

Division of Environment
Bureau of Water
Curtis State Office Building
1000 SW Jackson St., Ste. 420
Topeka, KS 66612-1367



Phone: 785-296-6432
Fax: 785-296-5509
feedlots@kdheks.gov
www.kdheks.gov/feedlots

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

August 26, 2015

RECEIVED

AUG 28 2015

KDHE-SALINA

Harvey Walker
Walker Feedlot, Inc.
612 Lark Road
Hope, KS 67451

Re: Kansas Water Pollution Control Permit No. A-SHDK-C002
National Pollutant Discharge Elimination System Permit No. KS0086631

This is to inform you that you have fulfilled all filing requirements for a Kansas Water Pollution Control Permit For Agricultural and Related Wastes and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). We are pleased to forward your new permit. While it is permissible to make as many copies as needed for monitoring and reporting purposes, you need to retain the original permit for your files.

ATTENTION: We strongly recommend that you carefully read your permit. Significant changes may have been made in your permit. Violations of the terms and/or conditions of this permit are enforceable under both state and federal law. Violations can result in significant civil penalty. Your permit may require you to complete certain tasks within the next few months.

The Operations Report and Annual Report required by this permit may be found on our website at www.kdheks.gov/feedlots in the Forms Section of the web page, or you may contact the Department at 785-296-6432 for electronic or paper copies.

We look forward to working with you in the achievement and maintenance of high quality water for the State of Kansas. If you have any questions, please contact our North Central District Office at 785-827-9639.

Sincerely,

Tara Mahin, Section Chief
Livestock Waste Management Program
Bureau of Water

TM:jr
Enclosure

cc: North Central District Office

Kansas Department of Health & Environment

Division of Environment
Bureau of Water



Topeka, Kansas 66612-1367
Telephone: (785) 296-6432

Kansas Permit No.: **A-SHDK-C002**
Federal Permit No.: **KS0086631**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES
AND AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq. and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee: **Harvey Walker**
Permittee's Address: **612 Lark Road
Hope, Kansas 67451**
Facility Name: **Walker Feedlot, Inc.**
Facility Location: **SW ¼, Section 5, Township 16S, Range 3E
Dickinson County, Kansas**
River Basin: **Smoky Hill River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective August 25, 2015, supersedes the previously issued water pollution control permit A-SHDK-C002, and expires August 24, 2020.

Facility Summary

The facility consists of 29.3 acres of open lots and associated areas for the confined feeding of 3,500 head (3,500 animal units) of cattle weighing greater than 700 pounds. There are two drainage areas with runoff contained in an earthen retention structure preceded by sediment basins in each area.



Secretary, Kansas Department of Health and Environment

August 25, 2015
Date

A. FACILITY DESCRIPTION

Existing Facility

The facility consists of 29.3 acres of open lots and associated areas for the confined feeding of 3,500 head (3,500 animal units) of cattle weighing greater than 700 pounds. There are two drainage areas.

West Area – The West Area consists of 12.4 acres of open lots. All runoff from this area is directed to the two sediment basins preceding the West Retention Structure (RS). The West RS measures approximately 638 ft. x 104.5 ft. x 11 ft. deep with 3:1 inside slopes and 8.16 acre-feet of useable storage capacity at the 2 ft. freeboard level.

East Area – The East Area consists of 16.9 acres of open lots, a commodity area south of the west row of open lots, and a mortality composting area directly east of the east sediment basin. Runoff from the East Area is directed to one of three sediment basins preceding the East Retention Structure.

Runoff from the west open lots flows east and runoff from the east open lots flows west to sediment basins preceding the East RS. Runoff from the mortality composting area is directed to the east sediment basin and runoff from the commodity area is directed to the sediment basin south of the East RS. The East RS measures approximately 710 ft. x 110 ft. x 10 ft. deep with 3:1 inside slopes and 9.06 acre-feet of useable storage capacity at the 2 ft. freeboard level.

