Approved: 3-7-95
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 17, 1995, in Room 423-S of the Capitol.

All members were present except: Representative Ballou - Excused
Representative Lloyd - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:
Representative Dennis McKinney
Karl W. Mueldener, Director, Bureau of Water, Department of Health and Environment
Rudy Pouch, Osage County Commissioner
David M. Becker, Manager of Legal Affairs, Seaboard Corporation
L. D. McCormick, Lebo, Osage County
John Estes, Paola, Miami County
Roy Henry, President, Kansas Pork Producers Council
Vincent Miller, Melvern Lake Marina, Melvern, Osage County
Wanda Adams, Executive Director, Concerned Citizens for Clean Air and Water in Meade County
Glenn Ringler, Sylvan Grove, Lincoln County
Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association
Ivan W. Wyatt, President, Kansas Farmers Union
Ernest Huddleston, Arvonia, Osage County
Warren Bowker, Richfield, Morton County
Randy Chenowith, Public Wholesale Water Supply District 12, Osage County
Bill Craven, Kansas Natural Resource Council and Sierra Club
Thomas C. Stiles, Assistant Director, Kansas Water Office
Jim Reardon, Director of Legal Services, Kansas Association of Counties

Others attending: See attached list

Chairperson Flower opened the hearing on **HB 2255**. Because of the large number of conferees and limited time, she alternated proponents and opponents limiting conferees to three minutes each.

Hearing on HB 2255 - Approval of feedlot location by county commission required before issuance of permit by KDHE

Jill Wolters, Revisor of Statutes, provided copies of K.S.A. 65-171d that was amended last year to define an animal unit. She asked the committee to keep in mind that all animals are not equal as they consider this legislation. (Attachment 1)

Representative Dennis McKinney, who had asked the Energy and Natural Resources Committee to introduce this bill, explained why he had proposed **HB 2255**. He felt that land use decisions should be made at the local level. Feedlot locations relate to zoning, not environmental protection. The role of the Kansas Department of Health and Environment is to evaluate the environmental protection plan of the proposed facility. Feedlot location should be a local decision. (Attachment 2)

Karl W. Mueldener, Director, Bureau of Water, Department of Health and Environment, appeared in support of **HB 2255**. The department encourages local decisions, especially with site location of permitted facilities. All of their controversial permits involve site location issues. KDHE reviews a proposed livestock operation for protection of groundwater, runoff controls, compliance with statutory separation distances, and the

facility's design with respect to standard engineering and agricultural practices. KDHE often is confronted with site location concerns that are outside of its authority. This bill does not change KDHE's environmental responsibilities, but allows the county to address the issue of local land use. (Attachment3)

Rudy Pouch, Commissioner 3rd District, Osage County Board of County Commissioners, appeared as a proponent of **HB 2255**. He explained a current application pending before KDHE in Osage County where the applicant never applied for or was granted any permits by the County Board of Zoning or the Land Use Coordinator. He felt local issues should be settled before KDHE accepts an application. (Attachment4)

David M.Becker, Manager of Legal Affairs, Seaboard Corporation, appeared in opposition to **HB 2255**. Seaboard does not believe requiring approval by county commissioners on applications for permits for confined feeding facilities is advisable. County commissions already have the power to enact county zoning requirements and permits before construction can begin. He felt this prerogative should be with the various county commissions, not mandated upon them. (Attachment5)

L. D. McCormick, Lebo, Osage County, presented testimony prepared by William D. Allen, Certified Health Physicist, Lebo, in support of **HB 2255**. This testimony also had the signatures of twenty-three citizens in the Lebo area. They support the requirement that all approvals required by the county be obtained prior to issuance of state permits for confined feeding facilities. He related an instance in their area where a neighbor expanded a feeding facility under the "grandfather clause" in the statutes. Laws must be sensitive to the people they affect and provide for the protection of the environment and he felt this could best be done at the local level. (Attachment 6)

John Estes, Paola, Miami County, appeared in support of **HB 2255**. He felt the county commission was the level of government in the best position to determine if a confined feeding facility was properly located. While new high technology feed lots promise stringent pollution control, he was concerned with aging facilities. He stated that according to the Federal Environmental Protection Agency, Kansas and Louisiana lead the nation in polluted streams and waterways. KDHE attributes this problem to feedlot locations in the state. Attached to his testimony is a copy of a letter from the Kansas Department of Wildlife and Parks to KDHE concerning a proposed feedlot to be located near Melvern Reservoir. (Attachment7)

Roy Henry, President of the Kansas Pork Producers Council, appeared in opposition to **HB 2255**. Their industry has changed rapidly in the last few years. To remain competitive, producers need to utilize the latest technology when building new facilities. The Kansas Pork Producers Council believes the scientific-based determinations of KDHE personnel, along with the public input process, is sufficient to protect our state's resources. To require county commissioners with very limited technical experience to approve or disapprove a specific site is forcing them to make a determination based on emotion rather than scientific data. (Attachment 8)

Vincent Miller, co-owner of Melvern Lake Marina, Osage County, supported county commissioner approval as stated in **HB 2255**. Feedlots can have a major impact on communities. Property values can drop drastically and, as in the Melvern area, tourism can be affected. He, also, related the pending case in the Melvern area where the applicant went straight to the state, bypassing county permits. This has resulted in a state hearing, a county-wide petition, and numerous letters and calls to state and federal officials. This has wasted government time and money on a decision that should have been made at the local level months ago. (Attachment 9)

Wanda Adams, Plains, testified in favor of **HB 2255** on behalf of the Concerned Citizens for Clean Air and Water in Meade County, Inc. She felt that by allowing the county commissioners to approve the location of a confined feeding facility would inject human interest and judgement into the current law. Local control would be a step in the right direction. She related her experience with large scale swine confinement facilities in western Kansas. She felt county commissioners of the individual counties were in a better position to determine local impact of the confinement facilities and determine whether they should be permitted or not. (Attachment 10)

Glenn Ringler, Jr., Sylvan Grove, Lincoln County, supported **HB 2255**. A feedlot was built within 50 feet of a home his family owned, even though the law states that it must be at least 1320 feet from the nearest residence. He has been in litigation for several years on this issue. A copy of a Wichita Eagle article explaining his problem is attached to his testimony. He felt that if county commission approval had been sought prior to issuance of a permit by KDHE, the separation distance would have been noticed. He believed **HB 2255** would allow for checks and balances between state and local governments. (Attachment 11)

Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association, expressed some concerns and questions regarding **HB 2255**. While KLA appreciated the intent of this bill, they were not confident

that it would accomplish its goal. If county commissioners were to approve a feedlot location, how long would that approval remain valid? Building a feedlot can be a long-term project. What about citizens that have already purchased land for construction of a feedlot, or possibly have a permit application pending? Would these proposed sites become subject to this legislation? He attached copies of the many state permits, licenses, and reports that feed yard operators must be in compliance with. He did not include the numerous federal regulations that are required. Understandably, feedlot operators are not anxious to have more requirements thrust upon them. (Attachment 12)

Ivan W. Wyatt, President, Kansas Farmers Union, appeared in support of **HB 2255**. He felt this bill provided a needed safeguard for rural families and communities to protect themselves from the loss of value and use of their property, and to assure a continuing quality of life for themselves and their families in future years. (Attachment 13)

Ernest Huddleston, Arvonia, Osage County, strongly supported **HB 2255**. He, also, related problems with the proposed feedlot near Melvern Lake. Among his concerns if this feedlot is built are the health of his wife and himself, devaluation of their property and elimination of their business, and their retirement financial future. He felt the county commission would be more concerned with the safety of their lake, which provides tourism, public drinking water, and opportunities for small businesses that benefit Osage County. (Attachment 14)

Warren Bowker, Richfield, Morton County, appeared in support of **HB 2255**. It was his opinion that if something isn't done, Kansas will have the same problems as Colorado. He provided copies of a letter to a confinement facility operator in Colorado from a District Engineer for the Director of the Water Quality Control Division, Colorado Department of Public Health and Environment. (Attachment 15)

Randy Chenowith, Public Wholesale Water Supply District 12, Osage County, appeared as a proponent of **HB 2255**. His water district includes ten cities and rural water districts in the Melvern area. He expressed concern about the proposed feedlot in the Melvern area and the future water supply.

Bill Craven, representing the Kansas Natural Resource Council and Sierra Club, testified in support of **HB 2255**. He felt two laws contributed to this problem: 1) the grandfather clause in SB 800 that has been exploited by several operators; and 2) passage of the corporate farming bill. **HB 2255** would provide citizens with a chance to express themselves. KDHE can't possibly have the same degree of familiarity with local conditions as do county commissioners. He felt this was an opportunity to provide greater local input into various state mandates regarding the site location of feedlots. (Attachment 16)

Thomas C. Stiles, Assistant Director for the Kansas Water Office, stated that their agency supported the concepts contained in **HB 2255**. Empowerment for local levels of government to coordinate decisions for water quality protection is currently promoted through preliminary drafts of the Kansas Water Plan to be released in March. Authority of county commissioners to approve the site location of confined feeding facilities as part of the permitting process is closely aligned with that concept. The Kansas Water Authority looked into the site location of feedlot facilities as part of the Kansas Water Plan, but chose to defer this issue to local units of government. The Kansas Water Plan emphasizes enhanced local participation in water management, including water quality protection. (Attachment 17)

Jim Reardon, Director of Legal Services, Kansas Association of Counties, appeared in support of **HB 2255**. As the Kansas Association of Counties believe in home rule by the counties, they support county commission approval of confined feeding facility locations prior to KDHE approval. Many affected property owners do not feel state and federal environmental controls go far enough in addressing the realities associated with confined feedlots. Health and welfare issues--airborne contaminants, flies, stench, odors, and vermin--are concerns of the local community. Quality of life issues are community issues and local governments should be involved in these decisions. (Attachment 18)

This concluded the hearing on **HB 2255**.

The meeting adjourned at 9:55 a.m. The next meeting is scheduled for February 20, 1995.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 17, 1995

NAME	REPRESENTING
Rich McKee	KS Livestock Assoc.
Harold Rubin	Meade Co. Commission
Ivan W. Wyatt	Ks Farmers Union
Don Regier	Just here
Roy Henry	KPPC
Tim Stoda	KPPC
John Estes	Citizen from Miami County
Karl Muelderer	KDHE
O.E. Hover	Farmer North Mineola Lake
David Johnson	Pratt Leadership 2000
Dean Fitzsimmons	Pratt Leadership 2000 & Farmer/Rancher
Mary Funk	Ks. Rural Center
Jim Allen	Seaboard
Dave Becker	Seaboard Corp
Rudy Couch	Board Co. Comm. Osage Co.
Eggie Waddleton	Lebo. Ks.
Glenn P. Quigley Jr.	Sylvan Grove KS
Cheryl McCormick	Lebo KS
L.D. McCormick	Lebo KS.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 17, 1995

NAME	REPRESENTING
Mark A. Zielsdorf	Osage Co. Land Use Office
Bill Craven	KIURC / Sierra Club
Tom Stiles	KWO
Bill Fuller	Kansas Farm Bureau
Pat Casey	KDHE
Wanda Adams	Concerned Citizens for Clean Air and Water in Meade Co., Inc

(1) Any confined feeding facility with an animal unit capacity of 300 to 999 if the secretary determines that the facility has significant water pollution potential; and

(2) any confined feeding facility with an animal unit capacity of 1,000 or more.

(d) At no time shall the annual permit fee for a confined feeding facility exceed:

(1) $25 for facilities with an animal unit capacity of not more than 999;

(2) $100 for facilities with an animal unit capacity of 1,000 to 4,999;

(3) $200 for facilities with an animal unit capacity of 5,000 to 9,999; or

(4) $400 for facilities with an animal unit capacity of 10,000 or more.

(e) The secretary of health and environment shall remit all moneys received from the fees established pursuant to this act to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

(f) Any confined feeding facility with an animal unit capacity of less than 300 may be required to obtain a permit from the secretary if the secretary determines that such facility has significant water pollution potential.

(g) Any confined feeding facility not otherwise required to obtain a permit or certification may obtain a permit or certification from the secretary. Any such facility obtaining a permit shall pay an annual permit fee of not more than $25.

History: L. 1973, ch. 255, § 1; L. 1974, ch. 352, § 28; L. 1984, ch. 222, § 1; L. 1994, ch. 213, § 2; July 1.

65-171d. Prevention of water pollution; standards; permits; exemption; orders; hearings; appeals; fees; right of ingress and egress; registration of new construction; separation distances established. (a) For the purpose of preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state, and to protect beneficial uses of the waters of the state and to require the treatment of sewage predicated upon technologically based effluent limitations, the secretary of health and environment shall make such rules and regulations, including registration of potential sources of pollution, as may in the secretary's judgment be necessary to: (1) Clean up pollution resulting from oil and gas activities regulated by the state corporation commission; (2) protect the soil and waters of the state from pollution resulting from (A) oil and gas activities not regulated by the state corporation commission or (B) underground storage reservoirs of hydrocarbons, natural gas and liquid petroleum gas; (3) control the disposal, discharge or escape of sewage as defined in K.S.A. 65-164 and amendments thereto, by or from municipalities, corporations, companies, institutions, state agencies, federal agencies or individuals and any plants, works or facilities owned or operated, or both, by them; and (4) establish water quality standards for the waters of the state to protect their beneficial uses.

(b) The secretary of health and environment may adopt by reference any regulation relating to water quality and effluent standards promulgated by the federal government pursuant to the provisions of the federal clean water act and amendments thereto, as in effect on January 1, 1989, which the secretary is otherwise authorized by law to adopt.

(c) For the purposes of this act, including K.S.A. 65-161 through 65-171h and amendments thereto, and rules and regulations adopted pursuant thereto: (1) "Pollution" means: (A) Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to the plant, animal or aquatic life of the state or to other designated beneficial uses; or (B) such discharge as will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.

(2) "Confined feeding facility" means any lot, pen, pool or pond: (A) Which is used for the confined feeding of animals or fowl for food, fur or pleasure purposes; (B) which is not normally used for raising crops; and (C) in which no vegetation ~~intended for~~ animal food is growing.

(3) "Animal unit" means a unit of measurement ~~calculated by~~ adding the following numbers: The number of beef cattle weighing more than 700 pounds multiplied by 1.0; plus the number of cattle weighing less than 700 pounds multiplied by 0.5; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of sheep or lambs multiplied by 0.1; plus the number of horses multiplied by 2.0; plus the number of turkeys multiplied by 0.018;

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plus the number of laying hens or broilers, if the facility has continuous overflow watering, multiplied by 0.01; plus the number of laying hens or broilers, if the facility has a liquid manure system, multiplied by 0.033; plus the number of ducks multiplied by 0.2. However, each head of cattle will be counted as one full animal unit for the purpose of determining the need for a federal permit.

(4) "Animal unit capacity" means the maximum number of animal units which a confined feeding facility is designed to accommodate at any one time.

(5) "Habitable structure" means any of the following structures which is occupied or maintained in a condition which may be occupied: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.

(d) In adopting rules and regulations, the secretary of health and environment, taking into account the varying conditions that are probable for each source of sewage and its possible place of disposal, discharge or escape, may provide for varying the control measures required in each case to those the secretary finds to be necessary to prevent pollution. If a freshwater reservoir or farm pond is privately owned and where complete ownership of land bordering the reservoir is under common private ownership, such freshwater reservoir or farm pond shall be exempt from water quality standards except as it relates to water discharge or seepage from the reservoir to waters of the state, either surface or groundwater, or as it relates to the public health of persons using the reservoir or pond or waters therefrom.

(e) (1) Whenever the secretary of health and environment or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from oil and gas activities not regulated by the state corporation commission or from underground storage reservoirs of hydrocarbons, natural gas and liquid petroleum gas or that storage or disposal of salt water or oil not regulated by the state corporation commission or refuse in any surface pond is causing or is likely to cause pollution of soil or waters of the state, the secretary or the secretary's duly authorized agents shall issue an order prohibiting such activity, underground storage reservoir or surface pond. Any person aggrieved by such order may within 15 days of service of the order request in writing a hearing on the order.

(2) Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(3) Any action of the secretary pursuant to this subsection is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(f) The secretary may adopt rules and regulations establishing fees for the following services:

(1) Plan approval, monitoring and inspecting underground or buried petroleum products storage tanks, for which the annual fee shall not exceed $5 for each tank in place;

(2) permitting, monitoring and inspecting salt solution mining operators, for which the annual fee shall not exceed $1,950 per company; and

(3) permitting, monitoring and inspecting hydrocarbon storage wells and well systems, for which the annual fee shall not exceed $1,875 per company.

(g) Agents of the secretary shall have the right of ingress and egress upon any lands to clean up pollution resulting from oil and gas activities. Such agents shall have the power to occupy such land if necessary to investigate and clean up such pollution. Any agent entering upon any land to conduct cleanup activities shall not be liable for any damages necessarily resulting therefrom except damages to growing crops, livestock or improvements on the land.

(h) Prior to any new construction of a confined feeding facility with an animal unit capacity of 300 to 999, such facility shall register with the secretary of health and environment. Facilities with less than 300 animal units may register with the secretary. Any such registration shall be accompanied by a $25 fee. Within 30 days of receipt of such registration, the department of health and environment shall identify any significant water pollution potential or separation distance violations pursuant to subsection (i). If there is identified a significant water pollution potential, such facility shall be required to obtain a permit from the secretary. If there is no water pollution potential posed by a facility with an animal unit capacity of less than 300, the secretary may certify that no permit is required. If there

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is no water pollution potential nor any violation of separation distances posed by a facility with an animal unit capacity of 300 to 999, the secretary shall certify that no permit is required and that there are no certification conditions pertaining to separation distances. If a separation distance violation is identified, the secretary may reduce the separation distance in accordance with subsection (j) and shall certify any such reduction of separation distances.

(i) Any new construction or new expansion of a confined feeding facility shall meet or exceed the following requirements in separation distances from any habitable structure:

(1) 1320 feet for facilities with an animal unit capacity of 300 to 999; and

(2) 4000 feet for facilities with an animal unit capacity of 1,000 or more.

(j) The separation distance requirements of subsection (i) shall not apply if such person newly constructing or newly expanding a confined feeding facility obtains a written agreement from all owners of habitable structures which are within the separation distance stating such owners are aware of such construction or expansion and have no objections to such construction or expansion. The written agreement shall be filed in the register of deeds office of the county in which the dwelling[*] is located. The secretary may reduce separation distance requirements if: (1) No substantial objection from owners of habitable structures within the separation distance is received in response to public notice; or (2) the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances.

(k) The separation distances required pursuant to subsection (i) shall not apply to:

(1) Confined feeding facilities which are permitted or certified by the secretary on the effective date of this act;

(2) confined feeding facilities which exist on the effective date of this act and register with the secretary before July 1, 1996; or

(3) expansion of a confined feeding facility, including any expansion for which an application is pending on the effective date of this act, if: (A) In the case of a facility with an animal unit capacity of 1,000 or more prior to the effective date of this act, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or (B) in the case of a facility with an animal unit capacity of less than 1,000 prior to the effective date of this act and, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion the animal unit capacity of the facility after expansion does not exceed 2,000.

