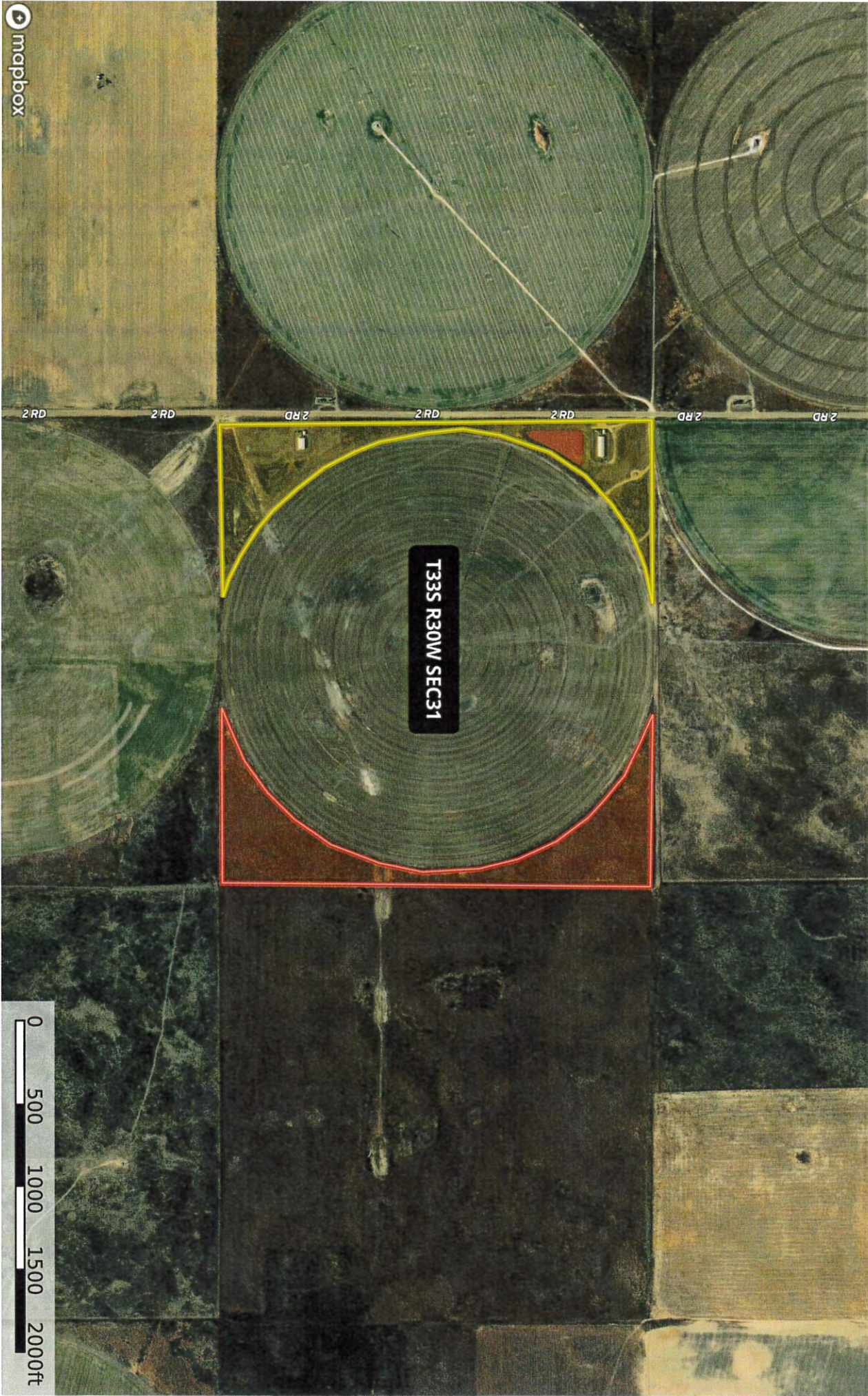


Sandy Road Farm Isolation / Bare
Kansas, AC +/-



 SRF Bare  SRF Isolation



United States
Department of
Agriculture

Seward County, Kansas



Common Land Unit

- Non-Cropland
- Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Unless noted on field:

- | | |
|---------------------------|--------------------------|
| 1/ All Wheat HRW, NI, GR | 6/ Sorghum, GRS, NI, GR |
| 2/ All Wheat HRW, IRR, GR | 7/ Sorghum, GRS, IRR, GR |
| 3/ All Corn YEL, IRR, GR | 8/ Sorghum, CAN, IR, FG |
| 4/ All Corn YEL, NI, GR | 9/ Grass, NAG, NI, GZ |
| 5/ Soybeans, COM, IRR, GR | 10/ Alfalfa, IR, FG |

Tract Cropland Total: 41.18 acres

2022 Program Year

Map Created November 01, 2021

Farm 2793

Tract 3803

31-33-30

Displayed over 2019 NAIP

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

KANSAS

SEWARD

Form: FSA-156EZ

See Page 2 for non-discriminatory Statements.


