

Approved: 3-27
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 16, 1995 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

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

Conferees appearing before the committee:
Representative Joe Humerickhouse
L. D. McCormick, Reading, KS.
Jim Reardon, Director of Legal Services, Kansas Association of Counties
Karl Mueldner, Kansas Department of Health and Environment (KDHE)

Others attending: See attached list

HB 2255 - concerning confined feeding facilities; relating to permits. Chairperson Corbin briefed the Committee on the situation that prompted the introduction of the bill. Representative Joe Humerickhouse appeared in support of **HB 2255**. He said the bill had been tailored to address a situation concerning one specific proposed confined swine operation in Osage County (Attachment 1).

L. D. McCormick supported the bill. He said at a public hearing in Lebo in December a large group of citizens expressed concern over the confined swine facility being approved. As they think it poses a very real potential of damaging the drinking water and recreational resources offered by nearby Melvern Lake. Melvern Lake furnishes drinking water to many surrounding communities (Attachment 2). Included with his testimony is a report by an agricultural engineer, a review by the Dept. of Wildlife and Parks, and a petition signed by citizens concerned with the economic impact of the location of the proposed swine confinement facility.

Mike Jensen expressed opposition to the bill, because of what impact it might have on other Kansas Pork Producers. Their membership believes the scientific-based determinations of KDHE personnel along with the public input process is sufficient in protecting the state's resources and the rights of all parties involved (Attachment 3).

Jim Reardon supported the bill. He said their association believes these health and welfare issues are the business of the local communities (Attachment 4).

Karl Mueldner responding to some questions, said their agency supported the bill on the House side and would continue to support the bill. He thought that county zoning was necessary statewide, but it might not take care of all problems.

The hearing was closed.

The next meeting is scheduled for March 17, 1995.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 16, 1995

NAME	REPRESENTING
Catherine A. Deever	Ks. Vet. Med. Assn.
Uelie D. Carlson DM	KVMA
Mike Pison	KVMA
Cheryl McCormick	self
L. D. McCormick	self
Julia Hammickhouse	self
Karl Waldman	KDNE
Jim Allen	Seaboard
Mike Jensen	Ks Pork Council
Tim Stroda	Ks Pork Council
Raymond Zerk	Rep. Butler
Marty Vanier	Ks Ag Alliance
Mike Beam	Ks LUSTK Assn.
Anne Spiess	Ks Assoc of Counties

JOE D. HUMERICKHOUSE
REPRESENTATIVE, FIFTY-NINTH DISTRICT
OSAGE AND EAST CENTRAL LYON COUNTIES
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
AGRICULTURE
FINANCIAL INSTITUTIONS AND INSURANCE
TRANSPORTATION

HB 2255

March 16, 1995

Testimony Before the
Senate Agriculture Committee

Chairman Corbin and Members of the Senate Agriculture Committee:

I am Joe Humerickhouse and appear before you today to support HB 2255 as it has been amended and passed the House.

The amendments to the bill tailor it to one specific proposed confined swine operation. The request for permit is currently in the office of the Secretary of Health and Environment.

Other conferees will describe to you some of the problems with the selection of this location for an operation with it's inherent environmental issues.

One of the points I would hope to convey is the potential ruin of recreational facilities at Melvern Reservoir.

As the Representative for the 59th District, I must also be responsible for questions of water quality, air quality and protection of property and business values.

Thank you for your time.

*Senate Ag Co
3-16-95
Attachment 1*

STATEMENT PREPARED BY
L. D. Mc CORMICK
in support of HB 2255

My name is L.D. McCormick. My submittal includes a report by an agricultural engineer, a review by the Dept. of Wildlife & Parks, and a petition signed by citizens concerned with the economic impact of the location of the proposed swine confinement facility. All of these support passage of HB 2255.

As background information, in Feb. 1993, my neighbor applied for a permit to locate a 7200 head swine confinement facility in the small community of Arvon. His proposed site is .7 mile south, on a hill overlooking Melvern Lake. There are nine residences located within 1/2 mile of his proposed site and 3 more within 1 mile. Sundance campgrounds, picnic area and the boat dock are located within approx. 4000 feet. The original permit was denied on June 14, 1993 because of inadequate residential separation distances.

Sometime during the month of June, 1994, a temporary lean-to structure appeared in the yard next to his house. Seizing the opportunity provided by the "Grandfather Clause" in SB800, he applied for another permit to expand this so called "existing confined feeding facility" from approximately 3 to 3600 head of swine. Just prior to July 1, 1994 this "existing confined feeding facility" was relocated near his original proposed site.

A public hearing held in Lebo, KS on Dec. 6, 1994 was attended by approximately eighty concerned citizens. At this meeting, approximately twenty-five individuals testified vigorously in opposition to permitting a swine facility in close proximity to Melvern Lake. No one except the applicant testified in favor. Neighbors, county officials, water board members, mayors, and engineers all expressed serious concern over the very real potential of damage to drinking water and recreational resources offered by nearby Melvern Lake.

Melvern Lake furnishes drinking water to many surrounding communities such as Osage City, Burlingame, Reading, and Rural Water 7. Public Wholesale # 12 is currently finishing a 5.5 million dollar water treatment plant which will furnish water to the cities of Lyndon, Lebo, Waverly, Willamsburg, Melvern, Quenemo, Pomona and three Rural Water Districts.

Melvern Lake plays a very important role in the economic future of Osage County. I feel our County Commissioners are more knowledgeable and sensitive to the impact of permitting a swine facility of this size. I strongly urge passage of HB 2255.

L.D. McCormick
L.D. McCormick
Box 284
Lebo, KS 66856

Senate Ag Co
3-16-95
Attachment 2
2-1

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley
Secretary

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

Cygnus 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 Cygnus 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.

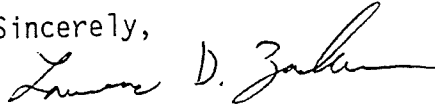
- ▶ Research by the Kansas Water Resources Research Institute found that microbial isolates from ground and surface waters near agricultural operations had significantly more resistance to antibiotics than isolates from recreational sites. Outbreaks of waterborne diseases that are resistant to treatment 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.