History: L. 1933, ch. 85, § 1 (Special Session); L. 1945, ch. 234, § 1; L. 1953, ch. 284, § 1; L. 1957, ch. 333, § 1; L. 1967, ch. 333, § 4; L. 1971, ch. 201, § 1; L. 1974, ch. 247, § 2; L. 1974, ch. 352, § 39; L. 1984, ch. 222, § 2; L. 1986, ch. 204, § 6; L. 1986, ch. 201, § 22; L. 1988, ch. 356, § 181; L. 1989, ch. 185, § 4; L. 1994, ch. 213, § 1; July 1.

* Reference should be to habitable structure.

65-171y. Public water supply system regulation of lawn irrigation systems. (a) Subject to the provisions of subsection (b), any lawn irrigation system which is not used for the application of fertilizers, pesticides or other chemicals shall not be deemed to be a high-hazard water system, and shall not be required to be equipped with a high-hazard backflow prevention device. Any such lawn irrigation system installed, renovated, replaced or extended on or after July 1, 1994, shall have at least a low-hazard double check valve assembly as a minimum level of backflow protection and any such valve on a new system installed after July 1, 1994, shall be installed in such a manner as to be easily accessible for inspection.

(b) A public water supply system operated by a city or county may impose any requirement, in addition to that provided by subsection (a), for backflow protection or prevention on lawn irrigation systems which are not used for the application of fertilizers, pesticides or other chemicals and which are connected to the public water supply system.

History: L. 1994, ch. 349, § 19; July 1.

PHENYLKETONURIA, CONGENITAL HYPOTHYROIDISM AND GALACTOSEMIA

65-180. Educational, screening, testing and follow-up program concerning phenylketonuria, congenital hypothyroidism, galactosemia and certain other genetic diseases; registry of cases; treatment product. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals,

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STATE OF KANSAS

DENNIS McKINNEY
REPRESENTATIVE, 108TH DISTRICT
612 S. SPRUCE
GREENSBURG, KS 67054
(316) 723-2129

STATE CAPITOL—278-W
TOPEKA, KS 66612-1504
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY & NATURAL RESOURCES
TAXATION
TRANSPORTATION

Testimony on HB2255
House Agriculture Committee
February 17, 1995

Thank you for the opportunity to testify on HB2255.

My interest is not to harm the expansion of the livestock industry. Quite the opposite.

My concern is that land use decisions be made at the local and not the state level. Will a feedlot cause an odor or dust problem? Will it diminish the value of neighboring property? These are questions relating to zoning, not environmental protection. And zoning is a local government function.

The role of the Kansas Department of Health & Environment is to evaluate to environmental protection plan of the proposed facility. Frequently KDHE is pressured to hold up permits for nonenvironmental reasons. I once witnessed a county commissioner pressuring the KDHE Secretary to stop a feedlot next to her property. HB2255 will relieve KDHE of this responsibility.

Most of the publicity last summer on SB800 centered on location, not environmental, controversies. HB2255 would help resolve those controversies at the local level. Again, land use decisions are local decisions and the aim of HB2255 is to keep those decisions at the local level.

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State of Kansas

Bill Graves Governor

Department of Health and Environment
James J. O'Connell, Secretary

Testimony presented to

House Agriculture Committee

by

The Kansas Department of Health and Environment

House Bill 2255

KDHE is supportive of this bill. The department has generally encouraged local decision making, especially with siting of permitted facilities. All of KDHE's controversial permits involve siting issues. The basic siting arguments entail whether the activity is a proper use of the land in relationship to surrounding areas, future development plans, proximity to neighbors, and general land use patterns. KDHE's review of the facility is more limited than the general public appears to expect. For instance, KDHE reviews a proposed livestock operation for protection of groundwater, runoff controls, compliance with statutory separation distances, and the facility's general design with respect to standard engineering and agricultural practices. KDHE commonly receives input from neighbors and local officials concerned with siting of the livestock operation concerning the appropriateness of the proposed facility site. The issues raised are genuine, important, but often not within KDHE authority to address. KDHE routinely finds itself holding a hearing and listening to a variety of siting concerns outside its authority.

This bill does not change KDHE's environmental responsibilities and enhances the county's authority to address the issue of local land use. This bill will undoubtedly be very challenging for county government to administer, especially those with less sophisticated planning departments.

Testimony presented by: Karl W. Mueldener
Director, Bureau of Water
February 17, 1995

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Division of Environment, Bureau of Water, Forbes Field, Bldg. 283, Topeka, KS. 66620-0001 Telephone: (913) 296-5500
Fax Number: (913) 296-5509

Testimony on House Bill

Re: Feedlot Requirements

Rudy Pouch, Commissioner 3rd District
Osage County Board of County Commissioners

February 17, 1995

Honorable Members of this Committee:

I come before you representing the 3rd District in Osage County the area within which a current application is pending before the Secretary of KDHE. A formal hearing was held to discuss this issue back in December of 1994 at Lebo, Kansas. From that hearing several issues were evident.

Permitting: The applicant never applied for or was granted any permits by the County Board of Zoneing or the Land Use Coordinator. Yet the permit was being handled by the KDHE staff with this provision missing. It is my understanding that on the face of the application KDHE ask's if the applicant has met all local, city and/or county zoneing regulations. Even though this was not done the State, KDHE specifically, was going to rule on the appropriateness of the application. IT SHOULD BE REQUIRED THAT THIS ISSUE BE SETTLED BEFORE KDHE TAKES ACTION ON SUCH AN APPLICATION. We support this bill for that reason.

Other requirements: One of the requirements in the application is to have sufficient acreage for the disposal of the waste from such an operation. In the application filed with KDHE the applicant does not own enough acreage and found it necessary to rent or lease [at least get commitments from others for] more land for disposal. The agreements signed were open ended, in as much that after the permit was granted those commitments could be withdrawn. This is a fear of those in disagreement with that particular application. Further, the waste is to be applied to tillable land so that it could be `turned under' or the waste could be injected at the time of application to the acreage.

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The waste is to be used for fertilization of the acreage where applied. No top dressing is allowed, only the above methods are permissible. Much of the land acquired in agreements between the applicant and the other landowners is natural prairie. This land had never been disturbed and should not be. Most of the acreage has subsurface rock that is 3" - 6" below the surface and would make injection impossible. This natural prairie does not require fertilization and could not use the amount of nutrients present in this waste. Therefore we have run-off.

Our particular site is probably the worst-case-scenario due to the presence of Melvern Lake. The damage to wildlife and fish from this type of waste run-off is predictable. This land naturally slopes toward the lake and is very rocky. Much of the run-off, when it rains, would flow into the lake due to the characteristics of the soil and the absorption rate of this type of rocky soil. The site being considered is not suitable. If permitting from the county had been saught it would have been denied due to these requirements not being met.

Lastly, in the original bill there was a grand-fathering clause for currently permitted feed lots. The spirit of that bill has some how been compromised by not including an establishment date for the feed lots that were currently permitted. It allowed this applicant the flexibility, a few days before this bill took effect, to move on to his land a very temporary shed and three or four head of stock and be grand-fathered as an existing feed lot. Maybe the term feed lot needs to be defined so that it includes in that definition: the requirments for water, waste disposal, permanent housing, electricity, permit by the state, etc. before it is considered to be an existing facility. The issue before you is very important but the other requirements of original bill needs to be revisited and the language cleaned up.

We support this bill and I thank you for the opportunity to speak.

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SEABOARD
CORPORATION

HOUSE BILL NO. 2255

TESTIMONY OF DAVID M. BECKER, MANAGER OF LEGAL AFFAIRS

To Honorable Chairperson Joann Flower and Members of the House Agriculture Committee

My name is David M. Becker and I am Manager of Legal Affairs for Seaboard Corporation. House Bill No. 2255 provides that for any environmental permit to be issued for a confined feeding facility, the Board of Commissioners of the county where the facility will be located must approve the location of the facility. Seaboard does not believe that the imposition of such requirement on applicants for permits is advisable. The Commissioners of the various counties in the state already have the power to enact county zoning requirements and to require permits before construction of confined feeding facilities commence. If a county feels it is important for it to approve of the specific location of each confined feeding facility, the county may enact an ordinance so providing. But this prerogative should be with the various County Commissioners and should not be a mandate upon them imposed by state government. County Commissioners may or may not want to devote their limited resources to approving of specific locations for confined feeding facilities. They may not have the time or expertise to make such determinations. Moreover, there are no standards outlined as to what is to be considered in approving or disapproving of a location. Instead, it may very well be that the county Commissioners desire to rely upon the state permitting process, which sets forth specific distance requirements, and numerous requirements with respect to lagoons and operation of the confined feeding facilities. We are not sure what the state interest is in ensuring that County Commissioners approve of specific locations for confined feeding facilities and suggest that the Counties themselves determine whether this is an area that they wish to regulate.

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9000 West 67th Street • P.O. Box 2972 • Shawnee Mission, Kansas 66201 • PHONE: 913-676-8800 / FAX: 913-676-8872 / TELEX: 209513 SAMC UR

STATEMENT

Prepared by William D. Allen
For Presentation at
House Agriculture Committee Meeting
Topeka, KS
February 17, 1995

On behalf of myself, my neighbors and friends in the Lebo, KS area I offer this statement in support of House Bill 2255.

Having gone through a recent and on-going experience with an obvious attempt to circumvent the legislative intent of Senate Bill 800 signed into law on April 14, 1994 with an effective date of July 1, 1994, I vigorously support the initiative to require that all approvals required by County law be obtained prior to issuance of State permits for confined feeding facilities.

As background information, my neighbor seized the opportunity to ignore the separation distances provided by SB 800 due to the "Grandfather Clause" permitting expansion of "existing confined feeding facilities" that were in place by July 1, 1994. He did so by dragging a temporary lean-to structure to a location near his proposed site (which had been rejected on a pre-SB 800 application due to lack of separation distance) and locating three to ten hogs in the vicinity on or near June 30, 1994. A public hearing held in Lebo, KS on December 6, 1994 was attended by approximately eighty concerned citizens. At this meeting, approximately twenty-five individuals, including myself, offered vigorous resistance to permitting expansion of this so-called "swine facility" to 3600 head. Beyond several individuals' concern over property value impact due to odor and noise pollution, county officials, water board members and local mayors expressed serious concern over the very real potential of damage to drinking water and recreational resources offered by nearby Melvern Lake.

As was testified at the public hearing, the individual applying for this questionable expansion, based on an Attorney General's "Opinion", applied directly to KDH&E without obtaining required Osage County permits. It should be noted KDH&E publication entitled "Design Standards for Confined Livestock Feeding Operations" states, in part, "The site selected for the proposed livestock feeding operation shall conform with all existing city, township, county or other building and zoning permit requirements". As a taxpayer in Kansas, I can only wonder why KDH&E would waste time and money processing an application that could be negated at the local level. Private industry would consider such action as bypassing the chain of command. An apparent lack of common sense in the way we approach the permitting process makes legislation very necessary to prevent future waste, and provide the empowerment of County Commissioners to more effectively serve the citizens they represent. I strongly urge passage of House Bill 2255.

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In this time of increasing fiscal awareness, I feel we citizens must critically examine not only legislation, but government methods and processes for improvement of efficiency. However, changes must be sensitive to the people they affect and provide for the protection of our environment. I strongly feel this can be best accomplished at the local level because county officials are more knowledgeable of the concerns of the individuals they represent and are, therefore, more accountable to make the best decision.

W D Allen 2/13/95
W. D. Allen, Certified Health Physicist
RR 1 Box 11
Lebo, KS 66856

ENDORSED BY:

2/13/95 Cheryl Mc Cormick Box 284 Lebo KS 66856 Osage Co.
2/13/95 L.D. McCormick Box 284 Lebo Ks. 66856 Osage Co.

Lewis H. Humphreys R.R. 1 Box 163 Osage City, Ks. 66523
Elva Humphreys Rt 1 Box 163 Osage City, Ks. 66523
Leonard M. Harper 2468 Emmer Rd NW Lebo, KS 66856
Jene L. Harper 2468 Emmer Rd NW Lebo KS 66856
Sharon A. Jones Box 471, Lebo, KS 66856
Sarah DeSpain P.O. Box 52 LEBO, KS 66856
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2/13 Ollie & Lois Harred Rt 1 Box 10 Lebo Ks. 66856

2-14 Earnie & Bonnie Huddleston Box 13 - Lebo 66856.

Janice L Allen RR1 Box 11 Lebo, KS 66856

In this time of increasing fiscal awareness, I feel we citizens must critically examine not only legislation, but government methods and processes for improvement of efficiency. However, changes must be sensitive to the people they affect and provide for the protection of our environment. I strongly feel this can be best accomplished at the local level because county officials are more knowledgeable of the concerns of the individuals they represent and are, therefore, more accountable to make the best decision.

W D Allen 2/13/95
W. D. Allen, Certified Health Physicist
RR 1 Box 11
Lebo, KS 66856

ENDORSED BY:

Stephanie Craft	RR1	Lebo, Ks.	Feb. 12. 1995
Julie Downs	RR2	Reading, Ks.	2-12-95
Myrna J. Rogers	RR1	Lebo, Ks.	2-14-95
James A. Rogers	RR1	" "	2-14-95
Leota D. Rogers	RR1	" "	2-14-95
Mr. & Mrs. Jerry Sloan	RR1	" "	2-14-95
Don Wallace	Box 4666	" "	2-14-95
[illegible]	RR II	" "	2-14-95
Charles A Sergeant		" "	2-14-95
David R. Kennedy		" "	2-14-95
Vernon Sergeant		Lebo	2-14-95

Testimony By John Estes of Paola, Miami County, Kansas to the

Kansas House of Representatives Agriculture Committee

February 17, 1994

Reference: House Bill 2255 Requiring first approval of a confined animal feeding pollution control permit by the appropriate County Commission before submission to the Kansas Department of Health and Environment

Thank you for allowing me to appear before your committee to express my support for House Bill 2255, requiring a pollution control permit for a confined feedlot facility to be first approved by the county commission before submission to the Kansas Department of Health and Environment.

To protect the quality of life for both humans and all forms of wildlife as well , I feel that it is only prudent and reasonable that the county commission should be the level of government that is in the best position to determine if such a facility is properly sited.

While the plans for high technology feed lots often promise the most stringent pollution control measures, my concerns lie with the inherent problems that come when an aging facility falters, either because of mechanical breakdown, or human carelessness. A momentary lapse, or malfunction, can present a pollution risk that we should not be willing to accept.

According to the Federal Environmental Protection Agency, Kansas and Louisiana lead the nation in polluted streams and waterways. KDHE attributes this problem

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largely to feedlot operations in our state. My source for this information is an article published by the Wichita Eagle, October 9, 1994. I am sure that most of us here cannot be proud that Kansas is a leader in polluted waterways. If House Bill 2255 is enacted , you will be taking a big step in helping Kansas avoid the dubious distinction of being an unconcerned enabler of pollution.

Attached to your copy of my testimony, is a copy of a letter submitted by the Kansas Department of Wildlife and Parks to the Kansas Department of Health and Environment regarding a proposed feedlot to be located directly adjacent to Melvern Reservior near Lebo, Kansas. The letter cites the detrimental environmental impact that the proposed facility could have on the entire Marais des Cygnes water basin. I urge you to please read this letter. It clearly defines the sobering consequences that we all must share when we double cross Mother Nature.

Thank you for listening.

STATE OF KANSAS

Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

OPERATIONS OFFICE
512 SE 25th Ave.
Pratt, KS 67124-8174
(316) 672-5911 / FAX (316) 672-6020

Theodore D. Ensley
Secretary

December 6, 1994

Mr. Mark Bradbury, Hearing Officer
Kansas Department of Health and Environment
Finney State Office Building
130 S. Market, 6th Fl.
Wichita, KS 67202-3802

REF: E2.0100 OSAGE
Lewis R. Lewis Hoglot
Public Notice No. KS-AG-78/80
Kansas Permit A-MCOS-H001; Federal Permit KS-0091031
Tracking No. 940818

Dear Mr. Bradbury:

We have reviewed Public Notice No. KS-AG-94-78/80 for the proposed 3,600 head confined hoglot by Lewis R. Lewis and family to be located in the Melvern Reservoir watershed of the Marais des Cygnes River Basin, near Lebo, KS (NW/4 of Sec. 21, T18S, R14E; Osage County). The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered wildlife species, and public recreation areas for which this agency has some administrative authority. We informed the Topeka Office of your agency that I would not be able to attend the public hearing because of dangerous road conditions but would be submitting written comments. We were told that this would be acceptable. Leonard Jirak, our District Fisheries Biologist, is very familiar with the proposed site and Melvern Reservoir and has been consulting with us.

We consider this project to be an Impact Level 3, meaning the project as it is currently designed should not be implemented and some alternate approach should be considered. The project sponsor should consider a less environmentally-risky site for his proposed hoglot and alternatives to placing the animal solid and liquid wastes on agricultural lands in the Melvern Reservoir watershed. We are willing to review alternative engineering plans with aerial photographs and ground and surface hydrological studies that consider locations and operations on and off the feedlot facility that place less risk to Melvern Reservoir, the aquatic and terrestrial wildlife that depend on its waters, and to our constituents who use the Melvern area for public outdoor recreation. An increased stormwater capacity for sewage lagoons, such as the 100yr protection provided by USDA Soil Conservation Service designs would be more acceptable as would a significant increase in the number of acres of land for sewage waste application and the continual monitoring of the ground and surface waters of the watershed.

The above condition recommendations are based upon the following:

- Melvern Reservoir is a public reservoir which contains Eisenhower State Park, a State Wildlife Area, and U.S. Army Corps of Engineers Public Recreation Areas.
- The reservoir supports designated water uses including contact recreation, non-contact recreation, fishing and hunting (food procurement), and drinking water for the facility.
- The Kansas Surface Water Register published by KDHE classifies Melvern Reservoir as expected to provide Aquatic Life Support Use, having Contact Recreation Use, Domestic Water Supply Use, Food Procurement Use, and Industrial Water Supply Use.
- The Kansas Surface Water Register published by KDHE classifies portions of the upper Marais Des Cygnes River as Special Aquatic Life Support Waters, mandating the "antidegradation" standard; that is, a permitted project cannot make the water quality any worse than exists.
- The upper Marais Des Cygnes River basin in Osage County provides critical habitat for the threatened fluted-shell, *Lasmigona costata*, the threatened hornyhead chub, *Nocomis biguttatus*, and the threatened rock pocketbook, *Arcidens confragosus*. Seasonal use by threatened and endangered migratory birds is regular, especially in the upper ends of the reservoir on the Melvern State Wildlife Area. In the winter endangered bald eagles and peregrine falcons feed on wildlife at the upper end of Melvern Reservoir.
- The Kansas Department of Wildlife and Parks manages a very valuable sport fishery in Melvern Reservoir for crappie species, channel catfish, largemouth bass, striped bass, sauger, walleye, white bass, and wipers. The source of broodstock for the Department's sauger and saugeye fishery programs is Melvern Reservoir.
- The Kansas Department of Health and Environment has recognized the significant negative impacts of agricultural nonpoint source pollution on the watersheds of public multipurpose reservoirs, as documented in its publications and as evidenced by its funding of watershed protection programs to protect Cheney Reservoir and Herington lakes. It does not make sense to permit significant sources of nitrates, ammonia, organic matter with high Biological Oxygen Demand, phosphates, bacteria and viruses potentially risky to humans and wildlife, turbidity, salts, pesticides and antibiotics, and other pollutants to place such valuable public resources at risk. It is always much easier and cheaper to protect a watershed and its reservoirs than it is to try to clean it up.
- Chronic releases of nitrates, ammonia, and phosphates will lead to the premature eutrophication of Melvern Reservoir and the Marais Des

Cygnes River basin. In addition to direct shifts in the fish and mussel communities, this over-fertilization can lead to large algal blooms including probably blue-greens and dinoflagellates.

