

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) 296-3056 - All Others

Public Notice No. KS-AG-23-052/056  
Public Notice No. KS-Q-23-30/34

Beginning Date: March 9<sup>th</sup>, 2023  
Comments Due: April 8<sup>th</sup>, 2023

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 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.

\*\*\*\*\*

**Public Notice No. KS-AG-23-052**

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

**Name and Address of Applicant**

Jennifer A. Gerety  
604 Nemaha St  
Seneca, KS 66538

**Owner of Property Where Facility Will Be Located**

J-Six Enterprises, LLC – Heideman Site  
1836 160<sup>th</sup> Rd  
Sabetha, KS 66534

**Legal Description**

NW/4 of Section 25  
T02S, R13E  
Nemaha County

**Receiving Water**

Missouri River Basin

**Kansas Permit No.: A-MONM-S070**

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2,400 head (960 animal units) of swine weighing more than 55 pounds each. The complete application can be viewed at the office of the Nemaha County Clerk, the KDHE District Office in Lawrence, Kansas or the KDHE Main Office in Topeka, KS. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

**Public Notice No. KS-AG-23-053/056**

**Pending Permits for Confined Feeding Facilities**

**Name and Address of Applicant**

**Legal Description**

**Receiving Water**

Connie Kuhlman  
Boot Hill Feeders  
20041 SW C Rd  
Jetmore, KS 67854

S/2 of Section 23 &  
SE/4 of Section 22  
T24S, R25W  
Hodgeman County

Upper Arkansas  
River Basin

Kansas Permit No.: A-UAHG-C003

Federal Permit No.: KS0115347

The proposed action is to reissue an existing NPDES permit for an existing facility for 17,000 head (17,000 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Matt Henke  
1572 County 388 Dr  
Osborne, KS 67473

N/2 of Section 28  
T07S, R13W  
Osborne County

Solomon River Basin

Kansas Permit No.: A-SOOB-B003

The proposed action is to reissue an existing State permit for an existing facility for 440 head (440 animal units) of cattle weighing more than 700 pounds and 260 head (130 animal units) of cattle weighing less than 700 pounds for a total of 570 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Southwest Plains Dairy, LLC  
12701 SW CR 32  
Syracuse, KS 67878

S/2 of Section 02 &  
SE/4 of Section 03 &  
E/2 of Section 11 &  
W/2 of Section 12  
T26S, R43W  
Hamilton County

Cimarron River Basin

Kansas Permit No.: A-CIHM-D004

Federal Permit No.: KS0095702

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 17,300 head (24,220 animal units) of mature dairy cattle, and 11,000 head (11,000 animal units) of cattle weighing greater than 700 pounds; for a total of 35,220 animal units of cattle. The facility's NMP update included changes in the application rate limitations for their fields. Ten (10) of the field's application rate limitations have become less restrictive than the previous NMP. Only the updated portion of the Nutrient Management Plan and permit are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Diamond Cattle Company  
735 Ave X

SW/4 of Section 30  
T21S, R09W

Lower Arkansas  
River Basin

Alden, KS 67512

Rice County

Kansas Permit No.: A-ARRC-C005

Federal Permit No.: KS0092746

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 4,000 head (4,000 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include a change in the application rate limitation for one field. The field's application rate limitation has become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

\*\*\*\*\*

**Public Notice No.: KS-Q-23-30/34**

**The requirements of the draft permit 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.**

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>RECEIVING STREAM</u>	<u>TYPE OF DISCHARGE</u>
Emporia, City of P.O. Box 928 Emporia, KS 66801	Cottonwood River	Treated Domestic Wastewater

Kansas Permit No. M-NE24-IO01

Federal Permit No. KS0046728

Legal Description: SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, & NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, Section 22, and SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> & NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Section 23, Township 19S, Range 11E of Lyon County, KS

