Stormwater Permit**

For construction activities that disturb an area of one acre or more, coverage under the general National Pollutant Discharge Elimination System (NPDES) permit is required. A request for Authorization for coverage under the construction stormwater general permit is made by fully completing and submitting a construction stormwater "Notice of Intent" (NOI) form, the $60 permit fee, and all needed supporting documents. The NOI form is a request for coverage under the requirements and conditions of the Kansas “Stormwater Runoff from Construction Activities General Permit”. The form and the instructions for completing the form are available upon written request from the Kansas Department of Health and Environment or may be downloaded from the [KDHE Stormwater Program](https://www.kdheks.gov/). The NOI needs to be sent to KDHE at least 60 days before starting construction. KDHE will make every effort to either authorize the construction activities within 60 days or provide comments on application or Stormwater Pollution Prevention Plan deficiencies. Construction site soil disturbing activities may commence only when the owner or operator receives an Authorization for the construction activity from KDHE Bureau of Water.

**Kansas Department of Agriculture (KDA):**

**Water Permitting through Division of Water Resources**

The state of Kansas requires a permit for water used to water livestock. Stock watering is the watering of livestock and other uses of water directly related to the operation of a feedlot with the capacity to confine 1,000 or more head of cattle, or any other confined livestock operation or dairy that would divert 15 or more acre-feet of water per calendar year. Permitting may be needed for the use of water associated with construction and lagoon pre-fill. For more information from the water appropriations program, visit [KDA Division of Water Resources](https://www.ks.water.usgs.gov/) or call 785-564-6640.

**Animal Health Permit with the KDA Animal Health**

The state of Kansas does have requirements based on the operation size and species for a permit with the [KDA Division of Animal Health](https://www.ks.gov) or call 785-564-6601

**Dairy Facility Permitting through the KDA**

Utilize the website for the [Dairy Inspection Program of the Kansas Department of Agriculture](https://www.ks.gov) issues a permit to each dairy farm that sells raw milk in the state of Kansas or call 785-564-6700. New dairies are strongly encouraged to contact the inspections program early in their planning and construction phases. Detailed plans of the milking facility and cattle housing areas must be submitted KDA for approval.
Contacts:

Kansas Department of Health and Environment
Livestock Waste Management Section 1000 SW Jackson St., Suite 430
Topeka, KS 66612-1367
Visit KDHE Livestock or 785-296-6432

Kansas Department of Health and Environment
Construction Stormwater Program
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367
Visit KDHE Stormwater or 785-296-5549

USDA, Natural Resources Conservation Service (NRCS) State Office
760 South Broadway
Salina, KS 67401
NRCS service center in your area, go to the following website and click on "Find a service center."
Visit USDA NRCS Kansas or 785-826-4500

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
Visit Kansas Department of Agriculture or 785-564-6700

KDHE District Offices
The district offices may be contacted with the office email and number below or found on the KDHE District Offices pages.

Northwest District: kdhe.nwdoadmin@ks.gov Phone: 785-261-6100
Northeast District: kdhe.nedo.admin@ks.gov Phone: 785-842-4600
Northcentral District: kdhe.ncdoadmin@ks.gov Phone: 785-827-9639
Southeast District: kdhe.sedoadmin@ks.gov Phone: 620-431-2390
Southcentral District: kdhe.scdoadmin@ks.gov Phone: 316-337-6020
Southwest District: kdhe.swdoadmin@ks.gov Phone: 620-682-7940