B. OPERATION AND MAINTENANCE REQUIREMENTS

Table 1 – Operating Level Requirements

Controlled Drainage Area / Wastewater Retention Structure	Operating Level*	Dec. 1 st Operating Level*
West Area / West RS	7.5 feet	7.5 feet
East Area / East RS	8.0 feet	8.0 feet

*Operating level is shown in vertical feet below the lowest point of the top of berm.

The water level in the retention structure(s) shall be maintained at least the number of feet below the lowest point of the top of berm as shown in Table 1, above, (Operating Level) to insure structural stability and provide storage capacity for a two-week period plus precipitation induced flow from a 25-year, 24-hour storm event. Furthermore, on December 1st of each year, the retention structure(s) shall be at or below the levels required in Table 1, above, (Dec. 1st Operating Level) to provide additional storage for accumulations through the winter.

Whenever the available storage capacity is less than the required amount(s) specified in Table 1, dewatering shall be initiated and conducted on all days suitable for land application of waste until the required storage capacity is again available. Unless approved in advance by the Department, liquid livestock wastes shall not be land applied during a precipitation event, or when the ground is frozen, snow covered, or saturated.

Runoff and wastewater containing livestock or related wastes not collected or retained by the water pollution control facilities shall be controlled in a manner capable of preventing water pollution.

Solid Wastes

Open lots used on a continuous basis shall be cleaned of manure accumulations after each occupancy cycle or at least twice per year. Open lots used seasonally shall be cleaned of solid wastes after each use.

Sedimentation basin(s) shall be cleaned whenever solids accumulations exceed one half of the depth of the basin(s).

Retention structure(s) shall be cleaned whenever the solids accumulations infringe on the required operating level specified in Table 1. Removed solids shall be applied to agricultural land on days suitable for land application of waste.

Solids such as manure may be stockpiled temporarily (not to exceed six months). Stockpiles shall not create nuisance conditions and shall be located in areas not subject to uncontrolled runoff or leaching.

Land Application

The permittee shall have equipment available which has pumping capacity to dewater the wastewater retention structure(s) to the required operating level in ten days. The permittee shall also have the land application sites as specified in the "**Fields Summary**" table of the most recent KDHE approved narrative Nutrient Management Plan (NMP).

Solid livestock wastes may be applied to frozen ground provided that the waste is retained at the application site.

Unless the Concentrated Animal Feeding Operation (CAFO) exercises a KDHE approved compliance alternative, manure, litter, and process wastewater may not be applied closer than 100 feet to any downgradient surface waters; open tile line intake structures; sinkholes; agricultural, public, or private well heads; or other conduits to groundwater or surface waters of the State. As a compliance alternative, the CAFO may substitute the 100-foot setback with a permanent 35-foot wide vegetated buffer on which applications of manure, litter, or process wastewater are prohibited.

Livestock wastes shall be applied to land using rates and methods that prevent surface runoff of pollutants and/or leaching of pollutants into groundwater. Waste application rates shall be calculated using the methodology described in the "**Application Rates**" section and associated "**Conversions, Formulas and References for Waste Application Spreadsheet**" of the Nutrient Management Plan. Additionally, the application rates shall not exceed the application rate limitations listed in the "**Nutrient Loss Risk Summary**" table of the NMP. Wastes shall be applied to the crops with the expected yield goals and nutrient requirements as listed in the "**Crop Master List**" table in the Nutrient Management Plan.

Prior to the transferring of manure or process wastewater to another person, the permittee must provide the recipient the most current nutrient analysis of the waste. The analysis provided must be consistent with the requirements of 40 CFR part 412. The permittee must retain for five years records of the date, recipient name and address, and the approximate amount of waste transferred.

Mortality Management

Routine mortalities shall be handled by **composting or rendering**. The permittee shall not dispose of dead animals in any liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities. For catastrophic events, the permittee shall contact the Department for instructions.