December 6, 1994

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

EVALUATION OF LEWIS R. LEWIS SWINE FACILITY POLLUTION CONTROL SYSTEM AND ENVIRONMENTAL IMPACT

By F. V. Robbins, P.E.



I. BACKGROUND/ GENERAL INFORMATION

On June 16, 1994 Lewis R. Lewis submitted an application to KDHE for an agricultural waste control permit for a swine confinement feeding facility in the NW 1/4, Section 21, Township 18S, Range 14E, Osage County. This site is 0.7 mile south of Melvern Lake. Mr. Lewis moved a small, portable swine feeding floor onto this site in an obvious attempt to qualify under the exemption from residential separation distance provided to existing facilities by newly passed Senate Bill 800. Mr. Lewis proposed to expand his swine facility from less than 50 head to 3600 head.

Pollution control plans were developed by Duane H. Muetting, PE, RLS. The plans were submitted to KDHE along with the permit application. The plans call for liquid swine manure to be collected in pits under the slotted floors of two, 1800-head swine confinement buildings. The liquid manure would be gravity drained to an underground, concrete pit and then pumped to a cylindrical, above-ground, glass-lined, steel storage structure (Slurrystore). The system is strictly a waste containment system. It provides minimal treatment of the waste.

Treatment of the liquid swine manure is to be achieved by application of the waste to land. The manure is decomposed by soil microorganisms and the mineralized nutrients are taken up and utilized by crops grown on the land. Pollutants are very concentrated in the liquid manure, and proper manure application to suitable sites is critical to prevent severe pollution of surface water and groundwater.

II. POTENTIAL POLLUTION IMPACTS

The Lewis R. Lewis swine facility has substantial potential to pollute both water and air. Melvern Lake is only 0.7 mile north of the proposed site. The small community of Arvonnia is only 0.5 mile directly north of the proposed site. There are 11 residences within one mile of the proposed swine feeding facility. All of the sites Mr. Lewis has proposed to use for land application of manure are within one mile of Melvern Lake and drain to the lake.

Melvorn Lake is a major recreational resource in Eastern Kansas. Melvern Lake currently supplies drinking water to Osage City, Burlingame, and Reading. With the imminent completion of a multi-million dollar water treatment plant by Public Wholesale Water District No.12, the lake will become a source of drinking water for thousands of persons

throughout Eastern Kansas. Water quality monitoring conducted by KDHE shows Melvern Lake is one of the highest quality large reservoirs in the state. The lake has good water clarity, low fecal bacteria counts, and moderate nutrient and algae concentrations. However, the phosphorus concentration in the lake is now nearly at the maximum level for acceptable water quality and KDHE considers the trophic state (level of nutrient enrichment) to be degrading. Should the lake become nutrient enriched (eutrophic), taste and odor problems are likely in drinking water from the lake and recreational use will be impaired. Taste and odor are now a serious problem in the drinking water at Wichita and several other Kansas cities.

The liquid manure from the Lewis swine facility would be a very high strength waste. The 5-Day Biochemical Oxygen Demand (BOD₅) in the waste would be approximately 20,000 ppm, the ammonia concentration approximately 2,800 ppm and the phosphorus concentration approximately 2,000 ppm (see Appendix for calculations). These pollutant concentrations are approximately 100-fold higher than those in raw domestic sewage. Should this liquid manure enter a stream, either through spillage or runoff from an application site, it would cause severe pollution even if diluted 200-fold.

The proposed Lewis R. Lewis swine facility would almost certainly result in odor nuisance conditions at the numerous nearby neighbors and at Melvern Lake. Studies and surveys have documented that liquid swine manure is the most pungent and malodorous of all forms of livestock waste. A separation distance of 0.5 miles has been found inadequate to prevent nuisance conditions from liquid swine manure systems (Van Kleeck and Bulley). The odor can readily be carried two miles on prevailing winds; which in Kansas are from the south during much of the year.

III. POLLUTION CONTROL PLAN EVALUATION

The plan includes no cross-sectional views of pollution control structures. The plan includes no information regarding sewer piping for the facility as required by K.A.R. 28-16-3(B). It includes no piping design, pipe specifications or piping layout. There is no way of knowing if KDHE standards for pipe size, pipe slope, pipe thickness or clean-outs are met. The plan includes no construction specifications, as required by K.A.R. 28-16-4. The plan provides no information regarding the construction of the concrete manure pits under the building floors or the outdoor concrete waste reception pit. It is not possible to determine if KDHE standards for concrete thickness are met. The plan is incomplete.

Soil in the west portion of the building site is comprised of coal mining spoils (Orthents soil type). This is a disturbed soil that is not generally suitable for construction of buildings. The slurrystore structure is proposed at the west end of the buildings. No soils information is provided for the building site. A detailed soils investigation should be conducted to determine if the soil is capable of supporting the very massive waste storage structure.

KDHE Design Standards for Confined Livestock Operations on page 16 limit manure application to the rate that supplies the nutrients needed by the specific crops under production. In the plan section "Operational Waste Management Guidelines", an estimate of the crop nutrient content of the liquid manure from the storage structure is provided. The estimated nutrient concentrations are much too low for this waste. I evaluated the nutrient content of the liquid manure using the current Soil Conservation Service (SCS) data and methodology (Agricultural Waste Management Field Handbook, 1992) and arrived at nutrient concentrations that are threefold higher for nitrogen, six fold higher for phosphorus, and fourfold higher for potassium. See calculations and results in the Appendix. Due to the greatly underestimated nutrient concentrations, the plan proposed an application rate for the liquid manure (10,000 gal/ac) that is much too high. Consequently, the plan states a required land area for manure application that is much less than actually needed for nutrient utilization.