 United States Department of Agriculture
 Farm Service Agency

FARM : 3289

Prepared : 8/17/22 10:40 AM

Crop Year : 2022

Abbreviated 156 Farm Record

Operator Name : SANDY ROAD FARMS LLC
Farms Associated with Operator : 20-175-3281, 20-175-3289, 20-175-3324
CRP Contract Number(s) : None
Recon ID : 20-175-2022-9
Transferred From : None
ARCPLC G/I/F Eligibility : Eligible

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
64.56	44.76	44.76	0.00	0.00	0.00	0.00	0.00	Active	2
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped		MPL	Acre Election	EWP	DCP Ag.Rel. Activity	Broken From Native Sod
0.00	0.00	44.76	0.00		0.00		0.00	0.00	0.00

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	CORN	None

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Corn	1.89	0.00	184	0
TOTAL	1.89	0.00		

NOTES

Tract Number : 3803

Description : 4 Corners of NW 31-33-30

FSA Physical Location : KANSAS/MEADE

ANSI Physical Location : KANSAS/MEADE

BIA Unit Range Number :

HEL Status : HEL field on tract.Conservation system being actively applied

Wetland Status : Tract does not contain a wetland

WL Violations : None

Owners : SANDY ROAD FARMS LLC

Other Producers : None

Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
43.08	41.18	41.18	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	41.18	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
-----------	------------	-----------------------------	-----------

KANSAS
SEWARD
Form: FSA-156EZ



FARM : 3289
Prepared : 8/17/22 10:40 AM
Crop Year : 2022

Abbreviated 156 Farm Record

Tract 3803 Continued ...

NOTES

Tract Number : 4690

Description : Hog farm in N/2 of NW/4 of NW/4 34-33-31
FSA Physical Location : KANSAS/SEWARD
ANSI Physical Location : KANSAS/SEWARD
BIA Unit Range Number :
HEL Status : HEL field on tract.Conservation system being actively applied
Wetland Status : Tract does not contain a wetland
WL Violations : None
Owners : SANDY ROAD FARMS LLC
Other Producers : None
Recon ID : 20-175-2015-15

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
21.48	3.58	3.58	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	3.58	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Corn	1.89	0.00	184
TOTAL	1.89	0.00	

NOTES

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) e-mail: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.



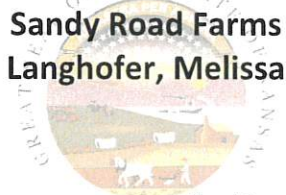
Feedlot/Confinement Facility License

Kansas Department of Agriculture, Division of Animal Health hereby Certifies that

Sandy Road Farms: Kansas Isolation

Sandy Road Farms

Langhofer, Melissa



License #: **FL0000FG**

Expires: **09/30/2022**

is licensed to maintain and operate a Feedlot/Confinement Facility License at

Sandy Road Farms: Kansas Isolation, 24022 2 RD, PLAINS KS 67869

according to K.S.A. 47-1501 through 47-1511 as amended and supplemented.

Operation Type: Finisher

Species: Porcine

Animal Health Commissioner

Dated at Manhattan, KS: 09/16/2021

Print Date: 09/21/2021

Sandy Road Farms: Kansas Isolation
Sandy Road Farms
Langhofer, Melissa
23179 No 5 Rd
Plains KS 67869

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Alice A. Devine, Acting Secretary

DIVISION OF WATER RESOURCES

David L. Pope, *Chief Engineer*

DUPLICATE COPY

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 39,457

PRIORITY DATE May 30, 1989

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 the Cimarron River to be withdrawn by means of a battery of two (2) wells with a geographic center located in Lot 2 of Section 31, more particularly described as being near a point 3,174 feet North and 5,387 feet West of the Southeast corner of said section, in Township 33 South, Range 30 West, Meade County, Kansas, at a diversion rate not in excess of 42 gallons per minute (0.09 c.f.s.) and a quantity not to exceed 8.146 million gallons (25 acre-feet) of water per calendar year for stockwatering use in the Northwest, the Southwest and the Southeast corners of the Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 33 South, Range 30 West, Meade County, Kansas.

DUPLICATE COPY

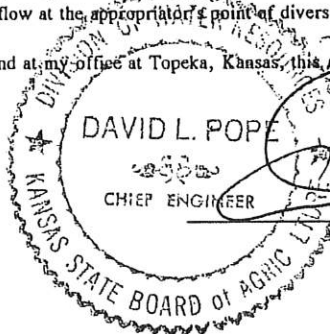
The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

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 27th day of April, 1995



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 27th day of April, 1995, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Signature: _____

Notary Public

RECEIVED

MAY 11 1995

Division of Water Resources
Garden City

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION
CERTIFICATE

No. 22032

STATE OF KANSAS

Water Right, File No. 39,457

STATE OF KANSAS,

_____ COUNTY, ss.

Filed for record this _____ day of _____

at _____, 19 _____

at _____ o'clock _____ m. and _____

recorded in Book _____ Page _____

Fee \$ _____

Register of Deeds.