As you are well aware, dinoflagellate blooms lead to fishkill, health advisory against eating bottom-feeding fish, and the closure of Eisenhower State Park in the summer of 1990. Not only did KDWP lose revenue and the anglers of Kansas lose harvestable sport fish, the Kansas public lost the opportunity to enjoy a valuable recreation area. We do not wish to witness the tragedies of water-borne death experienced recently in Milwaukee, WI and wish to protect our public lands and waters for future public benefits.

- We are also concerned about the public nuisances created by the stench of a hoglot, the flies associated with them, their waste and decaying carcasses, and the decline in the aesthetics of the surface waters of the Marais Des Cygnes River and Melvern Reservoir associated with increased turbidity, decreased dissolved oxygen, increased algal blooms, and more frequent fishkills. This nuisance will result in a decrease in public enjoyment of our public lands and waters, potential revenue losses to KDWP and COE, and losses to the local economy in the form of tourist and outdoor recreationist dollars. After the eight-day 1990 public closure of Eisenhower State Park and Melvern Reservoir, the Melvern Lake Marina remained without business even a month later because of perceived dangers to anglers and boating enthusiasts.

The proposed feedlot is less than 3/4 mile away from the Sundance Public Use Area. Odors, whether they are a perceived or real health threat to the public, will reduce the use of this valuable public area and detract from the public's enjoyment of the outdoors.

- Another concern is with the potential of avian botulism being transmitted by flies feeding on hogs, hog carcasses, and hog wastes. The Melvern State Wildlife Area is an important area for migrating waterfowl and shorebirds and provides public benefits to bird watchers and waterfowl hunters. Once established, avian botulism appears to be hard to eradicate from a wetlands area.

- The soils of the feedlot and the surrounding areas include much coal mine spoil. Surface runoff is rapid and these soils have a very low water capacity, making this site unsuitable for a hoglot and agricultural disposal of sewage wastes. The feedlot facility and agricultural lands can lead to pollution of the ground and surface waters of the Melvern Reservoir watershed. We would not support the permitting of an equivalent human sewage treatment lagoon system of a city of 14,400 (assuming an average hog puts off the equivalent of 4 adult humans) at the headwaters of Melvern Reservoir without sufficient protection of storage from stormwater events and without sufficient acres to treat the waste products in an ecologically-sound manner.

- Research by the Kansas Water Resources Research Institute found that microbial isolates from ground and surface waters near agricultural operations had significantly more resistance to antibiotics that isolates from recreational sites. Outbreaks of waterborne diseases that are resistant to treatment could threaten the future of Eisenhower State Park, Melvern Reservoir, and Melvern State Wildlife Area.
- Tentative agreements with neighbors do not guarantee that Mr. Lewis will have sufficient land to legally and environmentally-soundly dispose of the liquid and solid hog wastes and dispose of carcasses. The agreements he has includes mostly land in native grass on steep, rocky slopes. Waste disposal on these areas will certainly result in pollution of downslope areas including Melvern Reservoir and the Marais Des Cygnes Basin.
- We strongly differ with the public notice referring to this as "proposed expanded facility" rather than "proposed facility." The notice implies that the Lewis R. Lewis is a pre-existing hoglot, wishing to expand to 3,600 hogs. The three pigs in a pen (without a sewage lagoon, water, or electricity) does not constitute an existing feedlot in our opinion, and appears to be a dodge around KDHE regulations and state statutes. We know that Mr. Lewis was previously denied a permit for a feedlot during regular public notice period and in appeal. The Kansas legislature did not intend to give Mr. Lewis a de facto pig feedlot permit after your repeated denials by including a "grandfather" clause in their most recent feedlot siting distance regulations. This clause was intended for legitimate pre-existing feedlots, not three pigs in a poke. We view the permitting of this as a pre-existing feedlot wishing to expand as a terrible precedent and a gross violation of the public trust implied in the state's management of its public natural resources of air, water, soil, and wildlife. We strongly recommend KDHE to use its authority to halt this evasion of state and federal water quality laws and regulations.
- In May, 1991, the Kansas Department of Wildlife and Parks entered into a Cooperative Agreement with the U.S. Army Corps of Engineers to create, restore, and manage wetlands on the Melvern State Wildlife Area. Wetlands are considered special aquatic habitats under the Clean Water Act. We urge KDHE to use their Section 401 Certification powers that the U.S. Environmental Protection Agency delegated to them to deny the construction, operation, and waste management plan as described.

We reiterate our opposition to the issuance of a permit for this proposed hoglot, as currently designed. However, we will reconsider alternative plans for a feedlot and waste disposal system which adequately protects the public resources and interests in jeopardy.

Thank you for providing us this additional opportunity to review this project. We appreciate the efforts of the Kansas Department of Health and Environment in holding a public hearing in view of the significant negative opinions.

Sincerely,

Laurence D. Zuckerman, Aquatic Ecologist
Environmental Services Section

and

Leonard Jirak, District Fisheries Biologist
Fish and Wildlife Division

LDZ

xc: Tiemann, KDWP REG5 F&W Superv., Chanute
Kramer, KDWP Fish & Wildl. Director, Pratt
Hover, KDWP Parks & Public Lands Director, Pratt
Wilk, KDWP Eisenhower State Park, Osage City
Boutin, District Engineer, COE, KCMO
Liechti, KBS, Lawrence
Hurst, KWO, Topeka
Streeter, SCC, Topeka
Gill, FWS, Manhattan
Shimek, EPA, KCKS
Adams, KDWP NRA, Off. of Sec., Topeka
Lewis R. Lewis, Route 1, Box 12, Lebo, KS 66856

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KANSAS PORK PRODUCER COUNCIL

KPPC

Serving Since 1956

Testimony by Roy Henry
President of the Kansas Pork Producers Council
on H.B. 2255

My name is Roy Henry. I am a pork producer from Longford. I am here to testify before you on behalf of the members of the Kansas Pork Producers Council. Our statewide membership represents the majority of the hog production base in Kansas including producers with farms of all sizes.

Our members have seen their industry change very rapidly in the past few years. To remain competitive, producers will need to utilize the latest technology when building new facilities. This means personnel at the Kansas Department of Health and Environment who oversee the livestock permitting program will have to evaluate and embrace its concepts. There is then ample time for public acceptance of a project's plans through an open hearing process.

Our membership believes the scientific-based determinations of KDHE personnel along with the public input process is sufficient in protecting our state's resources and the rights of all parties involved.

To require county commissioners, who probably have very limited technical experience, to approve or disapprove a specific site is forcing these individuals to make a determination based on emotion rather than scientific data.

We believe this is an irresponsible way to make a decision on an issue which will affect the very livelihood of many of our members.

Thank you for your time.

2601 Farm Bureau Road • Manhattan, Kansas 66502 • 913/776-0442 • FAX 913/776-9897

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2-17-95

MELVERN LAKE MARINA
RR.1 BOX 375
MELVERN KS. 66510
(316) 256-6566

My name is Vincent Miller and I feel that feed lot applicants should attain county approval before moving to the state level.

County commissioners are elected by their constituents to deal with local goverment matters and to ensure the best intrests of the community are served in a fair and just manner.

If applications are first reviewed at the county level we can be assured that officials with first hand knowledge of all the factors involved will asses the application thoroughly and fairly. The counties would also have fewer applications to review there by allowing them more time to review them. This would also free the State from spending it's time and money on reviewing every application in the state.

Feed lots can and do have major impacts on the communities they are located in. The neighbors of a proposed feed lot can have their property values drop drastically. If the county relies on tourism from other counties and states they may loose large amounts of income just do to the location of a feed lot.

For example I am a co-owner of Melvern Lake Marina in Osage Co. on Melvern Lake. There has been an application made to the State by a Mr. Lewis R. Lewis to place a swine feed lot with in a 1/4 mile distance of Melvern Lake. The reputation of Melvern Lake has already been damaged by the mere idea of the feed lot location. Osage county receives a large portion of it's yearly revenue from the Spring and Summer recreation seasons. The location of this particular feed lot could severly damage the buisness and lives of the county residents.

The reason I am stating this is that the applicant went straight to the state with an application without petitioning the county first. This then resulted in a state hearing, a county wide petition and numerous letters and calls to State and Federal officials. Thus wasting goverment time and money on a decision which should have been made at the county level months ago.

In conclusion I would like to restate that by allowing Counties to approve feed lot locations we are leaving local affairs where they belong in there respective communities. We would also save state tax-payer money by having the counties take the work upon themselves.

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CONCERNED CITIZENS FOR CLEAN AIR AND WATER IN MEADE COUNTY, Inc.
8051 CC Road, Plains, KS 67869-9100 316-563-9266

TESTIMONY BEFORE THE HOUSE AGRICULTURE COMMITTEE ON HB 2255, ALLOWING THE BOARD OF COUNTY COMMISSIONERS PRIMARY AUTHORITY TO APPROVE THE LOCATION OF A CONFINED FEEDING FACILITY.

Presented by Wanda Adams, Executive Director,
Concerned Citizens for Clean Air and Water in Meade County, Inc.
February 17, 1995

Madam Chairman and Members of the House Agriculture Committee.

It is a pleasure to testify before you today in favor of House Bill 2255. My name is Wanda Adams. I am a rancher's wife, and my home is in Meade County.

Thank you, Madam Chairman, for giving me the opportunity to testify on behalf of the Concerned Citizens for Clean Air and Water in Meade County.

Meade County is experiencing growth from large-scale swine confinement facilities.

Allowing the Board of County Commissioners primary authority to approve the location of a confined feeding facility will inject human interest and judgement into the current law. Every county has its own unique situations. It makes sense to say that local control would be a step in the right direction.

In approving or disapproving a confined feeding facility, the county commissioners shall consider proximity of proposed site to area residences and the extent of cumulative degradation of quality of life. The current law almost never deals with real-life problems in a way that reflects an understanding of the situation.

Senate Bill 800 states that the secretary may reduce separation distance requirements (Sec. 1-j). In addition, the confinement guidelines state that KDH&E can approve exceptions when justified, the implication is that these exceptions would be for a reduction of the minimums. What I am saying to you is--there is good cause for more restrictive requirements to be made.

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For example: Southwestern Heights High School is located in the country. There are approximately 90 swine confinement buildings two miles south of SWH. Now, if you have ever been to SW Kansas, you know that our land is predominately flat and the winds are strong. Also, there are two confinement buildings one mile east of SWH. Nuisance problems associated with odor and fly populations are an important factor to consider. At any rate, what is more important than our children's educational institute?

There are health effects associated with breathing the noxious odors. We have concerns all human beings have about health issues.

The county commissioners of the individual counties are more likely to exercise judgement of the local impact of the confinement facilities and determine whether these facilities should be permitted or not.

This is an opportunity to put control back in the hands of the people who are being adversely affected by what is happening in their neighborhood; adjusting for circumstances and taking responsibility.

Thank you for your consideration and allowing the Concerned Citizens of Meade County to show support of House Bill no. 2255.

Sincerely,

Wanda Adams

Wanda Adams
Executive Director

Ladies and Gentlemen:

My name is Glenn Ringler, Jr. My family and I farm 7000 acres near Sylvan Grove, Kansas. We farm wheat and feed 2000 cattle each year.

Attached to the copy of my speech you will find material about our problem.

Meyer Land & Cattle Co., a feedyard near Sylvan Grove, has built a feedyard 50 feet from a home owned by my family even though the law provides that any such structure must be at least 1320 feet from the nearest residence. We have been in litigation for several years on this issue.

I am here today to tell you that the KDHE is unwilling, for whatever reason, to enforce their own rules about the location of confined feeding facilities.

For this reason I am in favor of adopting House Bill 2255 which says the location of confined feeding facilities must be approved by the County Commissioners prior to issuance of a permit.

In our case, if House Bill 2255 had been in force, the misrepresentation of seperation distance would have been caught by the County Commissioners. This approach allows for checks and balances between state government and local government.

In my opinion, if we do not address the problem of placement of confined feeding facilities we will continue the trend in this state of lawsuits against the state and nuisance lawsuits against neighbors.

I want to ask all of you in the room, if someone were to build a feedlot, hoglot, or chicken lot next to you, would you accept that?

Glenn Ringler, Jr.

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Attachment 11
2-17-95

SUNDAY
October 9, 1994

The Wichita Eagle

KA
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When feedlots spring up next door

Loophole leaves neighbors helpless

By Jean Hays
The Wichita Eagle

LEBO — Cheryl McCormick spent more than $2,000 in legal fees last year attempting to keep a hog feedlot from starting up less than 800 feet from her home in rural Osage County.

She became more than a little suspicious in June when her neighbor, the would-be pork producer, set up a portable hut near her house and put four little pigs inside.

McCormick's suspicions have been confirmed — it looks as if those pigs will soon be joined by 3,596 hogs. And there doesn't appear to be much McCormick can do about it.

The Kansas Department of Health and Environment tried to persuade lawmakers to get tough on feedlots earlier this year. The attempt backfired.

Instead, the Kansas Legislature created a loophole in the law, declaring that any feedlot in existence before July 1 — even if it had only one hog or steer — was legal and could expand no matter how close it is to someone's home.

Throughout rural Kansas, dozens of people, including some who are in the cattle business, are complaining about feedlots that are suddenly springing up next to their homes, kicking up dust, creating odors and ruining their property values.

"There are pockets of anger boiling up all across the state," said Charles Jones, the director of environment for the state agency.

The Kansas Livestock Association, which along with the Department of Health and Environment helped write the new feedlot law, says the concerns are being exaggerated.

"We don't view it as a problem," said Brad Harrelson, director of feedlot services for the livestock association.

Lewis R. Lewis, McCormick's neighbor and a soon-to-be pork producer, readily admits he is delighted about the loophole and is using it to do what he couldn't just a year ago.

"It's like it was written just for me," he said.

No matter whom it was written for, more people than Lewis are taking advantage of it. The Sierra Club estimates there may be as many as 30 feedlots using the loophole. The KHDE said it is not sure of the number.

But Harrelson contends people are taking advantage of the loophole in only one or two cases.

Some legislators say they may take a second look at the issue next session.

Feedlots for years have caused

See FEEDLOTS, Page 10A

Brian Corn/The Wichita E

While work goes on behind them, the Ringlers, Glenn Jr., left, Glenn Sr., center, and Greg, are unable to block a Meyers Lan and Cattle Co. feedlot going in next to their Sylvan Grove hom

FEEDLOTS

From Page 1A

friction in rural areas between those who are trying to make money off the land and those who are trying to find a quiet, pleasant place to live. This is just the latest twist in a long-standing battle over how strongly feedlots should be regulated to control nuisances such as dust and odors and more serious problems, such as water pollution. The Department of Health and Environment considers feedlots to be the major source of water pollution in the state — a claim that the livestock industry disputes.

The Kansas Pork Producers Council and other livestock industry supporters fear that the use of the feedlot loophole could have serious repercussions down the road, particularly as more environmental regulations are being aimed at agriculture.

"It is legal to do it the way they are doing," said Tim Stroda, a spokesman for the Kansas Pork Producers Council. "They may be surprised at the outcome in the long run. This may not be the best thing for the industry."

Laura McClure, a state representative from Osborne who urged her urban counterparts to support the feedlot bill, said legislators may become more distrustful of the agricultural agenda in the future.

"There are a lot of hurt feelings over this," she said. "Hurt may not be a strong enough word. Betrayed is a better word."

McClure said she was unaware that the bill she supported created the loophole that some people are driving herds through.

The bill was a collaboration among the cattle and hog industries, the Department of Health and Environment, the Sierra Club and the agricultural committees of the state House and Senate. The groups struck a compromise in the closing days of the legislative session. Those involved say they do not remember who suggested the phrase that created the loophole.

"It just fell through the cracks," McClure said. "No one truly foresaw what could happen. It wasn't our intent."

Specifically at issue is the clause that spells out how far a feedlot has to be from someone's home.

Under the old Department of Health and Environment feedlot regulations, a feedlot with more than 1,000 animals had to be a half a mile from a house, unless the owners signed releases. That allowed many neighbors to block construction of feedlots. The regulations were never written into law, however.

The feedlot bill that passed in late April formally established the separation required between feedlots and homes but exempted all existing feedlots. That exemption was necessary, lawmakers said, because many of the state's feedlots have been operating without permits. Hundreds of feedlots have never sought permits as required by law, and legislators feared that neighbors would be able to shut them down without the exemption.

In effect, the exemption gave operators two months to move cattle or hogs into an area, call it a feedlot and be grandfathered in. The loophole closed on July 1.

McCormick had used the former separation guidelines to block Lewis' feedlot last year.

"We had to fight like heck when the law was in our favor, and we still had to hire an attorney to uphold our rights," she said. "And now that they have stripped our rights away, we haven't got a prayer."

She and her husband have sunk every dime they had into their property, she said. She fears that if the feedlot goes in as planned, they won't be able to stand the odors, nor will they be able to sell their home.

"This bill, it took our rights totally away," she said. "We have been here for 19 years. If anybody ought to be grandfathered in, it is us."

Lewis, McCormick's neighbor, said his family had raised hogs on his 60-acre farm years ago, and he became interested in the business again after he retired two years ago.

Lewis, 65, is the fourth generation of his family to be raised on the farm near Melvern Lake. He said he always believed that land should be put to its highest and best use, but his neighbors prevented that, he said.

Raising hogs will allow the family to make the most money possible off the land — enough for his son to make a living.

"This means my son can make a living as a farmer," he said. "I'm not doing this for me; I am doing this for my son."

He is not taking full advantage of the law. He could legally put as many as 5,000 hogs on the land. He wants 3,600.

Lewis has filed an application for a permit to operate a feedlot, even though he believes that legally he may not need one. Nonetheless, he said, he decided to play it safe, lest someone tries to change the law next session.

In addition to being protested by the McCormicks, Lewis' application is being protested by seven small towns that have formed a water-supply district to build a $6 million, 80-mile pipeline to carry drinking water out of Melvern Lake to their towns. The pipeline, in the works for six years, would supply water to Lebo, Waverly, Melvern, Williamsburg, Linden, Pomona and Quenemo and three rural water districts.

The Lewis feedlot would be about three-quarters of a mile from Melvern Lake.

