

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- 057/063
Public Notice No. KS-AG-R-23-004
Public Notice No. KS-NQ-23-001

Beginning Date: March 16th, 2023
Comments Due: April 15th, 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-23-057

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

Name and Address of Applicant

Henry Creek Farms, Inc.
Dyck Finisher Site
~1.5 Miles East of 12247 NW 130th St.
Whitewater, KS 67154

Owner of Property Where Facility Will Be Located

Henry Creek Farms, Inc.
12247 NW 130th St.
Whitewater, KS 67154

Legal Description

NW/4 of Section 31
T23S, R04E
Butler County

Receiving Water

Walnut River Basin

Kansas Permit No.: A-WABU-S047

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2,490 head (996 animal units) of swine weighing more than 55 pounds each. The complete application can be viewed at the office of the Butler County Clerk, the KDHE District Office in Wichita, 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-23-058/063
Pending Permits for Confined Feeding Facilities

<u>Name and Address of Applicant</u>	<u>Legal Description</u>	<u>Receiving Water</u>
J-Six Enterprises, LLC Heideman Site 1836 160 th Rd Sabetha, KS 66534	NW/4 of Section 25 T02S, R13E Nemaha County	Missouri River Basin

Kansas Permit No.: A-MONM-S070

The proposed action is to modify and reissue an existing State permit for an existing facility for 2,400 head (960 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. Proposed plans have been reapproved. This facility has an approved Waste Management Plan on file with KDHE.

Johnson Growers, LLC 548 S. Road I Johnson City, KS 67855	SE/4 of Section 33 T28S, R40W Stanton County	Cimarron River Basin
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Kansas Permit No.: A-CIST-C001 Federal Permit No.: KS0038415

The proposed action is to modify and reissue the existing NPDES permit for a facility for a proposed maximum capacity of 25,000 head (25,000 animal units) of cattle weighing more than 700 pounds. This represents a decrease in the permitted animal units from the previous permit. The footprint area of the facility is being reduced. There will be no change in the operation of the facility. This facility has an approved Nutrient Management Plan on file with KDHE.

Cal-Maine Foods, Inc. 625 Ave. K Chase, KS 67524	S/2 of Section 24 & NE/4 of Section 25 & SE/4 of Section 26 T19S, R10W Rice County	Lower Arkansas River Basin
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Kansas Permit No.: A-ARRC-P001 Federal Permit No.: KS0090972

The proposed action is to modify and reissue an existing NPDES permit for a facility for 3,980,000 head (48,556 animal units) of laying hens. This permit is being modified to remodel the existing buildings to be cage-free, add a conveyor manure system to Layer Facility 1, rebuild Layer Facility 1 Building 10 to be storage, and build a new building to the north of existing buildings at Layer Facility 1. Previously approved modifications that were not completed are to build the proposed two additional layer buildings and one additional pullet building within the existing footprint of the facility. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Fred Heigle	SE/4 of Section 24	Smoky Hill River Basin
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Heigele Pork, Inc.
720 Granite Rd
Longford, KS 67458

T10S, R01E
Clay County

Kansas Permit No.: A-SHCY-S003

The proposed action is to reissue an existing State permit for an existing facility for 1,100 head (110 animal units) of swine 55 pounds or less and 1,430 head (572 animal units) of swine more than 55 pounds, for a total of 682 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.

James & Kathy M. Barr
Barr Dairy
9775 W. 333rd St
Lebo, KS 66856

NW/4 of Section 30
T18S, R14E
Osage County

Marais des Cygnes
River Basin

Kansas Permit No.: A-MCOS-M004

The proposed action is to reissue an existing State permit for an existing facility for 80 head (112 animal units) of mature dairy cattle, 20 head (20 animal units) of dairy heifers, 16 head (8 animal units) of dairy calves, 4 head (1.6 animal units) of swine more than 55 pounds, and 4 head (8 animal units) of horses, for a total of 149.6 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.

CB Farms Family Partnership
CB Feeders
30142 NE 100th Ave
Preston, KS 67583

SW/4 of Section 10 &
E/2 of Section 16 &
NW/4 of Section 15
T27S, R11W
Pratt County

Lower Arkansas
River Basin

Kansas Permit No.: A-ARPR-C004

Federal Permit No.: KS0097888

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 3,350 head (3,350 animal units) of cattle weighing more than 700 pounds. The facility's NMP was updated to include a changes in the application rate limitations for their fields. One of the fields application rate limitation become less restrictive than the previous year. 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-AG-R-23-004

Per Kansas Statutes Annotated 65-171d, the following Registration has been received for a proposed facility:

Name and Address of Registrant

Erik Franklin
13092 Z Rd

Legal Description

SE/4 of Section 05
T03S, R11W

County

Smith

Lebanon, KS 66952

Public Notice No. KS-NQ-23-001

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).

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>FACILITY LOCATION</u>	<u>TYPE OF DISCHARGE</u>
Susank, City of 127 Hoisington Susank, KS 67544	Lat: 38.640279 Long: -98.768065	Non-Overflowing

Kansas Permit No. M-AR87-NO01 Federal Permit No. KSJ000441
 Facility Name: Susank Wastewater Treatment Facility
 Legal Description: N½, SE¼, SW¼, Section 21, Township 16S, Range 13W of Barton County, KS

The proposed action is to reissue an existing, non-discharging State/NPDES permit for an existing, non-discharging facility. This facility consists of one lift station with flow to a two-cell lagoon system. A review of this facility indicates that facility is seeping excessively. The permittee has hired a Kansas-Licensed engineering consultant and provided KDHE an engineering report. The report, dated February 2023, recommends improvements to bring the facility into compliance with Kansas regulations, K.A.R. 28-16-160 et. Seq. The following schedule is enforceable under this permit. Permittee shall submit the wastewater treatment facility improvements Plans and Specifications to KDHE for review and approval by December 31, 2024. By December 31, 2025, permittee shall complete wastewater treatment facility improvements project.

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 15th, 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-23-057/063, KS-AG-R-23-004, KS-NQ-23-001) 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. 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. 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