C. STANDARD CONDITIONS

In addition to the requirements specified herein, the permittee shall comply with the attached Standard Conditions for all Animal Types and Related Agricultural Operations with NPDES Permits Except Swine dated May 6, 2010.

D. REPORTING AND RECORDKEEPING

1. Any significant operational changes, modifications, or capacity increases shall be reported and approved by the Department prior to implementation.
2. All overflows or discharges from the water pollution control structures, the land application sites, any water pollution incident, or any permit violation shall be reported to the Department by telephone at (785) 296-1679, immediately upon discovery [within two hours]. A written report shall be submitted to the Department within three days of the incident.
3. A written Operations Report shall be maintained on forms available from the Department. The wastewater level shall be recorded for all retention structures once per week. Whenever the water level infringes on the required operating level or the required storage capacity is not available in any retention structure, the available storage depth shall be recorded daily until the required storage capacity is again available.
4. The Operations Report shall be retained on-site or at a central records location and made available upon request by the KDHE or EPA inspector to verify proper management of pollution controls. The Report shall be kept on file at the facility or at a central records location for a period of five calendar years plus the current calendar year. The Report need not be submitted to KDHE unless so requested.
5. Soil sampling and analysis shall be conducted on soils from fields as indicated in the KDHE approved Nutrient Management Plan.

E. SCHEDULE OF COMPLIANCE

Permeability Test of Retention Structures / Sediment Basins

Permeability tests shall be conducted anytime a retention structure is altered by cleanout and/or reconstruction or anytime there is damage to the liner. Permeability tests shall be conducted on a sediment basin anytime it is altered by cleanout and/or reconstruction or anytime there is damage to the liner, or submit a plan to completely dewater the sediment basins within 10 days.

Prior to conducting permeability testing the permittee shall contact the Department for a description of the acceptable methods. Results of the permeability test shall be submitted to the Department within 30 days of completing the test. Should any structure not meet the permeability requirements, additional sealing will be required.

**STANDARD CONDITIONS FOR
KANSAS WATER POLLUTION CONTROL PERMITS FOR AGRICULTURAL AND RELATED WASTES AND
AUTHORIZATIONS TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
for all Animal Types and Related Agricultural Operations with NPDES Permits Except Swine**

1. Definitions:

- A. A "grab sample" is an individual sample collected at one time.
- B. A "composite sample" is a combination of individual samples collected over time.
- C. The terms "Director", "Division", and "Department or KDHE" refer to the Director of the Division of Environment in the Kansas Department of Health and Environment, respectively.
- D. "Severe property damage" means substantial physical damage to the animal waste management system reasonably expected to cause it to become inoperable in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- E. "Bypass" means the diversion of any process waste streams from any portion of the animal waste management system.
- F. "Process wastes" means any of the following:
 - i. excrement from animals, animal carcasses, and wastewater;
 - ii. precipitation that comes into contact with any manure, litter, bedding, or other raw, intermediate, or final material or product used in or resulting from the production of animals or direct products, including meat, milk, and eggs;
 - iii. spillage or overflow from animal or poultry watering systems;
 - iv. wastes from washing, cleaning, or flushing pens, barns, manure pits, equipment, trucks, trailers, milking parlors, milking equipment, and other associated animal facilities;
 - v. wastes from washing animals or spraying of animals for cooling;
 - vi. wastes from dust control;
 - vii. boiler blowdown and water softener regenerate wastes;
 - viii. precipitation runoff from confinement, loading, and unloading areas;
 - ix. spillage of feed, molasses, animal wastes, and any other process wastes described herein;
 - x. discharges from land application fields that occur during application;
 - xi. precipitation runoff from land application fields, if liquid or concentrated liquid wastes are applied during frozen, snow-covered, or saturated soil conditions without approval by the department;
 - xii. raw, intermediate, or finished materials associated with wastes or contaminated stormwater runoff from animal waste or dead animal composting operations;
 - xiii. silo liquors; or
 - xiv. flows or runoff from waste storage areas.