"It's just a crime," said Earl Spalz of Lebo, who is on the pipeline district's board of directors. "It will no doubt lead to pollution of the lake."

Similar disputes are developing across the state.

In Sylvan Grove in northwest Kansas, the Meyers Land and Cattle Co. is building a feedlot 50 feet from a house owned by the Glenn Ringler family. The two families have been battling for years over whether the feedlot could be built.

The Ringlers went to court and won a revocation of the permit that the Department of Health and Environment had granted to the cattle company on the grounds that Meyers misrepresented the distance between the feedlot and a house the Ringlers own.

That court victory has apparently done no good. Meyers went ahead with construction during an appeal of the permit revocation. The appeal is still pending, but Chris Meyer, one of the owners, says that the loophole will probably make the issue moot.

Near Great Bend, Great Bend Feeding is asking to grandfather a 1,200-head cattle feedlot about an eighth of a mile from Cathy Weber's home. The company says cattle have been fed on the land since the 1930s; neighbors claim they have never seen a steer there before.

The KDHE won't say what it is going to do with any of the feedlot applications that are pending. However, the department did request an attorney general's opinion of the law and didn't care for the answer it got back.

"Our hands are pretty much tied on these issues ..." Jones said. "The law is on the side of the feedlots."

The latest feedlot battle began last year when Jones and the Department of Health and Environment decided it was time to strengthen feedlot regulation. But as the department soon learned, it is not easy to regulate an industry that is more valuable to the state's economy than the wheat crop.

Kansas is second in the nation in the number of fed cattle and 10th in the nation in hog production. In 1993, the Kansas cattle industry brought in $2.4 billion, and the hog industry brought in $283 million. Wheat sales the same year amounted to $1.2 billion.

Small- and medium-size feedlots, whether for hogs or cattle, are the biggest source of water pollution in Kansas, according to the Department of Health and Environment. That's saying a lot. Kansas has the most-polluted rivers in the nation, according the the federal Environmental Protection Agency. About 95 percent of the rivers and streams in the state are too polluted for such things as boating, swimming and fishing. Only Louisiana has a higher percentage of polluted waterways.

In addition, feedlots are suspected of polluting public water supplies.

The funny taste that sometimes plagues Wichita's tap water is caused by manure and fertilizer that run off of feedlots and farm fields and stimulate the growth of algae in Cheney Reservoir.

Abilene is searching for a new water supply because its wells are high in nitrates, which can cause serious health problems, and even death in infants. No one has studied why Abilene's wells are polluted, but both the town and the Department of Health and Environment suspect that the cause is the manure that soaks into the ground from nearby feedlots.

State laws are supposed to keep feedlots from fouling waterways, but those laws are not being adequately enforced, Jones admitted.

About 50 percent to 70 percent of the state's 3,300 feedlots are operating without permits, which spell out what the operators have to do to prevent pollution. The 1,500 feedlots that have permits are rarely inspected.

Each of the state's six feedlot inspectors is responsible for 250 feedlots. Most of their time is spent shuffling paper and processing applications for new feedlots, rather than inspecting existing ones.

To hire more staff to police feedlots, Jones proposed increasing the fees for a 1,000-head feedlot from $30 to $1,539 a year.

The Livestock Association and pork producers quickly protested. Legislators on the agricultural committees sided with the Livestock Association.

"I have some qualms about giving KDHE all the money they ask for," said Steve Lloyd, a farmer and stockman from Clay Center who was one of the key legislators in the recent feedlot debate. "They would come in and check your typewriter to see if there are fumes coming off of it or check the computer keyboard to see if it is generating too much heat. I am somewhat concerned that if you give KDHE all the money they asked for they will use it and use it and use it and regulate everybody."

The issue is not going to die soon.

"We are seeing a growing feedlot industry," Jones said. "We are seeing more communities scramble more desparately than ever before for adequate water supplies. The problems are only going to get more difficult. Right now, it just seems like we are at each other's throats."

"There are a lot of hurt feelings over this. Hurt may not be a strong enough word. Betrayed is a better word."

State Rep. Laura McClure

11-2

KANSAS LIVESTOCK ASSOCIATION

A Century of Service
1894-1994

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
House Committee on Agriculture
Representative Joann Flower, Chairperson
with respect to
HB 2255
Presented by
Rich McKee
Executive Secretary, Feedlot Division
February 17, 1995

Mr. Chairman and members of the committee, I am Rich McKee representing the Kansas Livestock Association. As most of you already know, KLA represents a broad range of ranchers, stocker operators, farmers, as well as cattle, swine and sheep feedlot operators. The Kansas Livestock Association would like to express some concerns regarding HB 2255.

We fully appreciate the intent of HB 2255, which we understand is an attempt to remove KDHE from the issue of trying to settle disputes between neighbors. However, we are not confident this bill will accomplish that goal. In addition, there are some practical and technical questions which need to be addressed prior to serious consideration of this legislation.

Before I outline those questions, please review with me the some of the different state permits, licenses, and reports feedyard operators must be in compliance with. Please know, I have purposely omitted the numerous federal regulations pertaining to feedlots and administered by various agencies (EPA, FDA, OSHA, etc.). It is my belief, that after you review all of the different state government regulations required of feedyards, you will appreciate why livestock operators are somewhat reluctant to accept another requirement as proposed in HB 2255. Please understand, I am not suggesting that HB 2255 requires an annual license or other reporting requirements, it does not.

Below are some important questions which should be addressed before HB 2255 receives serious consideration. If the county commissioners were to approve a location of a feedlot, how long would that approval remain valid? Building a feedyard can be a long term project, sometimes taking several years...depending on market conditions, weather, interest rates, etc. What about those citizens that have already purchased land for the construction of a confined feeding facility, possibly have permit

House Agriculture
Attachment 12
2-17-95

6031 SW 37th Street Topeka, KS 66614-5129 (913) 273-5115 Fax (913) 273-3399

applications pending, but have not started construction? Would these proposed sites become subject to this proposed legislation if passed?

Thank you for considering our concerns and questions regarding HB 2255.

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer-Director*

EXAMPLE

NUMBER _____

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on back side of application form.)

To the Chief Engineer-Director of the Division of Water Resources, Kansas State Board of Agriculture:

Comes now the applicant ~~(Mr.)~~ ~~(Ms.)~~ Jones & Jones Feedlot, Ltd. whose post office address is Rt. 3, Bumrap, Kansas 12321 (Zip Code) (913) 454-1000 (Telephone Number) and makes application to the Chief Engineer-Director of the Division of Water Resources, Kansas State Board of Agriculture, for a permit to appropriate for beneficial use such unappropriated groundwater (~~surface water or~~ groundwater) as may be available in Really Clear Creek (name of stream or ~~drainage basin~~) in the county of Cheyenne state of Kansas, to the extent and in accordance with the particulars hereinafter described:

1. The quantity of water desired is in the amount of 10,950000 gallons (~~acre feet or million~~ gallons) per calendar year, to be diverted at a maximum rate of 200 gallons per minute (gallons per minute or ~~cubic feet per second~~).

2. The location of the proposed wells, pump sites or other works for diversion of water is

Note: If the source of supply is groundwater, a separate application must be filed for each well or battery of wells, except as provided for in Kansas Administrative Regulation 5-3-1. See back side of application form for additional information.

(A) One in the NE quarter of the NE quarter of the NE quarter of Section 3, Township 28 South, Range 3 ~~East~~ West, Cheyenne County, Kansas. (5000' N. & 400' W. of SE Corner of said section)

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, Township _____ South, Range _____ ~~East~~ West, _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, Township _____ South, Range _____ ~~East~~ West, _____ County, Kansas.

12-3

3. The water is intended to be appropriated for:

		Amount			Amount
(a) Domestic use	( )		(e) Industrial use	( )	
(b) Stockwatering use	(✓)	10,950,000 gals.	(f) Recreational use	( )	
(c) Municipal use	( )		(g) Water Power use	( )	
(d) Irrigation use	( )		(h) Artificial Recharge	( )	

(check intended use or uses and show intended amount for each use)

4. If for municipal use, attach tables or curves showing past, present and estimated future population and water requirements of the area to be served. The area to be served is _____

(if additional space is needed, use attached sheet)

5. If for stockwatering, industrial, artificial recharge, water power or recreational use, attach tables or curves showing past, present and estimated future water requirements. The legal description of the location where water is to be used is NE¼ Sec. 3, Twp. 28 S. Range 3 West Cheyenne Co., Ks.

(if additional space is needed, use attached sheet)

6. If for irrigation use, (a) supply the name and address of each landowner; (b) supply the legal description of the lands to be irrigated; (c) designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record— NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

EXAMPLE

Landowner of Record— NAME: _____

ADDRESS: _____

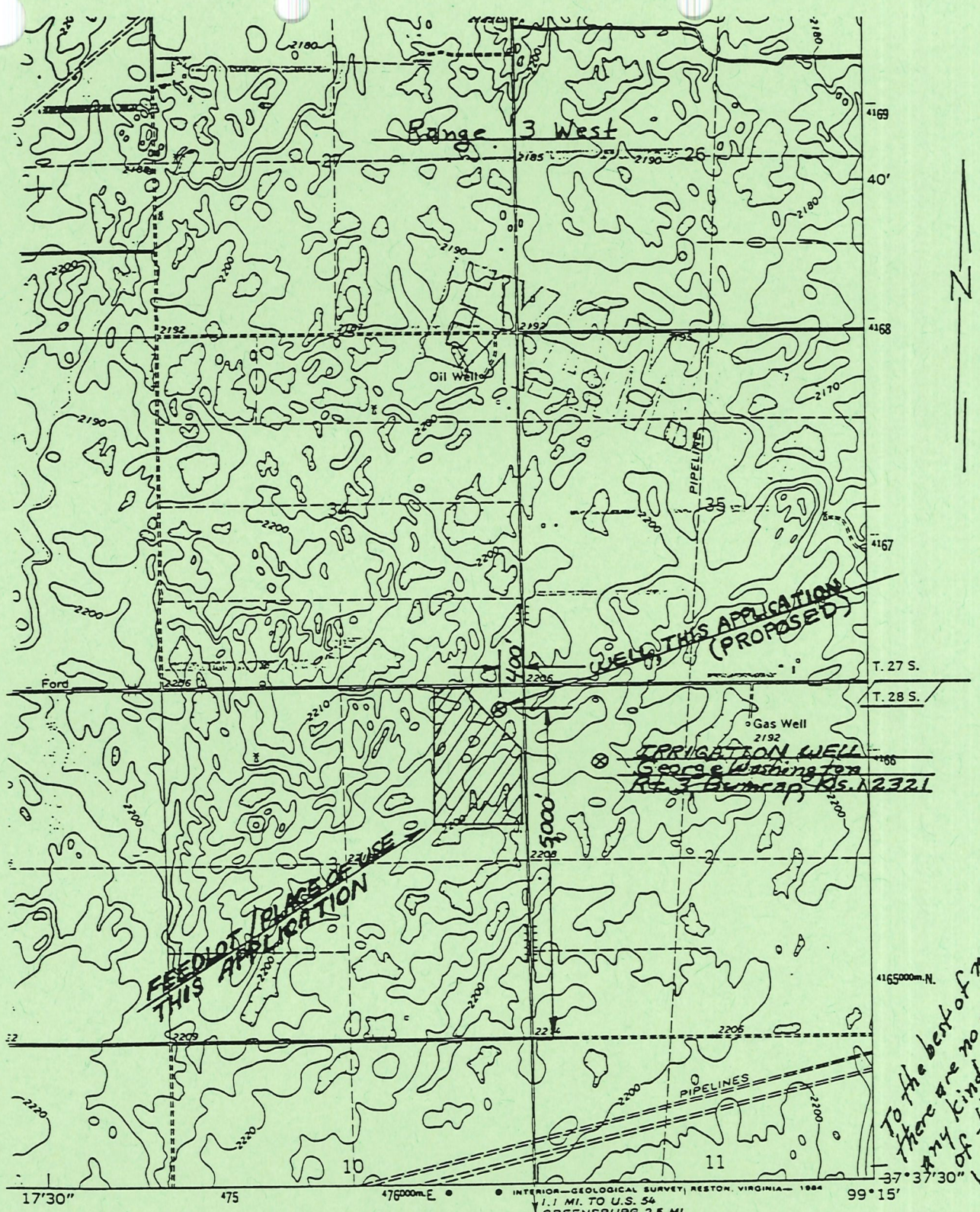
Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Landowner of Record— NAME: _____

ADDRESS: _____

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				Total
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

12-4



Scale: 1" = 2,000'

To the best of my knowledge, there are no other wells of any kind within 1/2-mile of the location requested by this application.

(BRENHAM 6159 II SW)

(signed)

GREENSBURG NE, KANS.
N3737.5—W9915/7.5

1.7

12-5

7. The works for diversion of water will consist of one well vertical turbine pump, electric meter, underground pipe distribution system
(Number of wells, pumps or dams, etc.)
and (was) (will be) completed (by) _____.
(Date each was or will be completed)

8. The first actual application of water for the beneficial use proposed was or is estimated to be July 1, 1993.
(Date)

9. Please indicate if any pesticide or fertilizer will be injected into the water pumped from the diversion works. Yes ☐ No ☑

10. This application shall be accompanied either by a detailed plat prepared from an actual survey, topographic map or by an aerial photograph of the area.

The plat, topographic map or aerial photograph shall show: (See back side for additional required information).

(a) Location of the proposed point or points of diversion

(b) Location of the pipe lines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use

(c) If for irrigation, show the location of the land proposed to be irrigated

(d) If for industrial or other use, show the location of the land where water will be used.

EXAMPLE

11. List any application, File Number and describe any vested right which covers the same diversion points or any of the same land described in this application:

NONE

12. Furnish following well information when proposed appropriation is for use of groundwater. If well has not been completed give information obtained from test holes, if available.

Information below is from: Test holes (✓) Well as completed ( )

Well location as shown in paragrpah No. 2	(A)	(B)	(C)
Date drilled	1-2-92		
Total depth of well	80'		
Depth to water bearing formation	40'		
Depth to static water level	35'		
Depth to bottom of intake pipe	test hole		
Type of fuel	test hole		

13. The relation of the subscriber to this application is that of owner
(owner, tenant, agent or otherwise)
and he is authorized to make this application in behalf of the interest affected.

Dated at Bumrap, Kansas, this 30th day of October, 19 92.

J. Q. Jones
(Applicant)

By _____
(Agent or Officer)

Assisted by nobody

1.7

12-6

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be: (See below if requesting storage).

ACRE-FEET	FEE
0-100	$100.00
101-320	$150.00
More than 320	$150.00 plus $10.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	$100.00
More than 250	$100.00 plus $10.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power purposes shall be $100.00 plus $200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: *Except* for works constructed to appropriate water for *domestic use*, the applicant shall notify the Chief Engineer-Director and pay the statutorily required field inspection fee of $200.00 when construction of the works for diversion has been completed.

MAKE CHECKS PAYABLE TO THE STATE BOARD OF AGRICULTURE

Additional Information, Paragraph No. 2

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that up to four (4) wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of twenty (20) gallons per minute per well and which are operated by means of submersible pumps may be included in a single application.

A battery of wells is defined as two (2) or more wells connected to a common pump by a manifold; or not more than four (4) wells in the same local source of supply within a three hundred (300) foot radius circle which are being operated by pumps not to exceed a maximum of two hundred (200) gallons per minute per well which supply water to a common distribution system.

Additional Information, Paragraph No. 10

The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the information indicated in (a), (b), (c), or (d) of paragraph No. 9. The location of the proposed point of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 2 of the application and show the North-South distance and the East-West distance from a section line or section corner. In the case of groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us. If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown. The location of the proposed place of use should be shown by crosshatching on the topographic map, photograph or plat. On the topographic map, plat or photograph, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Avenue A, Campus West, University of Kansas, Lawrence, Kansas 66044. A suitable photograph can be obtained from the Dept. of Agriculture, Western Laboratory, Salt Lake City, Utah, through your local ASC Office of the Dept. of Agriculture and should be to a scale of 1 inch equals 1320 feet.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No.

PRIORITY DATE

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of Creek to be withdrawn by means of two (2) wells:

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section , more particularly described as being near a point 4, feet North and feet West of the Southeast corner of said section, at a diversion rate not in excess of gallons per minute (0. c.f.s.) and in a quantity not to exceed acre-feet (gallons) per calendar year; and

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section , more particularly described as being near a point 4, feet North and feet West of the Southeast corner of said section, at a diversion rate not in excess of gallons per minute (c.f.s.) and in a quantity not to exceed acre-feet (gallons) per calendar year;

both in Township South, Range West, County, Kansas,

for stockwatering use in the Southwest Quarter (SW¼) of Section , in Section and in the West Half (W½) of Section , a total of acres in Sections , and , all in Township South, Range West, County, Kansas.

12-8

DUPLICATE COPY

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this day of , 19

DAVID L. POPE
CHIEF ENGINEER

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this th day of , 19 , by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

NOTARY PUBLIC
My Appt. Exp.
STATE OF KANSAS

My appointment expires: - -

COPY FOR YOUR INFORMATION

Signature:
Notary Public

(Please fill in the name of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION CERTIFICATE

No.

STATE OF KANSAS

Water Right, File No.

STATE OF KANSAS, COUNTY, ss.

Filed for record this day of , 19

at o'clock m. and

recorded in Book Page

Fee $

Register of Deeds.

1.3

12-9

1994 WATER USE REPORT
STOCKWATER USE

IMPORTANT: YOU MUST REPORT ANNUAL USAGE OR THE REASON FOR NON-USAGE, IN ORDER TO PROTECT YOUR RIGHT TO USE WATER.

This is the annual Water Use Report required to retain all Vested or Appropriation Rights. **COMPLETE AND RETURN BY JANUARY 26, 1995.** Please begin by reading the instructions for Part A on the reverse side of this page. Also present are instructions for name and address changes, which include information needed if you have disposed of your interest in one or more of the water right file numbers listed below. If you have any questions on how to complete this form, please contact the Water Use Coordinator at (913) 296-3717. Please make a copy of the entire Water Use Report for your records, and return the original report to:

Water Use Coordinator
Kansas State Board of Agriculture
Division of Water Resources
901 South Kansas, Second Floor
Topeka, Kansas 66612-1283

PART A: POINTS OF DIVERSION

Water Right File Number	Legal Descriptions Point(s) of Diversion	Water Meter Data: Beginning Water Meter Reading	Water Meter Data: Ending Water Meter Reading	Water Meter Data: Metered Quantity Of Water	Water Meter Data: UNIT	Hours	Pump Rate (gpm)	Well Data: Well Depth	Well Data: Depth to Water	Well Data: Date

Date:_____ Telephone: (___)_____

I submit this report as the best information available. I understand that knowingly falsifying the report is a violation of state law.

Office Use FO CO GMD

_____
Name (Printed or Typed)

_____
Name (Signature)

___ Owner ___ Tenant ___ Agent

12-10

DWR 1-511 (Rev. 11/10/94)

1994 WATER USE REPORT
STOCKWATER USE

NOTE: If you hold water rights for other than stockwater use, such as irrigation, the appropriate Water Use Report(s) will be mailed under separate cover.

