

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
tmedley@kdheks.gov
www.kdheks.gov/feedlots

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

November 25, 2014

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

RECEIVED

DEC 02 2015

KDHE-SALINA

Re: Kansas Water Pollution Control Permit No. A-SHDK-B020

Dear Mr. Walker:

This is to inform you that there has been a revision to your Kansas Water Pollution Control Permit for Agricultural and Related Wastes. The revised portion is on page 1, the Secretary of Kansas Department of Health and Environment's signature had been left off and the effective date has been changed. Your newly issued permit is enclosed.

ATTENTION: We strongly recommend that you carefully read 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-B020**

KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165,

Permittee: **Harvey Walker**
Permittee's Address: **612 Lark Road
Hope, Kansas 67451**
Facility Name: **Walker Feedlot, Inc.**
Facility Location: **S ½, Section 33, Township 15S, Range 3E
Dickinson County, Kansas**
River Basin: **Smoky Hill River Basin**

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

This permit is effective November 25, 2015, supersedes the previously issued water pollution control permit A-SHDK-B020, and expires December 28, 2019.

Facility Summary

This existing facility has a maximum capacity of 950 head (950 animal units) of cattle more than 700 pounds. The facility consists of open dirt lots, one sedimentation basin, one solids settling bench, and one grass filter strip.

Secretary, Kansas Department of Health and Environment

November 25, 2015
Date

A. FACILITY DESCRIPTION

Existing Facility

This facility consists of 4 open dirt lots used for confined cattle feeding.

Surface drainage from a total of approximately 5.74 acres first enters a sedimentation basin which provides 71,000 cubic feet of storage. Wastewater overflow is dispersed onto a brome settling bench approximately 240 feet x 1000 feet in size, which then releases wastewater onto a designed grass filter strip approximately 2800 feet x 180 feet in size.

B. OPERATION AND MAINTENANCE REQUIREMENTS

The sedimentation basin shall be operated to contain the runoff from the 2 year, one hour storm and to manage the runoff from a 25-year, 24-hour storm event without overflow or damage to the wastewater settling basin. The discharge piping and grass filter system shall be maintained to ensure the detention time in the wastewater-settling basin is at least 15 hours. However, the basin shall be fully dewatered within 48 hours of the conclusion of each precipitation event.

Solid livestock wastes may be applied to frozen ground provided that the waste is retained on the application site. Solids such as manure may be stockpiled temporarily (not to exceed six months). The stockpiles shall be located in areas not subject to uncontrolled runoff or leaching.

Unless the Confined Feeding Facility (CFF) exercises a KDHE approved compliance alternative, manure, litter, and process wastewater may not be applied closer than 100 feet to any downgradient surface water, open tile line intake structure, sinkhole, agricultural well head, or other conduits to surface water or groundwater. As a compliance alternative, the CFF may substitute the 100-foot setback with a permanent 35-foot wide vegetative 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 shall not exceed agronomic rates.

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.

Removal of Solid Wastes Accumulations

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 manure after each use.

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

C. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions for all animal types and related agricultural operations less than 1000 animal units dated January 24, 2008.

D. REPORTING AND RECORDKEEPING

1. Any significant operational changes, modifications, or capacity increases shall be reported and approved by this agency prior to implementation.
2. All overflows or discharges from the water pollution control structures, the land application sites, any water pollution incident, or other 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. Information recorded shall include but not be limited to: a) daily precipitation amounts, b) for each day waste is applied; soil condition (frozen/thawed, etc.), quantity of waste applied, application area, and vegetation (crop) on the application area, and c) available storage depth in all retention structures on the 1st, and 15th day of each month (or if desired, the permittee may record the available storage depth 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 and made available upon request by the KDHE inspector to verify proper management of pollution controls. The Report shall be kept on file at the facility 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: Waste Application Areas
Soil sampling and analysis shall be conducted on soils from fields determined by the Department to be located in a sensitive groundwater area and which have received manure or wastewater within the five (5) year permit cycle. The Department has indicated in the approved Waste Management Plan, if a field designated for solids and/or liquids disposal is in a sensitive groundwater area. Therefore, if manure or wastewater is applied to fields in these areas, soil sampling and analysis shall be completed on the field(s) waste is applied to, at least once during the permit cycle. Soil test results shall be sent to the Department within 30 days of receipt of the test results.
6. Soil sampling and analysis: Filter Strips
Soil sampling and analysis shall be conducted on soils from the grass filter area at least once per year. Soil sampling procedures and soil nutrient analysis procedures are described in the Standard Conditions. These soil test results shall be sent to the Department within 30 days of receipt of the test results

E. SCHEDULE OF COMPLIANCE

None

**STANDARD CONDITIONS FOR
KANSAS WATER POLLUTION CONTROL PERMITS FOR AGRICULTURAL AND RELATED WASTES
for all Animal Types and Related Agricultural Operations less than 1000 Animal Units**

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, wastewater, and animal carcasses;
 - 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.

- 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, Waste 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 (applies only if required in the permit):
 - 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: For each land application site (field) to be sampled, soil samples shall be collected from areas representative of the soil types and nutrient application activities. A representative number of cores shall be collected from each field. Each core shall be taken to a depth of 24 inches. Two composite samples for each field shall be made from the cores collected. One composite sample shall consist of the top six inches of the cores from the field and shall be tested for nitrate (as N), phosphorus (Bray-1, Mehlich III or Olsen P test), pH, electrical conductivity and other parameters as specified in the permit. The other composite sample shall be made from the remaining six to 24 inches of the cores from the field and shall be tested for nitrate (as N) and other parameters as specified in the permit. Soil test results shall be sent to the address shown in paragraph 4B above and submitted pursuant to the requirements of the permit.
6. Test Procedures: All analysis required by this permit shall conform to the requirements of 40 CFR Part 136 and the North Central Regional Research Publication No. 221, "Recommended Chemical Soil Test Procedures for the North Central Region" 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 record the exact 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 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. 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 criminal penalties as provided for in 33 USC Section 1319 and K.S.A. 65-170c.
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 different from the existing approved area, or other circumstances which result in a change in character, amount or location of process waste disposal or re-use.

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

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 the Division of Environment 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. Any permittee that develops or modifies bio-security protocols and requests KDHE 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. However, the presentation of credentials shall not be a basis to deny entry to the permitted facility.

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 this permit requires to be kept.

15. **Void of Plan Approval:** Failure to initiate the 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 approval by the Director. The existing permit remains in effect until the Department authorizes the transfer by letter or 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 (applies only if required in the permit):** 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 ½ foot.
20. **Irrigation Practices:** Irrigation practices shall be managed to minimize pooling of animal or other process wastes at the land application site. Irrigation practices shall be managed 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 Division.
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:** Each 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 Division 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 Division 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. Waste Management Plan: The permittee shall comply with the most current KDHE approved Waste Management Plan. The permittee shall amend this plan whenever warranted by changes in the operation of the facility.
30. Chemical Disposal: Chemicals shall not be disposed of in the pollution control system unless specifically authorized in writing by the Department.
31. Additional Information and Contacts: Additional information and KDHE contacts can be found on the KDHE-Livestock Waste Management Section's web page at www.kdhe.state.ks.us/feedlots.