Process wastes do not include animal wastes spilled by trucks transporting livestock on city, township, county, state, or federal streets, roads, or highways.

- G. "Nutrient management plan" means a written document that identifies the practices and procedures that the operator of a confined feeding facility uses to operate and maintain the animal waste management system and to manage the handling, storage, utilization and disposal of wastes generated by the facility that is approved by the Department or any approved amendments thereto.
2. Animal waste management systems shall be designed, constructed, maintained and operated to prevent the pollution of waters of the state and to protect public health and the environment.
3. Neither the approval of construction plans, specifications, Nutrient Management Plan, or any other plan, nor the issuance of a permit or certification by the Department shall prohibit the Department from taking any enforcement action if the animal waste management system fails to protect the waters of the State, meet any specified effluent criteria, or comply with State Surface Water Quality Standards. In addition, this approval, permit issuance, or certification shall not constitute a defense by the permittee regarding violation of any statute, regulation, permit condition, or requirement.

4. Representative Sampling and Reporting:

- A. Samples and measurements taken as required in this permit shall be representative of the physical and chemical nature of the monitored material. All samples and measurements shall be taken at the locations designated in the permit, and unless specified otherwise, at locations before the material being sampled joins, mixes with or is diluted by any other material.
- B. Monitoring, testing and reporting requirements shall be recorded and reported on forms acceptable to the Department. Signed copies of the reports, prepared in accordance with K.A.R. 28-16-59, shall be submitted unless otherwise specified in the permit, to:

Kansas Department of Health & Environment
Bureau of Water-Livestock Waste Management Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

- 5. Soil Sampling Protocol: The permittee shall follow the soil sampling protocol outlined in the most recently approved Nutrient Management Plan.
- 6. Test Procedures: All analysis required by this permit shall conform to the requirements of the most recently approved Nutrient Management Plan unless otherwise designated. Testing shall be conducted in a laboratory certified or otherwise accepted by the Department. For each measurement or sample, the permittee shall use Appendix A of the Kansas Technical Standards for Nutrient Management – Revised 2010 to record the place, date, and time of sampling/measurement as appropriate. The laboratory report shall include the date of the analysis, the analytical techniques or methods used, the name of the individual(s) who performed the analysis, and the results. If the permittee monitors any material or takes any measurement at the location(s) designated in this permit more frequently than required by this permit, using approved procedures, the results shall be included in the report form required in paragraph 4B above. Such increased frequencies shall also be indicated.
- 7. Records Retention: A copy of all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation shall be retained on-site or at a central records location for a minimum of five calendar years or longer if requested by the Director of the Division of Environment.
- 8. Availability of Permit and Permit Records/Falsification of Data: The permittee shall retain a copy of the current permit issued by the Department and approved plans at the facility's site office or such other site as approved by KDHE. Nutrient Management Plans, construction plans, specifications, sample test results and other plans are not confidential material unless specifically so designated by KDHE pursuant to Federal and State law. Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of civil and/or criminal penalties as provided for in Federal and State law.
- 9. Change in Operations: Any significant anticipated change in operations shall be reported to the Division at least one hundred eighty (180) days before such change occurs. A significant change in operations means any of the following: (1) expansion or enlargement of a facility beyond the scope or boundaries established by registration, permit, certification, or approved plans and specifications; (2) any increase in the animal unit capacity beyond that authorized by a permit or certification; or (3) a change in construction or operation of a confined feeding facility that may affect the collecting, storage, handling, treatment, utilization, or disposal of animal or other process wastes. Minor changes shall be submitted to the Department for review and approval prior to construction, implementation or use.

Notification to and approval by the Director is required prior to a significant change in disposal method, a change in the method of treatment which would significantly alter the characteristics of

the process waste, discharging to a disposal area other than the existing approved area, or other circumstances which result in a change in character, amount or location of process waste disposal or re-use.