INSTRUCTIONS AND DEFINITIONS FOR PART A:

Water Right File Number: The file number that was originally assigned by the Division of Water Resources to the application for permit to appropriate water for beneficial use or the file number that was originally assigned to the order determining and establishing a vested right to continue the beneficial use of water.

Point of Diversion: The point from which water is obtained, be it a well, dam or intake. **If no water was used from one or more points of diversion, then the reason for non-usage must be given for each of the points of diversion.**

Legal Descriptions: **If an error exists in a legal description, mark through the incorrect portion and enter the correct description immediately above it.** The location of each point of diversion is given by a qualifier followed by the section, township, and range. The qualifier is used to describe the specific location of the point of diversion within the section. For example, "NC S2 NW" reads "near the Center of the South Half of the Northwest Quarter." The qualifiers may be the number of feet North and number of feet West of the Southeast Corner of the section. In some cases, a portion is included on the next line following the term "aka" (also known as).

Water Meter Data: If there is no water meter installed on this point of diversion do not write in this space. If the meter has malfunctioned during the year, please indicate.

Beginning Meter Reading: If a WATER METER is installed, report this year's BEGINNING METER READING (this is the same as last year's ending meter reading), APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER.

Ending Meter Reading: If a WATER METER is installed report this year's ENDING METER READING, APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER.

Meter Quantity: If a WATER METER is installed, subtract this year's beginning meter reading and this year's ending meter reading and report the difference, APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER. Please have the water meter checked to verify its accuracy, if it has not been checked by a qualified person within the past three years.

Meter Unit: Indicate the unit of measure recorded by your water meter (enter "A" for acre-feet, "AI" for acre-inches or "G" for gallons).

Hours Pumped: Enter the number of hours the pump was operated during the calendar year, if you **do not** have a water meter, or meter readings can not be obtained.

Est. Pump Rate: Enter the average rate of pumping in gallons per minute, if you **do not** have a water meter, or meter readings can not be obtained.

Well Data: Well Depth: enter the depth to bottom of well in feet.
Depth to Water: enter the depth to water in feet.
Date Measured: enter the date of the last depth to water measurement.

INSTRUCTIONS FOR NAME, ADDRESS CHANGES:

1. Please check your name and address, which is printed on the reverse side of this page in the lower left corner. If it is incorrect or incomplete, make any necessary changes in the space provided below. If you are no longer the person responsible for completing this report for one or more of the water right file numbers listed on the reverse side of this page, please print or type the information requested below.

Check one: ____ Address Correction ____ New Correspondent ____ New Owner

Water Right File Number(s): _____

Name of New Owner/Title: _____

Address: _____

_____

Date of Change: Month ____ Year ____ Telephone: (___) _____

IF YOU HAVE ADDITIONAL INFORMATION REGARDING THIS WATER USE REPORT, PROVIDE BELOW OR ATTACH ANOTHER PAGE.

12-11

1994 WATER USE REPORT
STOCKWATER USE

PART B: MONTHLY WATER USE AND LIVESTOCK SUMMARY (REPORT ALL AMOUNTS IN UNITS OF 1000 GALLONS):

Column 1: The amount of water diverted, by month, from all authorized points of diversion. The total amount in this column must equal the total of the amounts reported in PART A.
Column 2: The amount of water purchased, by month, from all other entities.
Column 3: The average number of head of cattle watered per day for the month.
Column 4: The average number of head of hogs watered per day for the month.

Month	Column 1 Raw Water Diverted Under Your Rights (1000 Gallons)	Column 2 Water Purchased From All Sources (1000 Gallons)	Column 3 Average Number of Cattle	Column 4 Average Number of Hogs
Jan.				
Feb.				
Mar.				
Apr.				
May				
June				
July				
Aug.				
Sep.				
Oct.				
Nov.				
Dec.				
Total			Average for Year	Average for Year

Part C: WATER PURCHASED FROM OTHER ENTITIES

Please list the name and address of the entity from whom water listed in Column 2 was purchased: _____

_____

_____

Office Use FO CO GMD

State of Kansas
Mike Hayden, Governor

Department of Health and Environment
Division of Environment
Forbes Field, Bldg. 740, Topeka, KS 66620-0002

Azzie Yount, Ph.D., Secretary

Respond to: (913) 296-5521
FAX (913) 296-6247

AGRICULTURAL AND RELATED WASTE REGISTRATION AND PERMIT APPLICATION

TO: Bureau of Water
Kansas Department of Health and Environment
Industrial Programs Section
Topeka, Kansas 66620-0001
(913) 296-5521

Permit No. A-_____

Reg. Appl. No. _____

Name of Applicant:_____ Title:_____

_____
Name of Firm or Facility

Mailing Address:_____
(P.O. Box, Street, or Route and Box Number)

City_____ State_____ Zip Code_____

_____ _____
Business Phone Number Home Phone Number

hereby makes application to the Kansas Department of Health and Environment in conformance with K.A.R. 28-18-1 through 4.

Legal description of property where livestock facilities are or will be located:

Quarter(s) _____, Section _____ County _____
Township _____, Range _____(E,W)

Approximate distance to nearest neighboring nonowned place of inhabitation: _____(ft).

Name of watercourse, river or lake receiving potential surface drainage from this property.

_____

Size and nature of the existing and/or proposed operation:

Type of Facility (Dairy, Beef, Hogs, Etc.)	Maximum Capacity Proposed	Existing	Area of confinement (Acre or Sq. Ft.)

(OVER)

(4)

PRINTED ON RECYCLED PAPER

Charles Konigsberg, Jr., M.D., M.P.H., Director of Health (913) 296-1343
James Power, P.E., Director of Environment (913) 296-1535
Lorne Phillips, Ph.D., Director of Information Systems (913) 296-1415
Roger Carlson, Ph.D., Director of the Kansas Health and Environmental Laboratory (913) 296-1619

Date existing facilities were constructed: Month _____, Year _____.

Do you plan to expand the existing or proposed livestock operation within two (2) years? Yes _____, No _____. If yes, estimate the date of future expansion: Month _____, Year _____.

The proposed and/or existing livestock operation consist of:

_____ Open Lots or Pens, _____ Housed Facilities, _____ Both Open and Housed Facilities

Amount of land available for the disposal of livestock wastes and wastewater accumulations:

Owned _____ Acres, Leased _____ Acres, Other _____ Acres

Indicate the type and size of dewatering equipment: _____

_____

An Agricultural and Related Waste Control Permit is required to operate manure pits, lagoons, runoff control ponds, and other structures or devices used to retain liquid wastes. Permits are issued for a 5 year term. If the livestock operation uses or will utilize water pollution control facilities, enclose the permit fee in accordance with the following schedule:

WASTE CONTROL FACILITY

Annual Permit Fee	Cattle, Hogs, Sheep	Poultry	Annual Dairy Permit Fee
No Fee	Less than 1,000 head	Less than 10,000 fowl	Less than 500 cow herd
$ 30.00	1,000 - 4,999 head	10,000 - 49,999 fowl	No Fee
$ 75.00	5,000 - 9,999 head	50,000 - 99,999 fowl	500 cows or more -
$150.00	10,000 head or more	100,000 fowl or more	$ 30.00

In conformance with the provisions of K.S.A. 65-164 and 165 et. seq. and regulations thereby promulgated (K.A.R. 28-18-1 through 4, K.A.R. 28-16-56), a permit fee of $_____ is enclosed and application hereby made for a permit.

Application is valid for 1 year. A fee (if applicable) must accompany this application.

I hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief.

Signature _____ _____

Date Signed

_____

Type or Print Name and Title

This application to be signed by the following: (a) In the case of a corporation, by the principal executive officer of at lease the level of Vice President; (b) in the case of a partnership, by a general partner; and (c). in the case of a sole proprietorship, by the proprietor.

12-14

BUREAU OF WATER
Agricultural Waste Unit
Operational Plan

Name of Facility: _____

Name of Applicant: _____

REQUIRED INFORMATION

1. How will the lagoons and/or pits be operated to provide the minimum storage requirements?

   A. Winter Months

   B. When waste application sites are cropped and unavailable

2. What type and size of equipment will be utilized to dewater storages and apply wastes to land?

   Is it on-site? Yes _____ No _____ If no explain.

3. What precautions will be taken to assure that runoff does not occur as a result of application of livestock wastes/wastewater to land?

4. How much land is available for application of livestock wastes, both liquid and solid, and where is it located in conjunction with the facility?

5. What measures will be taken to minimize the flies, dust, odors, and other nuisance conditions originating at the facility and disposal area?

6. If the waste is to be stockpiled, how will runoff be controlled?

7. How often will solids and sludge be removed from retention structures and how will it be done?

8. What method is utilized in the disposal of dead animals?

9. Explain how uncontrolled runoff will be handled to prevent pollution?

10. What provisions will be used to divert freshwater runoff around confined feeding areas and waste control structures?

_____
Signature

12-15

GENERAL INFORMATION

e of Facility: _____ Coun : _____

ype of Facility: Beef, Swine, etc. _____ Capacity _____

1. Type of control structure planned? _____

2. Name and distance to nearest watercourse? _____

3. Approximate depth to groundwater at facility and/or control structure: ____

4. Type of water supply: _____

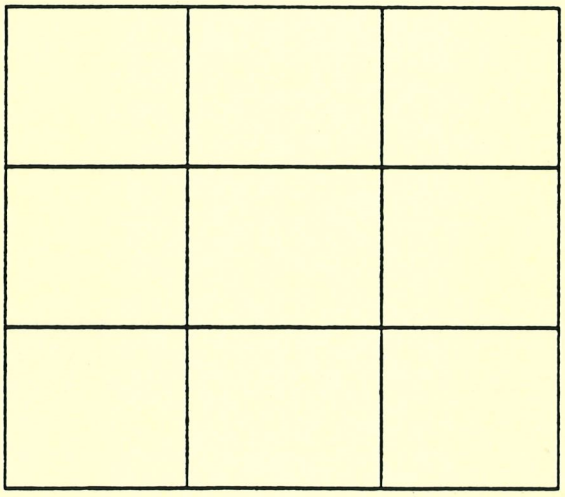
5. Soil type in area of control structure: _____

6. Are unusual site characteristics present? rock, sand, gravel, wetlands, springs, etc.

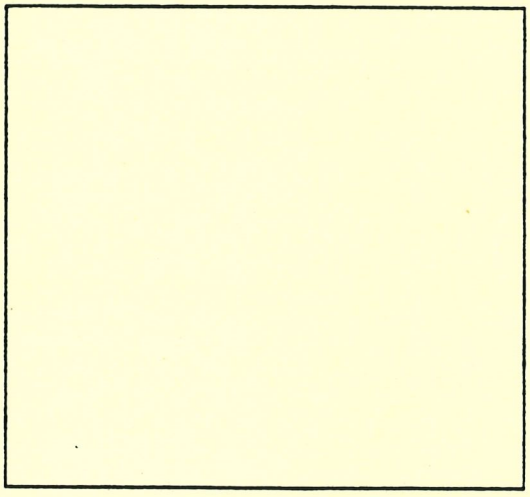
   Yes _____ No _____

7. If yes, explain and where are they located.

Location Map



Site Map



Instructions Location Map

1. Locate facility in middle section.
2. Shade disposal areas.
3. Locate all residences within 1 mile of the outer edges of the facility and the disposal areas. (Give distances)
4. Submit names and addresses of residences within 1 mile of the facility.
5. Location of water course within 1 mile.

Instructions Site Map

1. Locate facility.
2. Show distance to water
3. Show RWD lines if applicable.
4. Show distances to property lines.
5. Show drainage directions.
6. Locate pollution controls.

_____ _____

Signature Date

12-16

MINIMUM INFORMATION REQUIRED ON PLANS

(4) copies of the plans shall be submitted to KDHE for approval.

Instructions: For runoff retention structures complete items labeled #1
For enclosed retention structures complete items labeled #2
For both types complete all items

DESIGN DATA:

1,2 - Type of structure utilized: pit, lagoon, grassed waterway, etc. _____

1 - Size of open area to be controlled: _____ acres.
1 - Size of open area not controlled: _____ acres.
1 - Will continuous flow waters be used _____
1 - Number of waterers _____
1 - Are they thermostatically controlled _____
1 - Approximate length of time used _____
Animal capacity:
1 - Maximum Capacity _____
2 - _____ head of _____ at _____ lbs.
2 - _____ head of _____ at _____ lbs.
2 - _____ head of _____ at _____ lbs.
2 - _____ head of _____ at _____ lbs.
2 - Design period. (Minimum 120 days) _____ days
1 - Design storm. (Minimum 25 yrs., 24 hr.) _____ in.
2 - Design period rainfall _____ in.
2 - Design period evaporation _____ in.
2 - Contributing drainage area _____ ft^2
2 - Volume of waste produced. _____ Ft^3
2 - Flush water (fresh) _____ Gal.
1,2 - Required volume of structure. _____ Ft^3/Acre Ft.
1,2 - Volume of proposed structure at maximum water level. _____ Ft^3/Acre Ft.
1,2 - Depth to water table from ground surface. _____ Ft
1,2 - Sealing required _____ Yes _____ No Type of soil _____
1,2 - Type of sealant to be used. _____

Note: Provide a minimum of 2 ft. of freeboard above the required volume.

DRAWINGS:

A. Plan View

Top and bottom dimensions
Bore Locations (if appliable)

B. Cross-sections

Top and bottom dimensions
Total depth
Maximum water depth
Side slopes
Top berm widths
Elevation inlet pipe enters
Original ground level

MAINTENANCE:

Will animals have access to structure? _____
Will structure be fenced? _____
Describe seeding and mowing procedures.

Di[illegible]n of Environment
Bu[illegible] of Environmental Quality

[illegible]peka, Kansas 66620
Telephone: (913) 296-5521

KANSAS AGRICULTURAL AND RELATED
WASTE CONTROL PERMIT

KS-0085278

DRAFT

Pursuant to the provisions of the Kansas Statutes Annotated 65-164, et. seq.;

A PERMIT IS HEREBY GRANTED TO

with

livestock facilities for approximately head of cattle located in the

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 or related agricultural wastes as herein prescribed:

Provided, the water pollution control facilities shall be operated and maintained to prevent the discharge of water pollutants into the waters of the State. Liquids and solids shall be dewatered or removed from the collection and retention structures in a timely manner such that control capabilities are maintained for future needs.
Provided, further, the water pollution retention structure(s) shall be normally maintained with adequate freeboard to insure structural stability and with sufficient available storage capacity to retain future dry weather wastewater accumulations resulting in a two week period and/or precipitation induced runoff accumulations from all contributing drainage areas equivalent to the maximum quantity of precipitation expected to occur over a 24 hour period once in 10 years on a statistical probability basis.
Provided, further, that all overflows or discharges from the water pollution control structures or other water pollution incidents resulting from livestock or related agricultural wastes shall be duly reported to this agency within three (3) days. Only duly reported discharge incidents shall be eligible for Departmental authorization.
Provided, further, runoff and wastewater containing livestock or related agricultural wastes not collected and retained by the water pollution control facilities shall be controlled in a manner capable of preventing water pollution.
Provided, further, that practices and procedures employed to apply livestock or related agricultural wastes, wastewaters, and runoff upon agricultural land shall be prudently conducted to prevent water pollution.
Provided, further, any significant operational changes, modifications, or capacity increases shall be reported and approved by this agency prior to implementation.
Provided, further, that the livestock operation and water pollution control facilities shall be maintained in conformance with the provisions of K.S.A. 65-3001, et seq., and regulations developed pursuant thereto regarding air pollution.
Provided, further, that the livestock operation and water pollution control facilities shall be maintained in conformance with the provisions of K.A.R. 28-18-1 through 4 and the stipulations contained under Permit Limitations and Requirements.

This nontransferable permit shall become effective ___ will supersede all previous permits and/or agreements in effect between the Kansas Department of Health and Environment (the Department) and the permittee, and will expire at midnight ___ ___ ___.

Acting Secretary, Kansas Department of Health & Environment

Date

2.6

12-18

Permit Limitations and Requirements

A. Permit Limitations

The livestock operation utilizes 18 pens for confined feeding. The lot is divided into two 8.6 acre drainage areas for a combined total of 17.2 acres. The west lot complex is served by an irregular shaped waste retention structure which is 3.7 surface acres and approximately two (2) feet deep.. Usable storage volume in the pond is approximately 4.0 ac-ft. Lot runoff is transported to the pond via a 900 foot collection-sedimentation channel.. The 8.6 acre east lot complex is served by 1,290 feet of collection-sedimentation channel which conveys lot runoff to a 10.5 foot deep triangular shaped retention structure with bottom dimensions of 200 ft by 220 ft by 240 ft with a combined collection channel and pond capacity of 6.7 acre feet. Two trailer mounted 2,000 gpm irrigation pumps with 5,000 ft of 8 inch and 10 inch gated irrigation pipe are utilized to distribute wastewater on cropland. Two thousand acres of owned and 160 acres of leased cropland are utilized for liquid and solid waste disposal on a rotational basis.

Controlled Drainage Area	Required Wastewater Storage Capacity	Required Wastewater Application Capacity	Required Wastewater Application Area
(West) 8.6 ac	3.3 ac ft 2.0 ft*		
(East) 8.6 ac	3.3 ac ft 5.0 ft*	330 gpm	75 acre

*Required wastewater storage depth is vertical feet below top of berm.

B. Operation and Maintenance Requirements

The runoff retention structures shall be maintained with at least the required storage capacities as shown in 'A. Permit Limitations' normally available to retain feedlot runoff in the amount of 4.6 ac-in per acres of controlled drainage area. The west pond shall be maintained with 2.0 ft of empty depth (measured for the top of the berm to the water level) and the east pond shall be maintained with at least 5.0 ft of empty depth. Whenever the available wastewater storage capacity is less than the required amount, dewatering shall be initiated and conducted on all days suitable for land application of waste until the required storage capacity is again available. Equipment and land area shall be available to dewater the required wastewater storage volume in ten (10) days.

The sedimentation basin(s) shall be cleaned whenever solids accumulations fill one-third of the design volume of the basin. The runoff retention structures shall be cleaned of solids accumulation whenever less than 2.0 ft of total depth on west structure and 7.0 feet of total depth on the east structure is available for runoff storage. Removed solids shall be applied to agricultural land on days suitable for land application of waste.

Operation and Maintenance Requirements (cont.)

Days suitable for land application of waste are those on which no precipitation occurs and have been immediately preceded by at least three successive days with less than 0.05 inch of precipitation per day; and on which non-frozen ground conditions prevail, there is no snow cover, and the temperature during disposal activities exceeds 32° F.

Livestock wastes (both liquid and solid) shall be applied to land using rates and methods that prevent surface runoff of pollutants and leaching of pollutants to groundwater. Wastes shall be applied to land at rates not to exceed the nitrogen or moisture needs of plants growing or to be grown at the site. Annual waste applications shall in no case exceed 250 pounds of available nitrogen or 20 dry tons of solid waste per acre.