KDHE Design Standards for Confined Livestock Feeding Operations page 16 require concentrated wastewater accumulations to be incorporated in the soil at the time of application. However, the waste management plan for this facility only recommends manure injection. On page 9, the plan states "Manure will be injected whenever possible." On page 13 of the plan, under the heading "Manure Application Procedures", item 1 states in part, "Manure will be uniformly distributed over the soil in the field". The waste management plan is not in conformance with KDHE minimum design standards.

The waste management plan for the Lewis facility identifies four tracts of land available for waste disposal. Two tracts totaling 184 acres belong to Mr. Lewis and two tracts totaling 210 acres are leased by Mr. Lewis, for a grand total of 394 acres. The plan represents all of this land as being usable for manure disposal, but an evaluation of the sites shows the actual usable land area is much less than the total acreage stated. I conducted a detailed evaluation of the identified tracts using ASCS field maps and Osage County land appraisal maps and tabulations and found only 280 acres of the claimed 394 acres is usable for manure application. The owners of the land in Section 20, 18S, 14E prohibited the application of hog manure by signed affidavit when they learned of Mr. Lewis's plans. The 280 acres do not meet KDHE minimum requirements. This land is adequate to accept only about 60 percent of the nitrogen and only 12 percent of the phosphorus generated by the Lewis facility (see detailed evaluation in the Appendix).

On November 28, 1994, after the pollution control plan was approved, after the draft permit was placed on public notice, and only ten days before the public hearing, Mr. Lewis made major changes in his manure handling equipment and manure application sites. Mr. Lewis no longer proposes to use the two leased sites, but he proposes to use several other sites not included in the plan. The waste management plan was inaccurate in its original form, and now it is no longer current.

Due to the omissions and inaccuracies identified above, the pollution control plans do not meet KDHE design standards.

IV. WASTE CONTROL PERMIT EVALUATION

The description of the pollution control facilities in the Permit Limitations section of the permit is no longer accurate, as Mr. Lewis has proposed to change both the manure handling equipment and the land areas utilized for manure application.

KDHE design standards require the operator of a confined livestock facility to have access to enough land area for wastewater application so that the crops can utilize the nutrients supplied by the waste. To determine the minimum required land area for application of liquid manure, KDHE assumed 100 % of the land would produce fescue hay and allowed a nitrogen application rate of 135 lb/acre. KSU Extension Agronomy (Dr. Ray Lamond) recommends a maximum nitrogen fertilization rate of 120 lb/ac if the fescue stand is very good and well managed. Additionally, a significant portion of the land Mr. Lewis has identified for manure application is native grassland. Dr. Lamond recommends a maximum of 40 lb N/acre for native grass. The 135 lb/acre nitrogen application rate allowed by KDHE exceeds the nitrogen uptake of the crops and results in a land area requirement that is too small.

The land area required for wastewater application to allow full nitrogen utilization should be substantially greater than the 333 acres specified in the permit. Even if the land area is increased to allow for nitrogen utilization, phosphorus (which is the most critical nutrient in lake eutrophication) will still be applied at rates greatly exceeding crop needs. Phosphorous will accumulate in the topsoil and the concentration in runoff will increase, especially when there is significant erosion. To allow full utilization of phosphorus in the manure, the liquid manure can be applied at only 1,000 gal/acre or less, as opposed to the 10,000 gal/ac rate suggested in the management plan, and over 2000 acres are required for wastewater application (See the Appendix for details). Since all the application land is very near Melvern Lake, a highly valued resource, I submit that manure application rates should be based on phosphorus utilization.

Mr. Lewis does not own enough land to meet the permit requirement for wastewater application land. Mr. Lewis originally identified two leased parcels for manure application, but they have since been withdrawn. Recently he acquired waste application agreements with five neighbors in order to meet the land requirement. The agreements provide approximately 1267 acres of usable manure application land. Approximately 743 acres are in native grass, 284 acres are tilled cropland, 145 acres are fescue and brome, and 95 acres are clover and alfalfa. This land (crops) can utilize 100 % of the nitrogen from the proposed liquid manure, but only 50 % of the phosphorus (see the Appendix for details). These waste application agreements have no term of duration. They specify nothing regarding the quantity of waste that may be applied or when it may be applied. The agreements are not binding on the heirs or assigns of either party, and the agreements specifically state that either party may cancel the agreement at any time. These agreements are so vague and non-binding that they provide little, if any, assurance Mr. Lewis will actually have access to adequate land area for wastewater over the duration of the permit.

On page one of the permit, provision two requires wastewater retention structures to be normally maintained with sufficient available (empty) storage capacity to retain wastewater accumulations from a two-week period plus precipitation induced flows from the 10-year, 24-hour storm event. However, on page 2, section B., the permit requires the wastewater level be maintained only one foot below the top of the slurrystore structure. One foot of empty storage will not provide nearly enough storage volume to hold two weeks of wastewater production and a 6.3 inch rain. Nearly two feet depth of the storage structure is required to hold two weeks wastewater production. With the 6.3 inch storm included, the required empty depth should be nearly 2.5 feet.

Due to the great potential for environmental damage should the storage structure overtop or leak, it seems appropriate to require a greater storage volume be maintained normally empty and to require an earthen dike around the storage tank to provide secondary containment in the event of spillage, leakage, overflow, or a tank failure. It is common in Eastern Kansas to have periods of one month or longer in the spring or fall during which soils are too wet for wastewater application.

KDHE Design Standards for Confined Livestock Operations, page 16, require concentrated wastewater to be incorporated in the soil at the time of application. The liquid manure from the Lewis facility would certainly be concentrated wastewater (BOD approximately 20,000 ppm). KDHE staff have stated verbally and in written memoranda that Mr. Lewis will inject the swine manure. However, neither the approved waste management plan nor the draft pollution control permit require injection. In section B., on page 3, the draft permit states, "Concentrated liquid wastes (i.e., liquid manure) shall be incorporated in the soil within 12 hours of application unless applied to sites with heavy vegetative cover". This statement would allow Mr. Lewis to surface broadcast liquid manure on grassland sites and even cropland sites with heavy residue cover.