The permittee shall provide the Department a new application and supporting documentation for any change which will result in a modification or an expanded capacity of the facility or operation.

10. Facilities Operation: The permittee shall, at all times, properly operate and maintain the animal waste management system and any related appurtenances that are installed or utilized by the permittee to achieve compliance with Kansas law and the conditions of the permit. The permittee shall operate the facility in a manner to prevent any discharge that is in violation of the permit or that has a potential to adversely affect human health or the environment. When necessary to maintain compliance with the permit conditions, the permittee shall stop or reduce those activities under its control, which generate process wastes routed to the animal waste management system.

11. Immediate Reporting Required:

A. Any emergency or accidental discharge, overflow, or unplanned release of animal or other process wastes, any water pollution incident, or any permit violation shall be reported to the Department by telephone at (785) 296-1679 within two hours of discovery. A written report explaining the cause of the incident and what actions the permittee has taken, or will take to prevent recurrence shall be submitted to the Department at the address provided in paragraph 4B within three days of the incident.

B. Any discharge from, or bypass of any part of the animal waste management system not in compliance with this permit is prohibited except: where no feasible alternatives to the bypass exists and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive stormwater inflow or infiltration would damage any part of the animal waste management system necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass or discharge. The Director or Director's designee may approve a bypass or discharge, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall report such discharges or bypasses pursuant to paragraph A above.

12. Right of Entry and Bio-Security: The permittee shall allow authorized representatives of KDHE and the Environmental Protection Agency (EPA) to enter upon the permitted premises to inspect the animal waste management system, and at reasonable times, to have access to and copy any records required by this permit, to review any practices required by this permit, and to sample any influents to, discharges from or materials in the animal waste management system or land application field. Any permittee that develops or modifies bio-security protocols and requests KDHE or EPA conformance with the protocols shall submit a copy of the protocols to the Department. Upon request of the permittee, KDHE or EPA officials shall present their credentials to the permittee.

The permittee shall provide all necessary specialized equipment, clothing, etc. to enable the Department and EPA inspectors to enter the facility for inspection. Bio-security protocols shall not inhibit reasonable access by any Department or EPA inspector.

13. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of or violation of federal, state or local laws or regulations.

14. Permit Modifications and Terminations: As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended, revoked or terminated in

whole or in part during its term for cause as provided, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required by this permit.

15. **Voiding of Plan Approval:** Failure to initiate the KDHE approved construction or expansion within two years and to complete the approved construction or expansion within three years after the effective date of the permit shall void the secretary's approval of the construction plans, specifications, and other associated plans. If phased construction is proposed, the initiation and completion of construction shall conform to the schedule stipulated by the secretary.

If the approval becomes void, the permit shall remain in effect for the term of the permit, but the operator shall resubmit the construction plans, specifications, and other associated plans to the secretary for review and consideration for approval before initiating the construction or expansion of the facility.
16. **Severability:** The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the remainder of the permit shall not be affected thereby.
17. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit and shall provide the Department a copy of an agreement indicating the date when the transfer of permit responsibility, coverage and liability will take place. The permit is not transferable to any person except after notice to and submission of appropriate documentation and approval by the Director. The existing permit remains in effect until the Department reissues the permit. The Director may require modification or revocation and reissuance of the permit to update the permit to comply with current Federal and State requirements.
18. **Change in Permittee Address/Telephone No.:** The permittee shall notify the Department within 60 days of any changes in mailing address or telephone number regarding the facility or the designated facility contact.
19. **Retention Structure Wastewater, Liquid Process Waste Level Monitoring:** A permanent water level measurement device (such as a staff gauge) shall be installed and maintained in each retention structure used as the basis for determining appropriate storage capacity. The device shall be marked in increments of feet and shall be readable to the nearest $\frac{1}{2}$ foot.
20. **Irrigation Practices:** Irrigation practices shall be managed to minimize pooling of animal or other process wastes at the land application site and to ensure that animal or other process wastes are not discharged from the waste application sites.
21. **Removed Substances:** Solids, sludge, or other process wastes removed from the animal waste management system shall be disposed of or re-used in a manner acceptable to the Department.
22. **Transport of Animal or Process Wastes:** The permittee shall haul or transport animal or process wastes to land application sites in a manner that prevents loss or spillage during transport.
23. **Cease Operations/Removal from Service:** The permittee shall notify the Department of plans to cease operations of, close, or abandon the facility, and shall maintain and comply with the permit until the Department approves the closure of the facility. The permittee shall inform the Department prior to removing from service any part of the animal waste management system that would affect compliance with the permit. The permittee shall make arrangements acceptable to the Department to decommission any portion of the animal waste management system being permanently removed from service such that the public health and waters of the state are