Livestock wastes shall not be applied to land within the 5-year flood plain nor within 200 feet of an intermittent watercourse, stream, river, or lake unless such wastes are incorporated into the soil within 12 hours of application. Wastewater irrigation sites subject to surface runoff shall have tailwater control structures installed. Concentrated liquid wastes (ie. liquid manure) shall be incorporated in the soil within 12 hours of application unless applied to sites with heavy vegetative cover. Manure shall be stockpiled only temporarily, and stockpiles shall be located in areas not subject to runoff or leaching.

C. Monitoring Requirements

A water level gauge (staff gauge) shall be installed in each runoff impoundment. The gauge shall be marked in increments of feet and shall be readable to the nearest 1/2 foot. The water level at which minimum required storage volume is available shall be clearly marked.

A record of rainfall events, waste disposal activities and coincident weather and soil conditions, and the wastewater storage capacity shall be maintained on operation logs provided by the Department. Information provided on the logs shall include but not be limited to, the following: daily precipitation amounts, available storage depth in all wastewater storage structures on the 1st, 15th, and last day of each month, air temperature and soil condition (frozen/thawed) on all disposal days, daily quantity of waste applied to land, application area, and vegetation on application area.

Whenever the water level infringes on the required freeboard or the required runoff storage volume is not available in any impoundment, the available storage depth shall be recorded daily until required storage capacity is achieved.

Operational logs shall be submitted to the Department for each calendar month by the 10th day of the following month to verify proper management of pollution controls. Logs shall be kept on file at the facility for a period of one year and shall be available upon request by the Department.

D. Other Requirements

The livestock waste disposal plan approved by the Department September 7, 1983, shall be adhered to as a condition of this permit. The plan calls for land application of both liquid and solid wastes at rates not to exceed crop nutrient needs as determined by chemical analysis of wastes and soils at the application site. If nutrient analysis is not conducted, liquid wastes shall be applied to at least 200 acres and solid wastes to at least 600 acres annually.

12-21

NW

OPERATIONAL REPORT OF AGRICULTURAL AND RELATED WASTE CONTROL FACILITIES

STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ENVIRONMENTAL QUALITY
TOPEKA, KANSAS 66620-0001
(913) 296-5521

NAME _____ A- _____
Permitted Facility Name — Permit Number

MANAGER _____

ADDRESS _____ _____
P.O. Box, Street Address — County

_____
City, State, and Zip Code

STATUS _____
Number of Animals Confined

REPORT PERIOD FOR THE MONTH OF _____, 19____.

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

_____ _____
Date Signed — Signature of Manager or Owner

INSTRUCTIONS:

The following minimum data shall be recorded on the back of this form:

1. Daily precipitation amounts in inches and tenths. Facilities with no runoff containment structures need only report precipitation starting three days before land application of waste and continuing until all waste is applied.

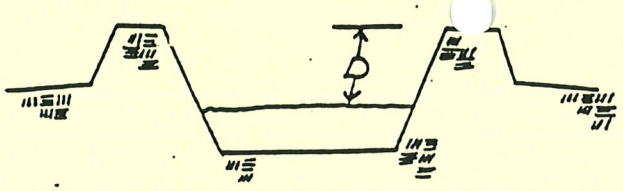
2. Available storage depth in each wastewater impoundment on the 1st, 15th, and last day of the month.

3. Whenever the minimum required wastewater storage capacity is not available in any impoundment, the available depth shall be recorded daily until the required storage is again available.

4. On everyday when either solid or liquid wastes are applied to land, the following information shall be recorded: soil condition (frozen, thawed, or snow covered), average daytime air temperature, quantity of waste applied in gallons, tons, or cubic yards whichever is most appropriate, size of the area (in acres) to which waste is applied, and crop(s) either growing or intended to be grown next season on the application area.

2.11

12-22



DATE	PRECIP (INCHES)	WASTE DISPOSAL DAYS					AVAILABLE DEPTH (D) FROM TOP OF BERM TO WATER SURFACE (see drawing)							
							STRUCTURE NUMBER							
		SOIL COND (T,F,S)*	AIR TEMP (°F)	QUANTITY APPLIED (gal, tons, yd³)	AREA APPLIED (ac)	CROP APPLIED TO	1 (FT)	2 (FT)	3 (FT)	4 (FT)	5 (FT)	6 (FT)	7 (FT)	8 (FT)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
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26														
27														
28														
29														
30														
31														

* F=Frozen, T=Thawed, and S=Snow Covered

12-23

CLS-30
Rev 05/91

APPLICATION FOR CHEMIGATION EQUIPMENT OPERATOR'S CERTIFICATION

Name (print)_____
(Last) (First) (Middle)

Address _____ County _____
(Street or R.R. and Box No.)

City _____ State _____ ZIP:_____

Soc. Sec. No. _____-____-_____ Telephone (_____)_____-_____

Chemigation Users Permit Number_____

Chemigation Users Permit Name_____

I hereby apply for Chemigation Equipment Operator certification. I am aware that I must meet the following requirements for certification:

1. Be 18 years of age or older by January 1 of year of permit issue.
2. Submit the completed application (this form).
3. Pass the examination supplied by Kansas State Board of Agriculture.
4. Pay the $10 examination fee (this fee is separate from the fee required for the Chemigation User's Permit).

Signature _____ Date _____

NOTE:

YOU MUST ENCLOSE:
1. Completed exam answer sheet.
2. Completed application form.
3. Check or money order for $10.00 made payable to "Kansas State Board of Agriculture". Sending currency through the mail is discouraged.

Your canceled check will serve as your receipt
FEES ARE NOT REFUNDABLE.

Mail to: Kansas State Board of Agriculture
Division of Plant Health
Pesticide Use Section-Chemigation
901 S. Kansas Ave.
Topeka, Kansas 66612-1281
(913)296-2142

12-24

CSL-100
Rev. 11/89

APPLICATION FOR [redacted] CHEMIGATION USER'S PERMIT

SEE INSTRUCTIONS ON BACK

1. Person, partnership, corporation or association to whom permit is to be issued:

   Name:_____ Phone:(____)____-_____

   Address:_____
   STREET (or R.R. & Box No.) CITY COUNTY STATE ZIP

2. Supply the following information for each owner, partner, or officer:
   (attach a separate sheet if necessary)

   A) Name_____ Title/Office_____ Birth Date___/___/___

   Home Address_____
   STREET (or R.R. & Box No.) CITY COUNTY STATE ZIP

   B) Name_____ Title/Office_____ Birth Date___/___/___

   Home Address_____
   STREET (or R.R. & Box No.) CITY COUNTY STATE ZIP

   C) Name_____ Title/Office_____ Birth Date___/___/___

   Home Address_____
   STREET (or R.R. & Box No.) CITY COUNTY STATE ZIP

3. If the business is incorporated, supply the following information:

   A) Date of Incorporation:___/___/___ B. State in which incorporated:_____

   B) If an out-of-state corporation, name the resident agent:_____

   Address:_____
   STREET (or R.R. & Box No.) CITY COUNTY STATE ZIP

4. For each well or surface-water point of diversion that may be used for chemigation under this permit, list the legal description, water right file number (WRF#), County abbreviation, and type of system (cp = center pivot; dp = drip; fl = flood; o = other). Attach additional sheets if necessary. DO NOT REPORT PIVOT LOCATIONS.

	Legal Description	WRF#	COUNTY	System Type (Check one)
A)				cp__ dp__ fl__ o__
B)				cp__ dp__ fl__ o__
C)				cp__ dp__ fl__ o__
D)				cp__ dp__ fl__ o__
E)				cp__ dp__ fl__ o__
F)				cp__ dp__ fl__ o__
G)				cp__ dp__ fl__ o__
H)				cp__ dp__ fl__ o__

5. Certified Chemigation Equipment Operators:

	Name	Kansas Certification Number
A)		
B)		
C)		

6. Applicant Signature: I have read the Chemigation Informational Leaflet and am aware that copies of the Chemigation Safety Law and Regulations are available upon request. The information in this application for permit is true, complete and accurate.

   Name (print):_____ Soc. Sec. No.:_____-____-_____

   Signature: _____ Date:___/___/___

---For Office Use Only---

Fees Received: Check #:_____ Money Order #:_____ Cash:_____
Total wells:_____ x $10.00 = $_____ Total Fees Received:$_____
Date:___/___/___ Receipt #:_____ Permit #:_____ Date Issued:___/___/___

Remarks: _____

12-25

CHEMIGATION EQUIPMENT OPERATOR

SAMPLE

Effective Date: 01/15/93

No. 0

THIS CERTIFIES THAT

John Doe

has met the requirements for
Chemigation Equipment Operator Certification as
provided by the Kansas Chemigation Safety Law.

Expires 12/31/1997

Sam Brownback, Secretary
Kansas State Board of Agriculture
TOPEKA, KANSAS

CHEMIGATION EQUIPMENT OPERATOR

Date Issued: 01/15/93 SAMPLE

No. 0

This Certifies that

John Doe

has met the requirements for Chemigation Equipment Operator Certification as provided by the Kansas Chemigation Safety Law.

Expires 12/31/1997

Sam Brownback, Secretary
Kansas State Board of Agriculture

(Fold)

Kansas Chemigation Safety Law Regulation K.A.R. 4-20-13 requires that this certificate or pocket card be in your possession when applying any chemical using the chemigation process, and that you produce such certificate or pocket card when requested to do so by any law enforcement official, the secretary or any authorized representative of the secretary.

12-26

4.3

SAMPLE

CHEMIGATION USER'S PERMIT

Permit No. 0000

This certifies that Doe, John has met the registration requirements of the Kansas Chemigation Safety Law, and is hereby issued this Chemigation User's Permit.

Effective: January 15, 1993 Expires: December 31, 1993

Sam Brownback

Sam Brownback, Secretary
Kansas State Board of Agriculture
Topeka, Kansas

12.27

CSL-457
Rev. 11/90

VERIFICATION OF COMPLIANCE

The Kansas Chemigation Safety Law (K.S.A. 2-3301 et seq.) requires that irrigation systems which are used to apply pesticides, fertilizers, or other chemicals, or animal wastes must be equipped with certain functional anti-pollution devices. These devices are listed below.

I. ALL irrigation systems used for chemigation, including animal wastes, must be equipped with the following:

1) an INTERLOCK SYSTEM between the power system of the injection unit, the irrigation pumping plant and the pivot, if involved;
2) a MAINLINE CHECK VALVE, that is automatic with positive closure between the water source and point of injection;
3) a VACUUM RELIEF DEVICE between the Mainline Check Valve and the irrigation pump; and
4) an AUTOMATIC LOW PRESSURE DRAIN between the Mainline Check Valve and the irrigation pump, which is flush/recessed or has a dam.

II. In addition to the devices listed above (items 1 through 4), injection equipment used for fertilizer and chemicals other than pesticides must also be equipped with the following:

5) a CHEMICAL INJECTION LINE CHECK VALVE installed on the output side of the injection pump;
6) a MANUALLY OPERATED VALVE on the chemical supply tank;
7) a STRAINER located on the suction (intake) side of the chemical injection pump; and
8) a CALIBRATION DEVICE of sufficient volume to accurately calibrate the injection pump.

III. In addition to the devices listed above (items 1 through 8), injection equipment used for PESTICIDES (insecticides, herbicides, fungicides, etc.) must also be equipped with the following:

9) an AIR BLEEDER VALVE adjacent to the Chemical Injection Line Check Valve, for removing air trapped in the injection pump and the high pressure line;
10) a POSITIVE DISPLACEMENT INJECTION PUMP (ex. a diaphragm or piston pump);
11) Any other equipment required by the pesticide's label or labeling.

I hereby certify that each irrigation system listed on my application for a Chemigation User's Permit has been equipped with all of the required anti-pollution devices.

Name:_____ Chemigation User's Permit #:_____

Signature:_____ Date:____/____/____

12-28

CSL-400
Rev. 11/90

12-29

KANSAS STATE BOARD OF AGRICULTURE
CHEMIGATION SAFETY LAW
CHEMICAL APPLICATION REPORT
YEAR ENDING DECEMBER 31, 19__

Name:_____ Chemigation Users Permit #:_____
Address:_____
City:_____ State:_____ Zip:_____ Location:_____

Instructions: 1. Both herbicides and insecticides should be listed under "PESTICIDES APPLIED".
2. Be specific with insect pests (SW Cornborer, European Cornborer, Army Worm).
3. Report fertilizers in total pounds PRODUCT applied NOT actual pounds N.
4. Maintain a separate record sheet for each location.

PESTICIDES APPLIED

	Brand Name	EPA Reg. No.	Pounds Active Ingred. Applied	Total Acres Treated	Crop	Type of Pest	Date Treated
1.							
2.							
3.							
4.							
5.							
6.							

FERTILIZERS APPLIED

	Brand Name	Percentage Actual Plant Food	Pounds PRODUCT Applied	Total Acres Treated	Crop	Date Treated
1.						
2.						
3.						
4.						
5.						
6.						

OTHER CHEMICALS APPLIED

	Type	Pounds/Gallons Applied	Total Acres Treated	Crop	Type of Pest	Date Treated
1.						
2.						
3.						
4.						

Comments:_____

I certify that the information provided above is complete and accurate to the best of my knowledge.

Signature:_____ Date:____/____/____

_____ Initial Applica
_____ Renewal Applica
_____ Kansas License Number

STATE OF KANSAS

Animal Health Department

APPLICATION FOR KANSAS LIVESTOCK FEEDLOT LICENSE

Facility Name: _____ Phone: _____
Name: _____ Owner: _____ Operator: _____
Address: _____
City: _____ County: _____ State: _____ Zip: _____
Directions to Facility: _____
_____
Social Security Number: _____
Furnishing your social security number is voluntary. This request is pursuant to K.S.A. 1990 Supp. 74-139. The information shall be used to provide your name, address and social security number to the director of taxation upon his request.

This application is for licensing year 1994 (July 1, 1993 through June 30, 1994) and is accompanied by a $_____ license fee. License fees are:

Under 1000 head--$65
1000 to 2999 head--$125
3000 to 9999 head--$250
10,000 to 17,999 head--$375
18,000 head and over--$625

_____ _____

Name and Address of Veterinarian: _____

Number on feed at present time:

	Cattle	Sheep	* Swine
	_____	_____	_____

Maximum at one time for previous year:

	Cattle	Sheep	* Swine
	_____	_____	_____

Maximum Capacity

	Cattle	Sheep	* Swine
	_____	_____	_____

***SWINE PRODUCERS ONLY**
When calculating the numbers of swine in a facility, swine weighing more than 55 pounds are considered an individual head of livestock. If your feedlot operation includes swine, please check the following operational category that best fits your facility. Refer to the enclosed "Feedlot Licensing Information" sheet.

_____ Breeding Herd Facility
_____ Controlled Origin Facility
_____ Finishing Facility
_____ Designated Quarantined Finishing Facility

Please answer the following questions regarding standards of operation:

What grading, scraping, loading and removal equipment is available for feedlot use?
_____

How is manure disposed? _____

How are insects controlled, what chemicals are used? _____

How are rodents controlled, what chemicals are used? _____

Are weather resistant platform aprons adjacent to all permanently affixed feed and water devises, what material is used? _____

Describe drainage of lots and include a rough diagram on attached sheet. _____
_____

_____ _____
Signature Date

Rev. 4/93 es/forms/feedlot

712 Kansas Ave., Suite 4B Topeka, Kansas 66603 Phone 913\296\2326 Fax 913\296\1765

12-30

KEEP THIS LICENSE DISPLAYED ON LICENSED PREMISES

License No._____

STATE OF KANSAS

License to Operate a Livestock Feed Lot

Know Ye, That Whereas, _____

_____, Kansas, having complied with the laws of the State of Kansas governing the operation of a livestock feed lot and otherwise complied with the rules and regulations of the Livestock Commissioner,

Therefore, This is to certify that the above-named licensee has been authorized and permitted by the Livestock Commissioner, Kansas Animal Health Department, to maintain and operate a livestock feed lot at _____, Kansas, for the license year ending June 30, 19____, according to K.S.A. 47-1501 through 47-1511, as amended and supplemented.

Dated at Topeka, Kansas:

_____

_____

Livestock Commissioner.

THIS LICENSE EXPIRES AS OF ABOVE DATE UNLESS SUSPENDED OR REVOKED FOR CAUSE

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Permit must be posted in a conspicuous place

Permit Expires: July 31, 1994

PERMIT NO. 00000
00000-001

Be it known, that having properly filed application with the Kansas Department of Health and Environment and provided documentation, was found to be in substantial compliance with laws, rules and regulations and upon the issuance of this permit by the Secretary of Health and Environment the following is hereby authorized to operate a

00000 GALLON UNDERGROUND STORAGE TANK LOCATED AT THE ADDRESSED FACILITY.

OWNER NAME
ADDRESS
ANYWHERE, KANSAS ZIP CODE

FACILITY NAME
ADDRESS
ANYWHERE, STATE ZIP CODE

Robert C. Harder

Robert C. Harder, Secretary

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Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 2050-0049
APPROVAL EXPIRES 6-30-88

FOR TANKS IN KS

RETURN COMPLETED FORM TO
Office of Environmental Geology
Kansas Dept. of Health & Environment
Forbes Field, Building 740
Topeka, KS 66620
(913) 862-9360 Ext. 221

STATE USE ONLY
I.D. Number
Date Received

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means—

(a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and

(b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:
1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. tanks used for storing heating oil for consumptive use on the premises where stored;
3. septic tanks;
4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;
5. surface impoundments, pits, ponds, or lagoons;
6. storm water or waste water collection systems;
7. flow-through process tanks;
8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. **This form must by completed for each location containing underground storage tanks.** If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached ☐

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Street Address

County

City State ZIP Code

Area Code Phone Number

Type of Owner *(Mark all that apply ☒)*

☐ Current ☐ State or Local Gov't ☐ Private or Corporate
☐ Former ☐ Federal Gov't (GSA facility I.D. no. _____) ☐ Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section 1, mark box here ☐)

Facility Name or Company Site Identifier, as applicable

Street Address or State Road, as applicable

County

City (nearest) State ZIP Code

Indicate number of tanks at this location ☐

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands ☐

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here ☐) Job Title Area Code Phone Number

IV. TYPE OF NOTIFICATION

☐ Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative	Signature	Date Signed

CONTINUE ON REVERSE SIDE

7.5

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VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS *(Complete for each tank at this location.)*

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)		Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
1. Status of Tank *(Mark all that apply ☒)*	Currently in Use	☐	☐	☐	☐	☐
	Temporarily Out of Use	☐	☐	☐	☐	☐
	Permanently Out of Use	☐	☐	☐	☐	☐
	Brought into Use after 5/8/86	☐	☐	☐	☐	☐
2. Estimated Age (Years)						
3. Estimated Total Capacity (Gallons)						
4. Material of Construction *(Mark one ☒)*	Steel	☐	☐	☐	☐	☐
	Concrete	☐	☐	☐	☐	☐
	Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
	Unknown	☐	☐	☐	☐	☐
	Other, Please Specify	_____	_____	_____	_____	_____
5. Internal Protection *(Mark all that apply ☒)*	Cathodic Protection	☐	☐	☐	☐	☐
	Interior Lining (e.g., epoxy resins)	☐	☐	☐	☐	☐
	None	☐	☐	☐	☐	☐
	Unknown	☐	☐	☐	☐	☐
	Other, Please Specify	_____	_____	_____	_____	_____
6. External Protection *(Mark all that apply ☒)*	Cathodic Protection	☐	☐	☐	☐	☐
	Painted (e.g., asphaltic)	☐	☐	☐	☐	☐
	Fiberglass Reinforced Plastic Coated	☐	☐	☐	☐	☐
	None	☐	☐	☐	☐	☐
	Unknown	☐	☐	☐	☐	☐
	Other, Please Specify	_____	_____	_____	_____	_____
7. Piping *(Mark all that apply ☒)*	Bare Steel	☐	☐	☐	☐	☐
	Galvanized Steel	☐	☐	☐	☐	☐
	Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
	Cathodically Protected	☐	☐	☐	☐	☐
	Unknown	☐	☐	☐	☐	☐
	Other, Please Specify	_____	_____	_____	_____	_____
8. Substance Currently or Last Stored in Greatest Quantity by Volume *(Mark all that apply ☒)*	**a. Empty**	☐	☐	☐	☐	☐
	b. Petroleum					
	Diesel	☐	☐	☐	☐	☐
	Kerosene	☐	☐	☐	☐	☐
	Gasoline (including alcohol blends)	☐	☐	☐	☐	☐
	Used Oil	☐	☐	☐	☐	☐
	Other, Please Specify	_____	_____	_____	_____	_____
	c. Hazardous Substance	☐	☐	☐	☐	☐
	Please Indicate Name of Principal CERCLA Substance	_____	_____	_____	_____	_____
	OR Chemical Abstract Service (CAS) No.	_____	_____	_____	_____	_____
	Mark box ☒ if tank stores a mixture of substances	☐	☐	☐	☐	☐
	d. Unknown	☐	☐	☐	☐	☐
9. Additional Information (for tanks permanently taken out of service)	a. Estimated date last used (mo/yr)	/	/	/	/	/
	b. Estimated quantity of substance remaining (gal.)	_____	_____	_____	_____	_____
	c. Mark box ☒ if tank was filled with inert material (e.g., sand, concrete)	☐	☐	☐	☐	☐

CERTIFICATION OF COMPLIANCE (COMPLETE FOR ALL NEW TANKS AT THIS LOCATION)

FACILITY NAME _____

Please mark the appropriate boxes with an "X" to provide the requested information for each of the tanks listed.