There is very good justification for incorporation of liquid manure into soil. If even a small fraction of the liquid manure runs off, it can create significant pollution problems. Data presented by SCS (AWMFH, 1992) shows when manure is broadcast on grassland, the nitrogen concentration is three times higher and phosphorus concentration is seven times higher in runoff from the site. Over 400 acres of land identified by Mr. Lewis for manure application is within 1/4 mile of Melvern Lake, and most of it is native grassland with steep slopes and thin, rocky soils.

The great majority of the land identified by Mr. Lewis for manure application is perennial sod, primarily native grass. Although it is not impossible to inject manure into grass sod, it is certainly quite difficult and not a common practice. This is especially true in the thin, rocky soils where much of the grass is located. Unless surface broadcasting is prohibited by the permit, it will very likely be conducted on the grasslands.

In section B., the permit limits the annual waste application rate to 250 lb of available nitrogen per acre, but in section D., the permit limits the annual waste application rate to

135 lb of available nitrogen per acre. These two rates differ by nearly a factor of two, and it is unclear which rate is actually the limit. Both rates exceed crop fertilization recommendations. Both the waste management plan and the permit require nutrient analysis of the liquid manure, but neither specify any frequency of testing. A single test would meet the permit condition. Due to the potential variability in the composition of the liquid manure, it should be tested prior to each major land application.

In section B., page 3, the draft permit states, "Liquid manure or poultry waste shall not be applied to land within 1/8 mile of a residence, unless it can be incorporated into the soil at the time of application...". This statement provides no separation distance from residences if the manure is incorporated in soil. This draft permit is for the operation of a pollution control system for the swine facility. The liquid manure from the storage tank is essentially raw waste, and land application is the principal means of treatment. Therefore, I submit that any land application site is a part of the pollution control facility and should be maintained at the same distance from residences as is the "existing" facility. This facility is approximately 1/4 mile from the nearest neighbor.

In section D., the draft permit requires adherence to the approved waste management plan. However, the approved plan is erroneous and does not comply with KDHE standards. The plan suggests a manure application rate (10,000 gal/acre) that is much too high, and it does not require incorporation of the liquid manure. The draft permit does not comply with KDHE design standards and does not provide adequate protection of the highly-valued water resources near the proposed swine facility.

V. REFERENCES

1. Agricultural Waste Management Field Handbook, Soil Conservation Service, 1992.
2. Design Standards For Confined Livestock Feeding Operations, Kansas Department of Health and Environment, 1993.
3. An Assessment of Separation Distance as Tool For Reducing Farm/Neighbor Conflict, R.J. Van Kleeck and N.R. Bulley, date unknown.
4. Soil Test Interpretations and Fertilizer Recommendations, Dr. David Whitney, Kansas State University Cooperative Extension, 1983.
5. Personal Communication with Dr. Raymond Lamond, Kansas State University Extension Agronomy, November, 1994.

APPENDIX

EVALUATION OF THE LEWIS R. LEWIS SWINE WASTE MANAGEMENT PLAN

I. WASTEWATER NUTRIENT ACCOUNTING USING SCS DATA AND METHODOLOGY FROM AGRICULTURAL WASTE MANAGEMENT FIELD HANDBOOK (AWMFH), 1992

This procedure is used to estimate annual available plant nutrients, land area required for application of swine manure, and appropriate liquid manure application rates.

Nutrients Produced in Swine Waste (AWMFH Table 4-11):

$$\begin{aligned} N &= 0.42 \times 150/1000 \times 3600 \times 365 = 82,800 \text{ lb/yr} \\ P &= 0.16 \times 150/1000 \times 3600 \times 365 = 31,500 \text{ lb/yr} \\ K &= 0.22 \times 150/1000 \times 3600 \times 365 = 43,400 \text{ lb/yr} \\ \text{BOD}_5 &= 2.08 \times 150/1000 \times 3600 \times 365 = 410,000 \text{ lb/yr} \end{aligned}$$

Nutrients Removed from Storage (AWMFH Table 11-5):

$$\begin{aligned} N &= 82,800 \times 0.75 = 62,100 \text{ lb/yr} \\ P &= 31,500 \times 0.85 = 26,800 \text{ lb/yr} \\ K &= 43,400 \times 0.85 = 36,900 \text{ lb/yr} \end{aligned}$$

Nutrient Concentrations in Liquid Manure from Storage:

$$\begin{aligned} \text{Annual Liquid Manure from Storage} &= 1.853 \times 10^6 \text{ gallons} \\ &(\text{From Waste Management Plan by D. Mueting, PE}) \\ N &= 82,800 / (1.853 \times 10^6) = 33.5 \text{ lb/1000 gal} = 4,020 \text{ ppm} \\ P &= 31,500 / (1.853 \times 10^6) = 17.0 \text{ lb/1000 gal} = 2,040 \text{ ppm} \\ K &= 43,400 / (1.853 \times 10^6) = 23.4 \text{ lb/1000 gal} = 2,810 \text{ ppm} \\ \text{BOD}_5 &= 410,000 / (1.853 \times 10^6) = 19,900 \text{ ppm} \\ \text{Ammonia is approximately 70 percent of total nitrogen.} \\ \text{NH}_3\text{-N} &= 23.5 \text{ lb/1000 gal} = 2,800 \text{ ppm} \end{aligned}$$

Nutrient Loss By Volatilization During Application by Injection (AWMFH Table 11-6):

$$N = 62,100 \times 0.95 = 59,000 \text{ lb/yr}$$

Nutrient Mineralization (AWMFH Table 11-9):

$$\begin{aligned} N &= 59,000 \times 0.70 = 41,300 \text{ lb/yr} \\ P &= 26,800 \times 0.90 = 24,100 \text{ lb/yr} \\ K &= 36,900 \times 0.93 = 34,300 \text{ lb/yr} \end{aligned}$$

Denitrification of Manure Nitrogen (AWMFH Table 11-8):

$$N = 41,300 \times 0.91 = 37,600 \text{ lb/yr}$$

Note: KSU fertilizer recommendation includes allowance for normal field losses by leaching and denitrification, but an additional loss is included to account for high denitrification of manure.