Facility Location: 38.38385, -96.17140

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: a lift station, bar screen, grit removal unit, integrated fixed-film activated sludge (IFAS) basins, final clarifiers, WAS/RAS pumping station, internal recycle pump system, chemical storage and feed systems, UV disinfection, effluent lift station, effluent aeration, rotary drum thickener, aerobic digesters, sludge drying beds, peak flow presedimentation basin, and peak flow holding basin. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, E. coli, and Total Phosphorus; as well as monitoring for Dissolved Oxygen, Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, and Total Nitrogen

CX Stone LLC  
29251 Kuenzli Creek Road  
Alma, KS 66401

Kansas River via Mill Creek  
via Mulberry Creek via  
unnamed tributary      Processed Wastewater

Kansas Permit No. I-KS01-PO02

Federal Permit No. KSJ001012

Legal Description: N 1/2 of Section 14, Township 11S, Range 11E of Wabaunsee County, KS

Facility Location: 39.02101, -96.21074

The proposed action is to issue a new State/NPDES permit for a new facility. This facility mines slab rock used in landscaping and other purposes. Outfalls 001A -012A consists of stormwater runoff, which is treated either by berms and/or a sedimentation pond. The proposed permit contains generic language to protect the waters of the state. In compliance with Kansas and federal law, KDHE has approved an antidegradation review for this new facility for increased concentrations and mass of some pollutants to the receiving stream. The water quality of the receiving stream will not be lowered below the quality necessary to support existing designated uses.

Rock Creek Stone LLC  
434 Road 70  
Olpe, KS 66865

Verdigris River via  
North Branch Verdigris River  
via Rock Creek

Processed Wastewater

Kansas Permit No. I-VE45-PO02

Federal Permit No. KS0100366

Legal Description: NW 1/4 of Section 34, Township 20S, Range 10E of Lyon County, KS  
Facility Location: 38.27006, -96.29764

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility quarries slab rock, which is sold to stone companies, who processes it into a retail product. The rock is used in residential and commercial construction projects. Outfalls 001A – 004A consists of stormwater runoff, which is treated either by berms and/or a sedimentation pond. The proposed permit contains generic language to protect the waters of the state.

Baxter Springs, City of  
P.O. Box 557  
Baxter Springs, KS 66713

Spring River

Treated Domestic  
Wastewater

Kansas Permit No. M-NE06-OO01

Federal Permit No. KS0045934

Legal Description: SW<sup>1</sup>/<sub>4</sub>, Section 6, Township 35S, Range 25E of Cherokee County, KS  
Facility Location: 37.01947, -94.71794

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a five-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The first two cells are equipped with mechanical aerators. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. coli, Dissolved Oxygen, Total Phosphorus, and Nitrates + Nitrites.

Weir, City of  
P.O. Box 78  
Weir, KS 66781

Brush Creek via  
unnamed tributary

Treated Domestic  
Wastewater

Kansas Permit No. M-NE67-OO01

Federal Permit No. KS0079146

Legal Description: NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, Section 27, Township 31S, Range 24E of Cherokee County, KS  
Facility Location: 37.31594, -94.76575

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system. The detention time at design flow is 87 days. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. coli, Total Phosphorus, and Sulfate. By July 31, 2023, the facility shall have a KDHE-certified operator to supervise the operation of this facility in compliance with K.S.A. 65-4501 et seq. and K.A.R. 28-16-30 et seq. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable criteria (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on

2/7/2023 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 7.3 mg/L for this facility. The EED was completed on 2/14/2023.

\*\*\*\*\*

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 (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before **April 8<sup>th</sup>, 2023** will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-052/056, KS-Q-23-30/34) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues 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). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Erich Glave, Director, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone (785) 296-0076 or email at [kdhe.feedlots@ks.gov](mailto:kdhe.feedlots@ks.gov). For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone (785) 296-6804 or email at [Neal.Niceswanger@ks.gov](mailto:Neal.Niceswanger@ks.gov). 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.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

**Janet Stanek**  
**Secretary**  
**Kansas Department of Health and Environment**