Is this facility a petroleum marketer? Yes _____ No _____

Indicate if the tanks are used on a stand-by basis only.

TANK NO.	_____	_____	_____	_____	_____
Stand-by Tank					

RELEASE DETECTION FOR TANKS: In addition to one of the following, inventory control must be performed on all tanks except waste oil tanks using manual tank gauging. Manual tank gauging is only acceptable for tanks of 1000 gallons and less.

Manual Tank Gauging					
Tightness Testing/ Inventory Control					
Automatic Tank Gauging					
Vapor Monitoring					
Groundwater Monitoring					
Interstitial Monitoring/ Barrier					
Interstitial Monitoring/ Double Walled Tanks					
Statistical Inventory Reconciliation					
Other (Specify)					

PIPING SYSTEM: A safe suction system is designed with the piping sloped toward the tank with only one check valve located immediately below the suction pump. All other suction system designs are considered to be conventional. Pressurized system have submersible pumps mounted in the tank.

Safe System					
Conventional System					
Pressurized System					

RELEASE DETECTION FOR PIPING: This pertains to product distribution lines, not vent lines. Pressurized piping and conventional suction piping must have one of the following.

Tightness Testing					
Vapor monitoring					
Interstitial Monitoring					
Statistical Inventory Reconciliation					
Automatic Line Monitor					
Other (Specify)					

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DITIONAL RELEASE DE CTION FOR PRESSURIZED PIPING NLY: In addition to the above re nts, ' ssurized piping must have one of the following.

Automatic Flow Restrictor					
Automatic Shutoff Device					
Continuous Alarm System					
Automatic Line Monitor					

CORROSION PROTECTION TANKS: One of the following methods must be used on all tanks.

Coated/Cathodically Protected Steel					
Fiberglass					
Steel Clad w/ Fiberglass					
Interior Lining					
Field Designed Cathodic Protection					

PIPING MATERIAL: Indicate the material the piping is constructed of.

Steel					
Copper					
Fiberglass					

CORROSION PROTECTION PIPING: Metal piping must have one of the following.

Coated/Cathodically Protected Metal					
Fiberglass					
Cathodically Protected Metal					

SPILL PREVENTION: All tank systems must be equipped with this.

Catchment Basin					

OVERFILL PREVENTION: All tank systems must be equipped with one of the following.

Automatic Shutoff Device					
Overfill Alarm					
Ball Float Valve					

OATH; I ceritfy that the information concerning compliance with technical standards true to the best of my belief and knowledge.

Installer_____ Date_____
(signature)

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you should need additional information regarding UST requirements or if you need to register UST tanks within K[illegible]as you should contact the appropriate individual listed below

CENTRAL OFFICE STAFF

Program Area	Contact name	Telephone No.
Section Chief	Gary Blackburn	(913) 296-1678
Petroleum Storage Tank Release Trust Fund (State Trust Fund)	Lisa Larsen Env. Geologist	(913) 296-1666
	Frank Arnwine Env. Geologist	(913) 296-1597
	Phil Brink Geologist	(913) 296-5542
	Denise Shepherd Geologist	(913) 296-0642
	Vince Voegeli Geologist	(913) 296-2181
Underground Storage Tanks (USTs)		
New Installations & ease Detection	Juan Sexton Env. Geologist	(913) 296-1685
UST Compliance & Fed. Financial Responsibility	Dawar Saeed Env. Technician	(913) 296-1677
Tightness Testing & Contractor Licensing	Linda Romine Env. Technician	(913) 296-1598
Ownership Changes, UST Registration, Fees and Tank Abandonment	Debbie Ellis Office Assistant	(913) 296-1599
Leaking USTs		
Tank Closure, Leaks, Tank Removals and Site Assessments	Tom Winn Geologist	(913) 296-1684
	Mike Adams Env. Technician	(913) 296-4367

DISTRICT STAFF

1. Southwest District Office - Dodge City - 316-225-0596
   - Don Ubel — Env. Geologist
   - Douglas Doubek — Geologist

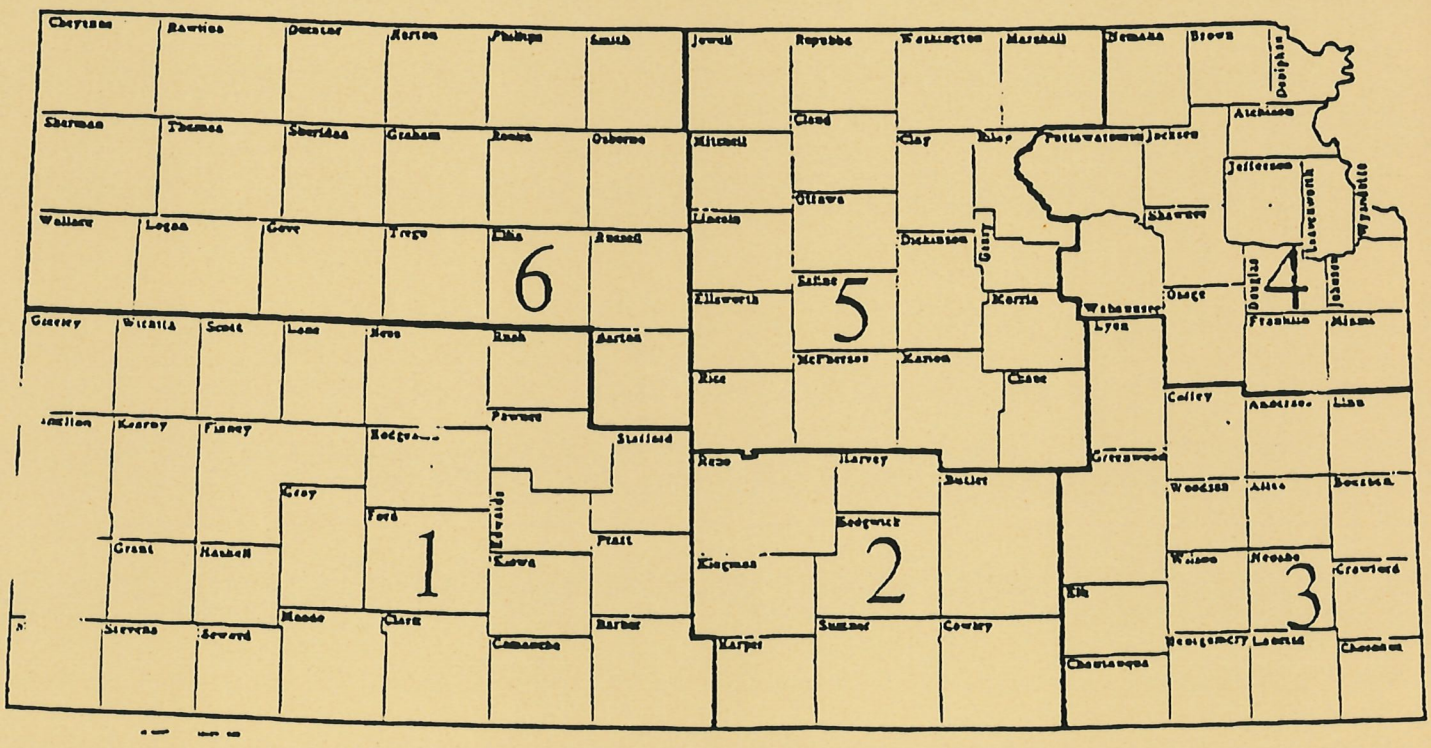
2. South Central District Office - Wichita - 316-838-1071
   - Kyle Parker — Env. Geologist
   - Meer Husain — Env. Geologist
   - Stan Marcotte — Env. Technician
   - Travis Kogl — Env. Technician

3. Southeast District Office - Chanute - 316-431-2390
   - William Thornton — Env. Geologist
   - Norman McKee — Env. Technician

4. Northeast District Office - Lawrence - 913-842-4600
   - Daniel Kellerman — Env. Geologist
   - Jack Slade — Env. Technician
   - Meredith Roth — Env. Technician

5. North Central District Office - Salina - 913-827-9639
   - Scott Lang — Env. Geologist
   - Howard Debauche — Env. Technician

6. Northwest District Office - Hays - 913-625-5663
   - Michael Larson — Env. Geologist
   - Ron Adams — Env. Technician



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DIVISION OF INSPECTIONS - WEIGHTS & MEASURES
KANSAS STATE BOARD OF AGRICULTURE
2016 SW 37th Street
Topeka, Kansas 66611-2570
Telephone No. 913-267-4641

As of July 15, 1992

State law requires that all commercial weighing devices must be tested annually. Listed below are licensed companies whose employees have been registered to do scale service work. The scale owner must make their own contract or agreement with the service company they choose to test the weighing device. Company names followed by (V) indicate technicians service vehicle & livestock scales; (S) small scales other than retail computing scales; (R) retail computing scales.

ATTENTION - As with all companies supplying services, prices charged may vary with the companies. I recommend that you call more than one service company and establish the price (including travel) to have the device(s) tested. I would also suggest that if other businesses in your vicinity have similar equipment, that you act cooperatively with them and utilize the same service company. Service companies prefer to schedule their work in advance and if they have multiple calls in an area, it reduces their travel costs and allows them to work more effectively and efficiently. If for any reason you are dissatisfied with the service provided by a licensed service company or their registered technicians, please call me at Telepnone No. (913) 267-4641.
- DeVern H. Phillips, State Sealer

LICENSED SCALE SERVICE COMPANIES

AARON SCALE SYSTEMS, INC. (VS)
700 Center Point Rd. N.E.
Cedar Rapids, IA 52402
PH: 319-365-3289

ACCURATE SCALE COMPANY, INC. (VS)
6411 Stadium Drive
Kansas City, MO 64129
PH: 816-924-3811

ACE SCALE COMPANY (VS)
1709 West Highway 238, Box 387
Elwood, KS 66024
PH: 913-365-9398

ACME SCALE & SERVICE CO. (VSR)
335 S.W. Boulevard
Kansas City, MO 64108
PH: 816-842-2731

AGRI-WEIGH SCALE COMPANY (VS)
Box 232, 1605 S. Bliss
Dumas, TX 79029
PH: 806-935-6956

BUSINESS ELECTRONICS SHOP (R)
623 E. 8th
Hays, KS 67601
PH: 913-625-2222

BUSINESS ELECTRONICS SHOP (R)
1201 South Kansas
Topeka, KS 66612
PH: 913-233-3803

BUSINESS ELECTRONICS SHOP (R)
637 S. Oliver #200
Wichita, KS 67218
PH: 316-681-3803

C & L SCALE COMPANY (SR)
1105 N.E. Chester Street
Topeka, KS 66616
PH: 913-235-2249

C & M BUSINESS MACHINES (R)
2335 N. Belt
St. Joseph, MO 64506
PH: 816-233-3758

D & D SCALES (SR)
47 Elkhorn Drive
Baldwin, KS 66006
PH: 913-594-6476

DESKIN SCALE COMPANY (VSR)
4500 E. 7th Street
Joplin, MO 64801
PH: 417-624-0055

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ELECTRON WEIGH, INC. (VSR)
P.O. Box 1097
2119 W. Jones Frontage Road
Garden City, KS 67846
PH: 316-275-4227

ELECTRONIC SCALE SYSTEMS, INC. (SR)
948 Miami Avenue
Kansas City, KS 66105
PH: 913-342-9009

FAIRBANKS SCALES (VSR)
1941 Warren Street
N. Kansas City, MO 64116
PH: 816-842-5300

FOUR STATE SCALE CO. (VS)
1504 South Madison
Webb City, MO 64870
PH: 417-782-4740

GENE'S SCALE SERVICE (VS)
106 W. Glenn Avenue
Scott City, KS 67871
PH: 316-872-5559

HAMMEL SCALE CO., INC. (VSR)
Forest & Water
Dodge City, KS 67801
PH: 316-225-4722

HAMMEL SCALE CO., INC. (VSR)
710 E. 8th, Suite G-6
Topeka, KS 66607
PH: 913-232-9559

HAMMEL SCALE CO., INC. (VSR)
1530 N. Mosley
Wichita, KS 67214
PH: 316-264-1358

HAMMEL SCALE OF K.C., INC. (VSR)
612 Kansas Avenue
Kansas City, KS 66105
PH: 913-321-5428

HOBART CORPORATION (R)
10631 Summit Street
Lenexa, KS 66215
PH: 913-469-9600

HOBART CORPORATION (R)
2041 SW Western Avenue
Topeka, KS 66604
PH: 913-354-1494

HOBART CORPORATION (R)
4959 Lulu Court, Suite 30
Wichita, KS 67216
PH: 316-522-8240

HOBART SALES & SERVICE (R)
131 West 8th Street, Box 399
Hays, KS 67601
PH: 913-625-9028
PH: 1-800-677-0152

HOBART SALES & SERVICE (SR)
930 Main Street, Box 358
Joplin, MO 64802
PH: 417-624-1100

HOLLY-HARNEDS OF WICHITA, INC. (R)
616 N. Pennsylvania
Wichita, KS 67214
PH: 316-262-0651

J & S SCALE CO., INC. (VSR)
Box 1305, 1215 Grand
Hutchinson, KS 67504
PH: 316-665-5571

J & S SCALE CO., INC. (VSR)
9339 W. 53rd Street
Merriam, KS 66203
PH: 913-831-3154

JOPLIN CASH REGISTER (R)
1102 Illinois, Box 428
Joplin, MO 64802
PH: 417-781-7210

KANSAS CERTIFIED SCALE (SR)
4921 E. Elm
Wichita, KS 67208
PH: 316-684-3438

LOWRY'S TRI-STATE OFFICE EQ. (R)
Box 1297, 501 E. 15th
Joplin, MO 64802
PH: 417-624-7634

MID-AMERICA CASH REGISTER (R)
AND EQUIPMENT CO., INC.
8853 Long
Lenexa, KS 66215
PH: 913-599-0091

NCR CORPORATION (R)
900 SW 39th Street
Topeka, KS 66609
PH: 913-267-0218

NCR CORPORATION (R)
7920 W. Kellogg
Wichita, KS 67209
PH: 316-721-7232

RETAIL DATA SYSTEMS (R)
4100 W. Maple
Wichita, KS 67209
PH: 316-943-9374

RETAIL DATA SYSTEMS OF K.C. (R)
106 Greystone Avenue
Kansas City, KS 66103
PH: 913-281-1333

RETAIL DATA SYSTEMS OF TOPEKA (R)
6261 SW 9th, Suite B
Topeka, KS 66615
PH: 913-273-6281

SALINA SCALE CO., INC. (VS)
4608 N. Crystal Springs Rd.
Salina, KS 67401
PH: 913-827-4441

SOONER SCALE, INC. (VS)
2428 S.W. 14th , P.O. Box 82386
Oklahoma City, OK 73148
PH: 405-236-3566

SPECIALTY FOOD EQUIPMENT (R)
4232 Kansas Avenue
Kansas City, KS 66106
PH: 913-321-0100

UNITED SCALE SERVICE (VS)
525 Sigler Street
Webb City, MO 64870
PH: 417-673-1816

W.H. SCALE COMPANY (VSR)
2703 S.E. Indiana
Topeka, KS 66605
PH: 913-357-5191

WING SCALE SERVICE (VS)
Box 5074
Grand Island, NE 68802
PH: 308-384-8455

WWIB TRANSPORTATION SERVICES
(Railroad Track Scales Only)
3435 Broadway, Suite 201
Kansas City, MO 64111
PH: 816-753-2101

LABORATORY BALANCE SERVICE

ALFIE PACKERS, INC.
8901 J. Street
Omaha, NE 68127
PH: 402-592-9102

Q A BALANCE SERVICE
850 North 59th Street
Lincoln, NE 68505
PH: 402-467-4046

No endorsement of any company is implied or intended by this listing, nor is the absence of any service company from this list any indication other than the company is not licensed and/or their technicians are not registered as of this date.

STATE OF KANSAS

BOILER INSPECTION SECTION

Department of Human Resources
Topeka, Kansas

CERTIFICATE OF INSPECTION FOR BOILER

Date of Issuance 1/5/90

Manufacturer	National Board Number	State Serial Number
SUPERIOR	2	KS 007

Issued To BOSSY FEEDS, INC.