Annual Plant Available Nutrients in Manure:

$$N = 37,600 \text{ lb} \quad P = 24,100 \text{ lb} \quad K = 34,300 \text{ lb}$$

Converted to Standard Fertilizer Analysis:

$$N = 37,600 \text{ lb} \quad P_2O_5 = 55,100 \text{ lb} \quad K_2O = 41,300 \text{ lb}$$

Fertilizer Concentrations in Liquid Manure:

$$N = 20.3 \text{ lb/1000 gal} \quad P_2O_5 = 29.7 \text{ lb/1000 gal} \quad K_2O = 22.3 \text{ lb/1000 gal}$$

II. FERTILIZER RECOMMENDATIONS FOR DRYLAND CROP PRODUCTION

From: "Soil Testing Interpretations and Fertilizer Recommendations", by Dr. Dave Whitney, KSU Extension Agronomy, 1983

Personal Communication with Dr. Ray Lamond, KSU Extension Agronomy, 1994

Fescue Hay:

Realistic Yield = 3 dry ton/ac/yr

$$N = 120 \text{ lb/ac/yr}, \quad P_2O_5 = 30 \text{ lb/ac/yr}, \quad K_2O = 150 \text{ lb/ac/yr}$$

Native Tallgrass Hay:

Realistic Yield = 2 dry ton/ac/yr

$$N = 40 \text{ lb/ac/yr}, \quad P_2O_5 = 10 \text{ lb/ac/yr}, \quad K_2O = 50 \text{ lb/ac/yr}$$

Grain Sorghum:

Realistic Yield = 80 bu/ac/yr

$$N = 80 \text{ lb/ac/yr}, \quad P_2O_5 = 40 \text{ lb/ac/yr}, \quad K_2O = 50 \text{ lb/ac/yr}$$

Appropriate Liquid Manure Application Rates Based on Nitrogen Utilization:

Fescue = 6,000 gal/ac/yr

Native Grass = 2,000 gal/ac/yr

Grain Sorghum = 4,000 gal/ac/yr

Appropriate Liquid Manure Application Rates Based on Phosphorus Utilization:

Fescue = 1,010 gal/ac/yr

Native Grass = 350 gal/ac/yr

Grain Sorghum = 1,350 gal/ac/yr

Land Area Required For Nutrient Utilization (Assuming 1/3 of acres produce fescue, 1/3 native grass, and 1/3 grain sorghum)

Nitrogen Utilization Requires 470 acres

Phosphorus Utilization Requires 2070 acres

III. Evaluation of Manure Application Sites

A. Sites in Waste Management Plan

NW 1/4-21-18S-14E:

53.5 ac fescue grass

42.5 ac native grass

52.5 ac unreclaimed coal strip mines

W 1/2-NE 1/4-21-18S-14E:

16.8 ac fescue grass

7.2 ac native grass

4.7 ac farmstead and tree

NW 1/4-30-18S-14E

48.8 ac fescue grass

50.7 ac cropland

24.9 ac farmstead, dairy, dairy lots, waste

15.1 ac native grass and trees

19.6 ac creek and riparian timber

E 1/2-NE 1/4-20-18S-14E:

45.5 ac native grass

15.5 ac unreclaimed coal strip mines

Summary of Usable Land for Manure Application

119 ac fescue grass

110 ac native grass

50.7 ac cropland

280 ac total usable land

Annual Nitrogen Uptake on Usable Land:

$119 \times 120 + 110 \times 40 + 51 \times 80 = 22,800 \text{ lb/yr}$

$22,800/37,600 = 61\% \text{ of nitrogen in manure}$

Annual Phosphorous Uptake on Usable Land:

$119 \times 30 + 110 \times 10 + 51 \times 40 = 6,710 \text{ lb/yr}$

6,710/55,100 = 12% of phosphorus in manure

Approximately 80 ac of the usable waste application land is Eram soil. This soil has shallow bedrock (25 to 28 inch depth) and slow permeability, with some rock outcrops. It is considered moderately to severely limited for waste application. An additional 80 ac is comprised of Kenoma and Woodson soils. These soils have slow permeability and a nearly impermeable clay layer at 8 inch depth. Any waste applied should be incorporated to minimize runoff.

B. Sites identified in waste application agreements on 11/28/94

24-18S-14E:

- 80 ac tilled cropland
- 80 ac clover
- 300 ac native grass (usable)
- 180 ac draws, ravines, trees (unusable)

S 1/2-19-18S-15E:

- 60 ac brome grass and clover
- 200 ac native grass

SW 1/4-13-18S-14E:

- approximately 80 ac native grass
- remainder Corps of Engineers lake border

S 1/2-SE 1/4-23-18S-14E:

- 15 ac cropland
- 11 ac brome grass
- 20 ac native grass
- remainder farmstead

NE 1/4-26-18S-14E:

- 80 ac cropland
- 10 ac alfalfa
- 50 ac native grass

SE 1/4-NW 1/4-22-18S-14:

- 10 ac native grass
- 5 ac alfalfa
- remainder farmstead and waste

SE 1/4-SW 1/4-22-18S-14E:

- 18 ac native grass
- 14.3 ac cropland
- 3.3 ac fescue

N 1/2 -27-18S-14E:

- 94.2 ac cropland

15.0 ac native grass

Summary of Usable Land for Manure Application:

743 ac native grass

145 ac fescue and brome grass

284 ac cropland

95 ac alfalfa and clover

1,267 ac total usable

Annual Nitrogen Uptake on Usable Land:

$$743 \times 40 + 145 \times 120 + 284 \times 80 + 95 \times 0 = 69,800 \text{ lb/yr}$$

$$69,800/37,600 = 185\% \text{ of nitrogen in manure}$$

Annual Phosphorous Uptake on Usable Land:

$$743 \times 10 + 145 \times 30 + 284 \times 40 + 95 \times 40 = 26,900 \text{ lb/yr}$$

$$26,900/55,100 = 49\% \text{ of phosphorus in manure}$$

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Petition in Support of HB 2255

We support County Commissioners to have approval of location(s) for confined feeding facilities before issuance of KDHE permits. We disapprove of individuals taking advantage of the "Grandfather" loop-hole in SB 800.