protected.

24. **Retention Structure Liners:** The permittee shall install and maintain the liner to comply with K.A.R. 28-18-1 *et seq.* When soil liners are utilized, no trees or other deep-rooted vegetation shall be allowed to grow within 100 feet of the liner. Any mechanical or structural damage to the liner shall be reported to the Department within two workdays of identification and shall be repaired in a time frame approved by the Department.
25. **Permeability Tests:** The permittee shall conduct permeability tests using methods acceptable to the Department. For a description of the acceptable methods, the permittee may contact KDHE at the address in paragraph 4B. Permeability tests shall be conducted anytime the retention structure is altered by cleanout and/or reconstruction or anytime there is damage to the liner. Results of the permeability test shall be submitted to the Department within 30 days of completing the test. Should any structure not meet the permeability requirements, additional sealing will be required.
26. **Annual Permit Fee:** Each permittee shall submit the appropriate annual permit fee according to the schedule of fees provided in K.A.R. 28-16-56d. The Department will bill the permittee annually. Failure to pay the annual permit fee shall result in revocation of the permit.
27. **Duty to Reapply:** A permittee wishing to continue any activity regulated by this permit after the expiration date of this permit must apply for a new permit at least 180 days prior to expiration of the permit.
28. **Stocking of New/Expanded Facility:** The permittee shall not stock a new facility or the expanded portion of an existing facility nor place in use any animal waste management system until after the construction or expansion of the facility, including the animal waste management system, is completed, the Department has reviewed and approved any requested construction certifications, and the new or modified permit is issued or re-issued by the Department.
29. **Nutrient Management Plan:** Updates to the Nutrient Management Plan shall be provided to the Department prior to any significant change to the facility or plan. All updates shall be developed in accordance with the Kansas Technical Standards for Nutrient Management – Revised 2010. The permittee shall notify the Department prior to implementing any changes to the approved plan.
30. **Chemical Use and Disposal:** Chemicals should be disposed of in accordance with manufacturer recommendations. Chemicals shall not be disposed of in the pollution control system unless specifically authorized in writing by the Department.
31. **Annual Report:** The permittee shall provide, on forms available from or acceptable to the Department, an annual report on the process wastes generated and disposed/re-used for the facility. The completed and signed report shall be submitted to the Department by February 28th of each year for the previous calendar year.
32. **Diversion of Clean Water:** To the extent possible, the permittee shall divert clean water away from manure, litter, process wastewater, feed, byproducts and other potential sources of contaminants in the production area. All runoff that is not diverted from the production area must be collected in accordance with the effluent limitations and conditions of this permit.
33. **Prevent Direct Contact of Animals with Waters of the U.S.:** The permittee shall maintain all structures necessary to prevent direct contact of animals with waters of the U.S. which may pass over, across, through or adjacent to the production area.
34. **Additional Information and Contacts:** Additional information and KDHE contacts can be found on the KDHE-Livestock Waste Management Section's web page at www.kdheks.gov/feedlots.