Location of Boiler GRAND CITY, KANSAS

Inspected By STATE OF KANSAS

Type	Pressure Not To Exceed	Safety Valve Set At	Year Built
FTSM	150 PSI.	150 PSI.	1946

This Certificate Expires 1/5/91

Chief Boiler Inspector

From and after July 1, 1978, it shall be unlawful for any person, firm, partnership or corporation to operate in this state a boiler without a valid inspection certificate, and the operation of a boiler without such inspection certificate or at a pressure exceeding that specified in such inspection certificate shall constitute a class C misdemeanor. Each day of such unlawful operation shall be deemed a separate offense. Kansas Boiler Safety Act (KSA 44-913 Et Seq) Effective July, 1978

This Certificate Shall Be Posted Under Glass In Engine Or Boiler Room.
Certificate Must Accompany Portable Boiler

K-ISH 103 (3-93)

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STATEMENT

OF

IVAN W. WYATT, PRESIDENT

KANSAS FARMERS UNION

BEFORE

THE HOUSE AGRICULTURE COMMITTEE

ON

FEBRUARY 17, 1995

HB 2255

(COUNTY COMMISSIONERS APPROVED OF CONFINED FEEDING FACILITIES LOCATION)

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I AM IVAN WYATT, PRESIDENT OF THE KANSAS FARMERS UNION.

WITH THE HAPPENINGS OF THE PAST YEAR IT BECOMES OBVIOUS THERE IS A NEED FOR A SAFEGUARD FOR RURAL FAMILIES AND RURAL COMMUNITIES TO PROVIDE THEM WITH THE ABILITY TO PROTECT THEMSELVES FROM THE LOSS OF VALUE, USE OF THEIR PROPERTY, AND TO ALSO ASSURE A CONTINUING QUALITY OF LIFE FOR THEM AND THEIR FAMILY IN FUTURE YEARS.

IT IS OBVIOUS THIS PROTECTION WAS NOT MAINTAINED BY LEGISLATION PASSED DURING THE CLOSING HOURS OF 1994 SESSION WHEN THE GATES WERE VIRTUALLY THROWN OPEN TO ALLOW ANY FEEDLOT REGARDLESS OF SIZE TO BE ESTABLISHED ALMOST ANY WHERE

- OVER -

House Agriculture
Attachment 13
2-17-95

WITHOUT REGARD FOR THE RIGHTS OF HOMEOWNERS, PROPERTY OWNERS OR THE DEGRADATION OF THE AIR AND WATER OF FAMILIES LIVING NEARBY. (REFER TO OCTOBER 9, 1994 NEWS STORY)

IT IS A SAD DAY, WHEN MORE AND MORE CITIZENS OF A STATE OR NATION, AND IN SOME CASES EVEN COUNTY GOVERNMENT BEGIN TO SAY "I CAN'T TRUST OUR GOVERNMENT ANYMORE."

WHAT WE ARE HEARING MORE AND MORE IS, "IT IS TIME WE RETURN GOVERNMENT BACK TO THE PEOPLE." THIS BILL IS A PRIME EXAMPLE. IT IS BEING ADVOCATED BY MANY THAT WE GO ONE STEP FURTHER THAN THIS LEGISLATION AND ALLOW THE PEOPLE OF A TOWNSHIP OR COUNTY TO VOTE ON SUCH AN ISSUE, RATHER THAN EVEN TRUSTING COUNTY COMMISSIONERS IF THE SIZE IS OVER A CERTAIN SIZE SUCH AS 500 OR 1000 HEAD CAPACITY, DEPENDING ON LOCATION ETC.

I KNOW SOME ARE GOING TO BE TOTALLY OPPOSED TO THIS SUGGESTION BUT IT WOULD BE A PEOPLES DECISION, NOT A GOVERNMENT, NOT A BUREAUCRACT.

IT IS SAD TO SAY, TIMES HAVE CHANGED, PEOPLE HAVE CHANGED. NOT TOO MANY YEARS AGO MOST LIVESTOCK WERE FED BY A RESIDENT OWNER-OPERATOR WHO SHARED A CONCERN FOR THEIR NEIGHBORS RIGHTS OF PROPERTY, AIR, WATER AND RESPECT.

TODAY, THEIR ISN'T THAT CONCERN, A NEIGHBOR IS JUST

SOMEBODY YOU EITHER PUSH OUT OF THE WAY OR RUN OVER. TOO OFTEN THE OWNER AND OPERATOR ARE TWO SEPARATE ENTITIES WITH OWNERSHIP OFTEN AN UNKNOWN, OR CERTAINLY FOR REMOVED.

THEREFORE WHEN SOCIAL RESPECT AND CONSIDERATION FOR NEIGHBORS BREAKS DOWN, THEN PEOPLE TURN TO OTHER MEANS TO PROTECT FAMILY, PROPERTY AND THEIR RIGHTS.

THEREFORE WE SUPPORT HOUSE BILL 2255.

Ernest Huddleston
House Ag Commitee
HB 2255
Feb. 17, 1995

I am Ernest Huddleston and I strongly support House Bill #2255. In 1976, my wife and I bought a small acreage and built a bait shop and home on it for our retirement. We are located 1/4 mile from the Melvern Lake, Sundance Campground area. We never dreamed that Senate Bill 800 could create such a drastic situation in the quiet, historic Arvonia community near Lebo.

A proposed hog operation is trying to establish in the Arvonia area approx. 1250 feet from my house. We vigorously object for the following reasons:

1. Health concerns. Hog waste will be spread on top of the ground and not incorporated into the soil. Run off from heavy rains fill the crawl space under our house and flow into our pond. This run off will contain stench and bacteria contaminating our home and our fish pond. We have stocked our pond for handicapped citizens and our grandchildren. When the pond overflows, it goes directly into Melvern Lake (our future water supply).

2. Devaluation of our property and elimination of our business. No one wants to fish, swim, or boat in bad environmental conditions. Noise and odor are a big factor along with fly and rodent infestation.

3. Financially we'd be wiped out. Our lifetime of work will be gone, we were supposed to enjoy our golden years. We would like to keep Arvonia fresh and clean, now and forever.

KDH&E has shown no interest in protecting our environment. They have publicly stated location of a feed lot is not in their jurisdiction, but is left up to the county. It would be reasonable for the county commissioners to approve the location for a feedlot before a permit is applied for at the state level.

We feel our county commissioners are much more knowledgeable to the safety of our lake, which provides tourism, public drinking water, and opportunities for small business, which benefits Osage county financially. County goverment should be protected and respected.

Ernest Huddleston

Ernest Huddleston

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STATE OF COLORADO

Roy Romer, Governor
Patricia A. Nolan, MD, MPH, Executive Director
Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80222-1530
Phone (303) 692-2000

Laboratory Building
4210 E. 11th Avenue
Denver, Colorado 80220-3716
(303) 691-4700

Colorado Department
of Public Health
and Environment

July 30, 1994

Greg Gilsdorf
National Hog Farms
1600 Genessee
Kansas City, Missouri 64102

RE: Annual Inspection of Wastewater Disposal System, for National Hog Farms, Inc. Weld County.

Dear Greg:

Enclosed is your copy of the above report for the inspection performed on July 21, 1994. During the inspection the following items were noted and need to be brought to your attention:

Land Application Disposal System

1. During my inspection I was able to verify that the vegetation in the following center pivots is dead: P-6, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16, P-17, P-18, P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27, P-28 and P-29.

2. It appears that the main reason for the demise of the crops, that are supposed to up-take the nutrients in your waste, is the lack of water. The soils were dried and the vegetation dead.

3. To make an evaluation of the effectiveness of the land application disposal system, we would like you to submit a quarterly summary for all the time you have been collecting the following data:

   - Kind of crop and yield for all the center pivots.
   - Nutrient value per crop
   - Estimated nutrient up-take per crop
   - Amount of waste disposed: Liquid and solid. Please provide organic load in pounds per day of BOD_5, Total Nitrogen content and level of Chlorides.

4. Since, we want to correlate the wasteload disposed to the crop up-take, we are requesting that you obtain soil samples at different locations throughout the system at the following

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depths: 6, 12, 24, and 48 inches. These soil samples should be analyzed for Total Nitrogen, Nitrates, Nitrites and Chlorides.

5. Finally, I was able to verify that you have not installed the fresh water well to supplement and dilute your wastewater. I strongly recommend you proceed with the installation and operation of this well so you can recuperate your wastewater disposal system.

Thus, It is my understanding that this well was supposed to be installed and operated quite some time ago. If we can be of any help to accelerate the construction and operation of this well, please let us know.

If you have any questions, please call me at (303) 692-3564

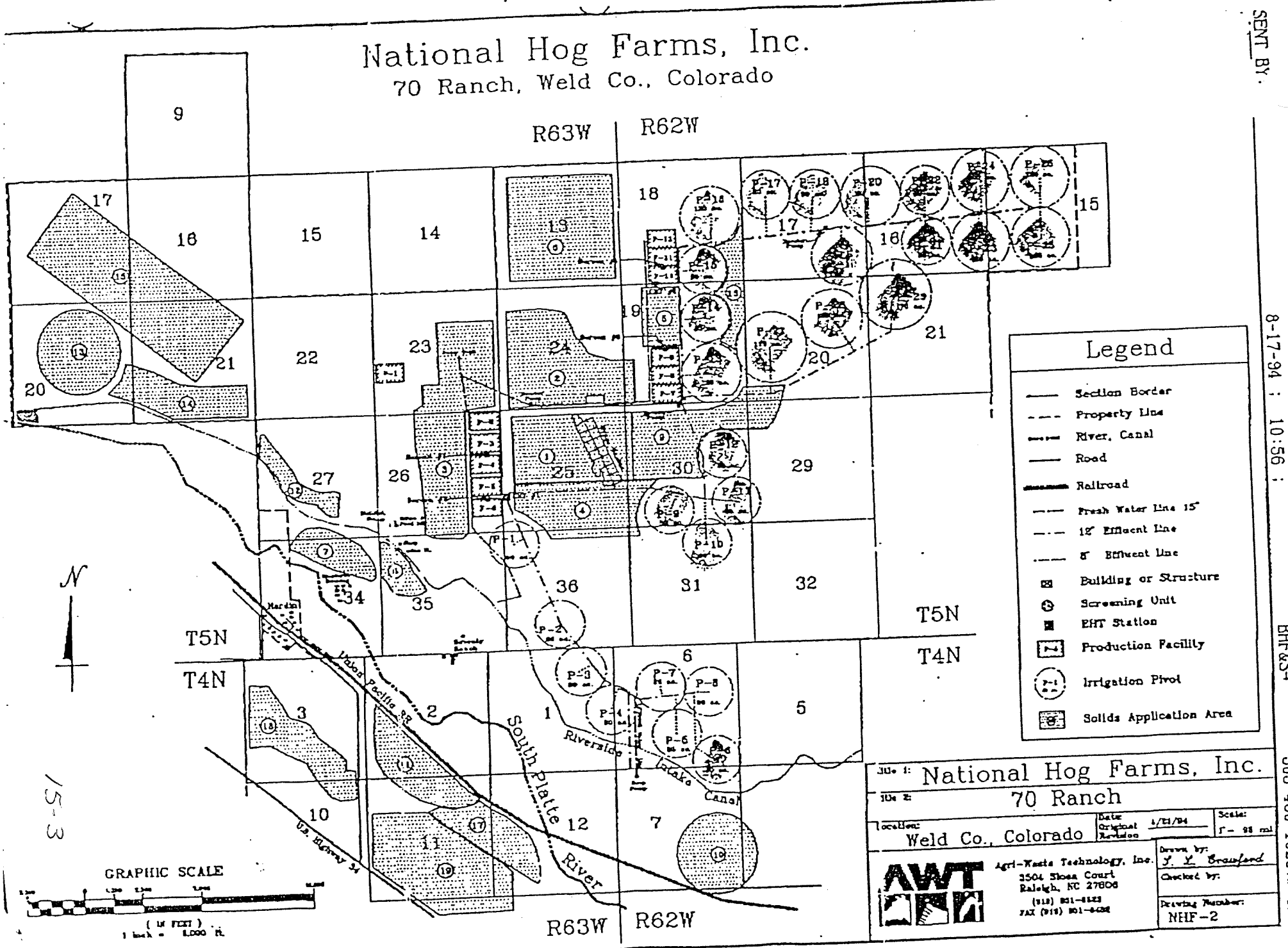
Sincerely,

FOR DIRECTOR, WATER QUALITY CONTROL DIVISION

Victor H. Sainz, P.E.
District Engineer
Field Support Section

cc: Bill O'Hare, National Hog Farms, Weld County
Jim Haywood, National Hog Farms, Weld County
Patricia Nelson, Permits and Enforcement
Derald Lang, Field Support Services
George Moravec, Groundwater Unit, CDH
John Pickle, Director, Weld County Health Department
Jeff Stoll, Environmental Director, W.C.H.D.
Environmental Protection Agency, Region VIII
Wayne Forman, Equus Farms
MS-3 File

15-2



SENT BY:

8-17-94 ; 10:56 ; BHF&S→ 303 480 1020;# 4/

15-3

TRENDS of IRRIGATION in T31S--R40W

This record shows the VOLUNTARY POLICING which took place by LOCAL farmers whenever their commerical business threatened their HOME WELLS.

1	well	SE	21, 31-40	Williams	DRY since late 1960's	
2	wells	SE	21, 31-40	Williams	ABANDONED in 1979	Economics
1	well	NE	9, 31-40	Williams	NOT produced since 1979	Economics
1	well	SE	27, 31-40	Chaffin	NOT produced recently	Economics
1	well	NE	29, 31-40	Chaffin	Redrilled, won't fill sprinkler yet	
1	well	SW	16, 31-40		DRY since late 1980's	
2	wells	N½	16, 31-40		NOT produced recently	Economics
2	wells	W½	28, 31-40		DRY since 1980's	
1	well	NE	15 31-40	williams	NOT produced since 1979	
1	well	NE	4, 31-40		DRY since 1980's	
1	well	SE	3, 31-40		DRY since 1980's	
1	well	NW	36 31-40	Breeding	DRY since 1980's	
1	well	SW	26, 31-40	Breeding	DRY since 1980's	
1	well	SW	10, 32-40	Breeding	DRY since 1980's	
1	well	SE	22, 31-40		Plugged	
1	well	NE	6, 32-40	Dunn	NOT Economical to pummp	
2	wells	N½	14, 31-40	Ellis	NOT Economical to pump	

House Agriculture Committee
Feb. 17, 1995
H.B. 2255
Feedlots
Testimony of Bill Craven
Kansas Natural Resource Council and Sierra Club

Kansas Natural Resource Council

P.O. Box 2635
Topeka, KS 66601-2635

William J. Craven,
Legislative Coordinator
701 Jackson
Suite 220
Topeka, KS 66603
913-232-1555
Fax: 913-232-2232

Thank you for the opportunity to testify. This bill can be summed up in one sentence. It says that before a permit for a confined livestock operation is obtained through KDHE, the county commission first have an opportunity to approve of the proposed site. That is an extremely important step to take in order to give citizens a chance to express themselves. It is also important because KDHE can't possibly have the same degree of familiarity with local conditions as do county commissioners. All year I have heard about how important it is to retain local control over environmental and natural resource issues. Often, this argument is used to oppose federal regulation over state issues. Now is the opportunity to extend that argument to provide for greater local input into various state mandates regarding the siting of feedlots.

You will hear today from concerned citizens from all across Kansas. These folks are part of an increasing rural voice protesting the loss the quality of life, the loss of water quality, the increase in dust and odor, and the loss of family farm marketing opportunities caused by corporate agribusiness. Two things contributed to this problem. First was the grandfather clause of last year's S.B. 800 which has been exploited by a several operators around the state to site facilities where there is no review. Second, was the passage of a liberalized corporate farming bill. We aren't here today to ask that the genie be put back in the bottle. That is not possible. But it should be possible to create a mechanism for greater local control.

Last November, six of the seven counties in western Kansas which had referenda on corporate farming operations said "no." They did so largely because of environmental concerns. It is safe to say that the greatest increase in environmental awareness anywhere in the state is now occurring in western Kansas.

These siting questions are a matter of conflict. How county commissions respond will vary. Obviously, supporters of corporate dairy and hog operations guess wrong as to the sentiments of county residents last November. Cities and counties around the state are looking at ways to achieve greater control of controversial land-use decisions. This law would do the same thing. If policymakers are indeed in a mood to turn things back to the locals, this law is consistent. I urge the committee to consider last November's votes on corporate swine and dairy as an example of county-level intelligence and willingness to accept responsibility for making decisions on what kind of development they want. We should encourage people who are concerned about their own backyards. This bill is a significant step forward for democracy and accountability, and I urge your favorable consideration.

I'd be pleased to try and respond to questions.

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Testimony of Thomas Stiles
Kansas Water Office
Before the
House Committee on Agriculture
on House Bill 2255
February 17, 1995

Chairperson Flower and Members of the Committee:

I am Thomas C. Stiles, Assistant Director for the Kansas Water Office. Our agency supports the concepts embodied in House Bill 2255. Empowerment for local levels of government to coordinate decisions for water quality protection is currently promoted through preliminary drafts of the Kansas Water Plan. Those drafts, released for public input in March, identify the provision of local tools to effect water quality protection as an option for more effectiveness. The authority vested with county commissions to approve the siting of confined feeding facilities as part of the permitting process is closely aligned with that concept.

The Kansas Water Authority has looked into the policy issue of facilities siting as part of the Kansas Water Plan. The Authority, however, chose to defer this issue to local units of government, where decisions of social and economic suitability of such facilities may be made more directly. The current emphasis within the Kansas Water Plan is to enhance local participation in water management, including water quality protection.

Because the concept proposed in this bill provide an enhanced local role in environmental protection, because there are issues associated with such facilities which are more suited for address at the local level and because there attributes of these facilities which are beyond the authority and scope of state review, the Kansas Water Office supports House Bill 2255.

Thank you for your time and attention.

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KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

Date: February 22, 1995

To: House Agriculture Committee
Representative Joann Flower, Chairperson

From: Jim Reardon, Director of Legal Services
Kansas Association of Counties

RE: **H.B. 2255 Confined feeding facilities**

Thank you for the opportunity to provide testimony in support of **H.B. 2255.**

This bill would provide for state and county approval of original permits for confined feedlots. This proviso is in keeping with the philosophy of Home Rule. Home Rule powers granting broad powers of self determination to counties were granted to all Kansas counties by the legislature in 1974.

By adopting county option corporate farming legislation in 1994, the legislature has brought county government into the loop in assessing the environmental impact of these businesses on the affected communities. There is a growing recognition in some communities that State laws are inadequate to deal with all the environmental issues affecting their health, safety, and welfare. Animal confinement operations are consistently ranked among the state's biggest polluters yet these agri-businesses have been exempted by state law from complying with land zoning restrictions.

Animal confinement operations are subject to certain Federal and State pollution control regulations. Kansas requires these businesses to obtain operating permits and to provide certain controls to prevent contaminants from getting into surface and ground water and to maintain certain distances from habitable structures. Many affected property owners and community residents feel that these controls do not go far enough in addressing the realities associated with these "agri-businesses" such as:

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Airborne contaminants
Flies
Stench
Odors
Vermin

These health and welfare issues are the business of the community. Quality of life issues are community issues and when it comes to these agribusinesses, the communities are telling us they want their local governments to be involved in these decisions.