Name	Address	Phone	County
Richard D. Allison	1429 Grant	528-3470	OSAGE.
Cheryl S. Croucher	521 Stopka	528-3580	Osage
Matt Neis	516 Market	528-3416	OSAGE
Stuart Swan	514 MARKET	528-4145	OSAGE
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Greg [unclear]	514 Market	528-4145	Osage
Marcus Willett	118 S. 6th St	528-4145	OSAGE
Chit Schube	Box 740 LONDON	549-3643	OSAGE
Judith Martini	611 S. 6th Osage City	528-3007	Osage
Rox Lee Meek	272 Market Osage	528-3296	OSAGE
Jens Meek	272 Market Osage	528-3296	Osage
Shelly Meek	726 Market	528-3873	OSAGE
Nancy Lindbloom	Rt #1 - Box 201	Osage 528-3394	
Jo Ann Long	803 N 17th Osage City, K2	528-3394	

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Name	Address	Phone	County
Dan Rose	10301 W. 61 st	631-9542	Johnson
Kevin Merritt	Box 406 Williamsburg, Ks.	746-8867	Franklin
Deaura Hewitt	1535 Osage Dr. Apt E	343-9601	Franklin
William C. Brown	210 W. Broadway Lehigh, Pa.	256-6183	Coffey
Tracy Jorgensen	4432 State Line	262-1727	KC
Roger Bruscoe	8907 Benson Dr.	381-4628	O.P. Ks
DONNA K. HORNBECK	R.R. 1 Box 375 MELVERN, KS. 66510	(316) 256-6566	OSAGE
John E. Anderson	8407 Holmes KC Mo. 64131	816 361-9808	Jackson
Jon V. S.	106 S Union Emporia	316-342-7300	Lyon
Bill Caldwell	12 So. East Emporia		Lyon
Daniel S. Creamer	4700 Gueal Shawnee	913 631-1155 Ks	
Medy B. Ryden	2920 Lane Topeka	913-267-0170 Shawnee	
Dennis Goyer	4229 Arkansas Pomona	913-453-2373	
Sue V. Beer	601 W. Main Ottawa	913-242-9423	
Reggie McPeak	3520 VICTORIA K.C.K.	913-384-1760	Wy
Craig Witsoc			

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Name	Address	Phone	County
JAMES D. HORNBECK	RR1 BOX 375 Melvern Ks 66510	316-256-6566	Osage
VINCENT L MILLER	RR1 Box 375 Melvern Ks 66510	316-256-6566	OSAGE
M.E. RICKENBACH	6911 W. 51ST PL. MISSION, KS 1027 Macabie	913-722-0782	
Rick Bightwine Jr	Emporia, Ks		LYON
Mike Robinson	RR1 Melvern Ks 66510	913-544-3553	OS.
Tom Oliver	Burlingame Ks	913-6543971	OS
Charles Ed Dennis	Burlingame 3130 So 39th	913 654 3814	O.S.
Wes Schwegel	K C Ks 66100 1012 CEDAR	713 202 7185	WY
Tony Esch	LYNN, K.S.	913-828-3463	O.S.
Steve K. Humber	316 th MARTE HARTFORD	316-392-5667	LY
Victor Hammonds	Hartford	316-392-5467	LY
Don Pittman	K C K		
Don Mitten	K C Mo		
LAURA J. Miller	RR1 Box 375 Melvern Ks 66510	316 256 6566	OSAGE
Joe Kuttensauer	RR1, Box 268 Melvern Ks 66510	913-547-3600	Osage
Tom + Betty Baird	Edwardsville Ken	441-6932	2-20

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Name	Address	Phone	County
Ruth Merrifield	Osage City		Osage
Ruth Lomine	" "		"
Judy Lomine	" "		wife
Wanda Lomine	Osage City	913-528-4357	Osage
Debbie Harden	Osage City	913-528-3931	Osage
Ronda Lomine	Osage City	913-528-4348	Osage
Becky Lang	Osage City	913-528-3293	Osage
Jany Paland	Osage City	913-528-3003	Osage
Janet Paland	Osage City	913-528-4064	Osage
Janice White	Osage City	913-528-3828	"
Diane Colstrom	Osage City	(913)528-4457	Osage
Julie J Combes	Osage City		Osage
Doris Combes	"		Osage
Gordon Combes			Osage
Shelie Ravenscroft	Osage City	528-4096	Osage
ce Smith	81 Lyndon	528-3680	Osage Lyndon
Mike Combes	RR4 Box 203	Osage 5283771	Osage

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Name	Address	Phone	County
Evelyn L. Lawhorn	Melvern	549-3363	Osage
Jerry D. Lawhorn	Melvern	549-3363	Osage
Naomi Estlin	Melvern	549-2564	Osage
Lawrence W. King		549-3492	Osage
Johnnie Galt		549-3466	Osage
Wanda Thompson	Melvern	549-3480	Osage
Virgil B. Randall	MELVERN	549-3429	Osage
Ethel R. Randall	Melvern	549-3429	Osage
Jere L. Randall	Melvern	549-3252	Osage
Jimmy D. Wallin	Melvern	549-3622	Osage
Shelly Cregui		549-3662	Osage
Steve O. Cregui		549-3662	Osage
Benton J. Bush	PO BOX 186	549-3563	OSAGE
Joe Johnson		549-3614	OSAGE
Francis A. Thompson	Melvern	549-3480	Osage
Jay D. Montgomery	Melvern	549-3459	Osage
Gerald B. McMillin	Lynnton	828-3395	Osage
Caryn McMillin	Lynnton, Mo.	528-3395	Osage

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Name	Address	Phone	County
<i>Mike Hill</i>	1544 Brant	913-528-4340	Osage
	1416 Brant	913-528-3756	Osage
<i>Clyde Jackson</i>			Osage
<i>Keith Smullin</i>	1304 C St	913-528-4961	Osage
<i>Ken Kaniper</i>	1744 RD 310	316-528-3437	Jay
<i>Kurt Cox</i>	309 L Rd	913-528-3354	Osage
<i>Gene Clark</i>	516 Melody Ct.	913-836-7705	Osage
<i>Jim Lisle</i>	#355 MARTIN	913-528-3641	OSAGE

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Name	Address	Phone	County
Victor L. Adams	Box 253	316-625-2541	Woodson
Martin E. Hartzler	Box 55	316-625-2448	Woodson
Mary J. Adams	201 W. Oak	316-625-2156	Woodson
Connie J. Morrison	Route 4 - YC	316-625-2398	Woodson
Gary R. Morrison	P.R. 4 Yates Center, Ks.	316-625-2398	Woodson
Noema L. Kestel	RR 4 Yates Center, Ks.	316-625-2629	Woodson
Gary Steeb	RR 4 Yates Center, Ks.	316-625-2848	Woodson
Jane L. Harper	2468 Emmer Rd NW	316-256-6288	Coffey
Leonard M. Harper	2468 Emmer Rd NW	316-256-6288	Coffey
Jinnie J. Knight	2581 Kafir Rd NW	316-256-6850	Coffey
Ann Tatman	RR #2 Box 125 Lebo	316-256-6101	Coffey
Connie R. Sieburh	Box 135 509 E. 5th Lebo	316-256-6473	
Michelle R. Pappas	108 E. 5th	316-256-6634	Coffey
Karla D. Myers	PO Box 72	316-256-6417	Coffey

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Name	Address	Phone	County
Sharon L. Jones	P.O. Box 471, Topeka	256-6378	Coffey
Nona Jones	Rt 2 Box 31, Reading	316-699-3394	Osage
Bonnie Fann	1922 Quail Rd NE Waverly, KS.	913 733 2696	Coffey
Jan L. Stuck	411 Mechanic	—	Lyon
Robin Buckner	Hartford, KS	—	Lyon
Shannon Stuck	Hartford, KS 66854	—	Lyon
Randy Schepid	Shawnee, KS	—	Shawnee

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Name	Address	Phone	County
John A Hunter	RR #1 Box 46 - Vassar Mo	828-3509	Osage
Tom Bronson	P. R #1 Lyndon Ks	828-4485	Osage
L. Blyn Wiley	625 Cedar Lyndon	828-4471	11
Lou M. Wiley	628 Cedar Lyndon		
RH Murdoch	429 Jefferson Lyndon K.	828-4602	
Kathryn Bronson	Lyndon, Ks R#1.	828-4485	
David B. Smith	Camp 224	828-3588	
Robert W Stephens	Lyndon Ks.		
Jurgie Sims	Lyndon Ks		
Margaret Barina	Vassar, Ks - Shore	915	

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Name	Address	Phone	County
Phyllis Silver	514 Washington Lyndon, Ks.	828-4919	Osage
Elizabeth Miller	717 Date Lyndon, Ks.	828-4771	Osage
Roberta Stalquist	R.R.#2 Box 184 Lyndon, Ks.	828-4585	Osage
Chet Perwick	Lyndon KS	828-4941	Osage
Keith F. Wiley	Lyndon Ks.	828-4758	Osage
Rodney J. Sweet	Rt 2 Box 270 Osage Co, Ks	528-4588	Osage

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Name	Address	Phone	County
Cheryl McCormick	Box 284 Lebo ks	316-256-6464	Osage
Shonda Miller	1002 Weaver Emporia Ks	316-342-8124	Lyon
L.D. McCormick	Box 284 Lebo Ks.	316-256-6464	Osage
Lewis H. Humphreys	RR1 Box 163 Osage City Ks.	316-256-6695	Osage
Eric Humphreys	Rt 1 Box 163	316-256-6695	Osage
Sandra Christian	Rt 1 Box 161	316-256-6669	Osage
[unclear]	2107 Box 155	913-528-4777	Osage
Gary VanDum	Rt 1 Box 165	NONE	OSAGE
Sue Derlin	Rt 1 Box 165	NONE	OSAGE
Lorene Derlin	Rt 1 Box 199	316-342-3942	WOOD
Glen Thorne	Box 374	316 6385	Osage
Patt Bray	Box 337	316-256-6813	Coffey Co.
Alma Warner	Box 357	316-256-6785	Coffey Co.
Patti Shepherd	1758 Rd 170 Emporia	316-343-3412	Lyon Co.
Nicky Bedd	Hartford	316-392-5652	Lyon Co.
Stephanie Creff.	R1 Lebo	316-256-6388	Osage Co.
Julia Downs	R2 Reading	316-699-3418	Lyon
Leota Rogers	RR1 Box 24	316-256-6423	Osage Co.
Jerry Sloan	RR1	316 256-6682	Coffey Co.
Sylvia Hartler	1209 N. Grove Yates Center, Ks.	316-625-2448	Woodson Co.

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Name	Address	Phone	County
Lori Montgomery	Melvern	549-3427	Osage
Jay D. [unclear]	Melvern	549-3278	Osage
Mark Hill	Melvern	549-3367	Osage
Isabel Nelson	Melvern	549-3487	Osage
Alma [unclear]	Melvern	549-3381	Osage
Jack N. [unclear]	Melvern	549-3417	Osage
Doreen Roberts	Melvern	549-3303	Osage
Kenneth Roberts	"	"	"
Ronald L. Reese	Melvern	549-3264	Osage
Michael [unclear]	Melvern	549-3457	Osage
Kerry D. Randall	Melvern	549-3252	Osage
Myron Miller	Melvern	549-3511	Osage
Joe E. Warner	Melvern	549-3370	OSAGE
Fay Smith	Melvern	549-3474	Osage
Mary Jenkins	Melvern	549-3681	Osage
Debra White	Melvern	549-3627	Osage
Nancy Reese	Melvern	549-3291	OSAGE
Mildred L. Linger	Melvern	549-3426	Osage
Charles N. Linger	Melvern	549-3426	Osage
Donald E. Reese	Melvern	549-3291	Osage
Kevin W. Montgomery	Melvern	549-3427	Osage

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Name	Address	Phone	County
Roy Howesford	117 E Santa Fe Bjam	654-3650	OSAGE
Dean Margamoth	R-2 Box 86 B, gannett	307	osage
Uera Middleton	202 E Lincoln, Burlingame KS	654-2461	OSAGE
Mike Drayleal	R1 Esidge	Wab. Co. 449-2675	
Shirley Swisher	Scranton	793-2374	Osage
Don Casey	Osage City	528-3987	
Dave Kandy	Lebo KS	256-6597	Coffey
Bonnie Huddleston	Libe-Ko.	256-6555	Osage Co.
Terri Kolbata	OC	528-4031	Osage Co
Kenneth Place	Osage	617-93397	Lyon
Wale E. Hawn	Emporia	342-6202	Lyon
Earl Ross	Osage City	528-3254	Osage
Kerwin Strongman	OSAGE CITY	528-4611	OSAGE
Sary Sage	Burlingame	654-3495	Osage
Jolene K. Jenkins	Osage City	528-4732	
Kathy F. Crews	osage city	528-9175	Osage
Steve Heger	Council Grove	767-5621	morris
Wm. E. H.	OSAGE CITY KS	528-3572	OSAGE
John Henderson	Lyndon Ks	828-4697	Osage
R. W. Waller	Lyndon	828-3490	Osage

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Name	Address	Phone	County
Countess Vandenberg	Lyndon, Kansas	828 3535	Osage
Ralph Varner	Lyndon, Kansas	828-4686	Osage
Bill Kimball	Lyndon, KA.	828-7111	Osage
(2) Bill & Carolyn Helleback	Lyndon, KS	828-3436	Osage
Kay Jones	Lyndon, KS	828-3146	Osage
Barb Schattak	Lyndon, KS	828-3146	Osage
RB Cunniff	Lyndon, KS	828-3131	OSAGE
Bruce P. Everson	Lyndon, KS.	828-3131	OSAGE
Wesley Tucker	Melvern, KS	549-3257	OSAGE
Annette Collison	Burlington, KS	364-2944	Coffey
Larry Middleton	Osage City	528-3864	Osage
Ike Kendall	Melvern, KS	549-3556	Osage
Klem B. Bader	Melvern, KS	549-3556	
Tom J. Peovich	Wauvo, KS	733-2632	Coffey
Virgil S. Silver	Lyndon, KS	828-4919	Osage
Jay D. Wiley	Lyndon, KS	828-4784	Osage
Joe Schuman	Lyndon, KS	828-3448	
Joe Schuman			
Harvey M. Wafar	Lyndon, Kan	828-4585	Lyndon
Doris Jean Bilman		828 3448	

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Name	Address	Phone	County
E. B. Huddleston	Lebo,	316 256 6555	Osage
James H. Rogers	Lebo		Osage
Myrna J. Rogers	Lebo		Osage
Clark Thompson	Osage City	256-6423	Osage
Chalie Martin	Osage City	528-4323	Osage
Jammy Lickley	Burlingame	654-2377	OSAGE
Bene Lickley	Burlingame	654-2377	OSAGE
Delores J. Robert		528-3379	OSAGE
Robert Johnson		528 4385	OSAGE CITY, K.
William R. Kraus	209 W Seward Burlingame, KS.	654-3455	OSAGE
Kim L. Friedla	R.R. 3 Box 113 Burlingame, Ks.	654-3311	Osage
Kathryn L. Kraus	209 W. Seward Burlingame	654-3455	Osage
Don Parker	R1 Box 56 Burlingame, Ks	654-3920	Osage
Alton H. Miller	R4 Osage City, Ks	66523	
Charles Stiffman	205 E Santa Fe	Burlingame, Ks	
Carl Draegemeier	904 W. Collins	" "	
Bob & Joerg	905 S. Oak	Burlingame, Ks	
Mrs. A. Smith	R R 114	OSAGE, 66523	
Craig Zehner	Westridge Est. Lot 14/6	Osage City, Ks 66523	

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Name	Address	Phone	County
Janet L Lewis	604 S. 12 th Burlington, KS 66859	316-364-2308	Coffey
MIKE KERVING	PO BOX 181 GRIDLEY KS 66852	316-836-2161	COFFEY
Scott Soderberg	1420 S. LINCOLN ST OTTAWA KS 66067	913-242-3541	Franklin
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Joe A. Hunt	RRI Box 29A Lebo, KS	316 256 6607	Coffey
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Brian L. Butler	5638 SW 36TH TERRACE TOPEKA, KS 66614	913-271-9600	SHAWNEE

Petition in Support of HB 2255

We support County Commissioners to have approval of location(s) for confined feeding facilities before issuance of KDHE permits. We disapprove of individuals taking advantage of the "Grandfather" loop-hole in SB 800.

Name Address Phone County

Name	Address	Phone	County
Robert Kete	Harritt	Kc	
Michael R. Hargy	Charryville	Kansas	1700 St
Bill Patterson	Burlington	Kz	Orange
Carl Moberg	Harritt	Ks	Texas
Roger Peters	Lebo	Ks	Coffey





Testimony by Mike Jensen
Executive Vice President
Kansas Pork Producers Council
on H.B. 2255

My name is Mike Jensen. I serve as Executive Vice-President of the Kansas Pork Producers Council. 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.

*Senate Ag Co
3-16-95
attachment 3*

KAC KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

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Executive Director

John T. Torbert, CAE

Date: March 16, 1995
To: Senate Agriculture Committee
Senator David Corbin, 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.