MICROFILMED

Kansas Department of Health & Environment

Division of Environment
Bureau of Water



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

Kansas Permit No.: **A-CIME-S009**

KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES

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

Permittee: **Sandy Road Farms, LLC**
Permittee's Address: **23179 #5 Road
Plains, Kansas 67869**
Facility Name: **Sandy Road Farms Kansas Isolation**
Facility Location: **NW ¼, Section 31, Township 33S, Range 30W
Meade County, Kansas**
River Basin: **Cimarron River Basin**

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

This permit is effective November 23, 2020, supersedes the previously issued water pollution control permit A-CIME-S009, and expires April 22, 2024.

Facility Summary

The existing facility consists of two sites, the North Unit and the South Unit, with a combined maximum capacity of 700 head (280 animal units) of swine weighing more than 55 pounds. There are two (2) enclosed confinement buildings and two (2) single sell earthen structures at this facility. Waste accumulations from the enclosed building are collected in concrete pits underneath the buildings and are then flushed to the retention structure associated with that site.

A handwritten signature in cursive script that reads "Lee A. Norman" followed by a small mark.

Secretary, Kansas Department of Health and Environment

November 23, 2020
Date

A. FACILITY DESCRIPTION

Existing Facility (Facility Map on Page 5)

The existing facility consists of two sites, the North Unit and the South Unit, with a combined maximum capacity of 700 head (280 animal units) of swine weighing more than 55 pounds. There are two (2) enclosed confinement buildings and two (2) single sell earthen structures at this facility. Waste accumulations from the enclosed building are collected in concrete pits underneath the buildings and are then flushed to the retention structure associated with that site. The two sites are described as follows:

North Unit. This site is located in the northern portion of the facility and consists of one enclosed swine building, measuring approximately 100 ft. x 36 ft. and one retention structure. Waste accumulation from the enclosed building are flushed to a triangular shaped retention structure (North RS) that measure approximately 365 ft. x 440 ft. s 290 ft x 12 ft. deep and has approximately 7.16 acre-feet of storage capacity at the 2 ft. freeboard level.

South Unit. This site is located in the southern portion of the facility and consists of one enclosed swine building, measuring approximately 64 ft. x 36 ft., and one retention structure. Waste accumulations from the enclosed building are flushed to a triangular shaped retention structure (South RX) that measures approximately 240 ft. x 210 ft. x 230 ft. x 12 ft. deep and has approximately 2.41 acre-feet of storage capacity at the 2 ft. freeboard level. This site is currently inactive.

B. OPERATION AND MAINTENANCE REQUIREMENTS

Table 1 – Operating Level Requirements

Controlled Drainage Area / Wastewater Retention Structure	Operating Level*	Dec. 1 st Operating Level*
Kansas Isolation Unit / North RS	2.5 Feet	3.0 Feet
Genetic Complex Annex / South RS	2.5 Feet	3.0 Feet

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

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

Equipment and land application area shall be available to dewater the wastewater retention structure(s) to the operating level in ten days. The permittee shall have available land application sites as specified in the most recent KDHE approved Waste Management Plan.

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

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

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

Livestock wastes shall be applied to land using rates and methods that prevent surface runoff of pollutants and/or leaching of pollutants into groundwater. Waste application shall not exceed agronomic rates.

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

Removal of Solid Wastes Accumulations

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

C. STANDARD CONDITIONS

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

D. REPORTING AND RECORDKEEPING

1. Any significant operational changes, modifications, or capacity increases shall be reported and approved by the Department prior to implementation.
2. All overflows or discharges from the water pollution control structures, the land application sites, any water pollution incident, or other permit violation shall be reported to the Department by telephone at (785) 296-1679, immediately upon discovery [within two hours]. A written report shall be submitted to the Department within three days of the incident.
3. Soil sampling and analysis shall be conducted on soils from fields determined by the Department to be located in a sensitive groundwater area and which have received manure or wastewater within the five (5) year permit cycle. The Department has indicated in the approved Waste Management Plan, if a field designated for solids and/or liquids disposal is in a sensitive groundwater area. Therefore, if manure or wastewater is applied to fields in these areas, soil sampling and analysis shall be completed on the field(s) waste is applied to, at least once during the permit cycle. Soil test results shall be sent to the Department within 30 days of receipt of the test results.

E. SCHEDULE OF COMPLIANCE

1. The facility shall notify the Department in writing at least 90 days prior to initial repopulation of the enclosed swine building within the Genetic Complex Annex.
2. Prior to repopulating the enclosed swine building within the Genetic Complex Annex the following items shall be completed:

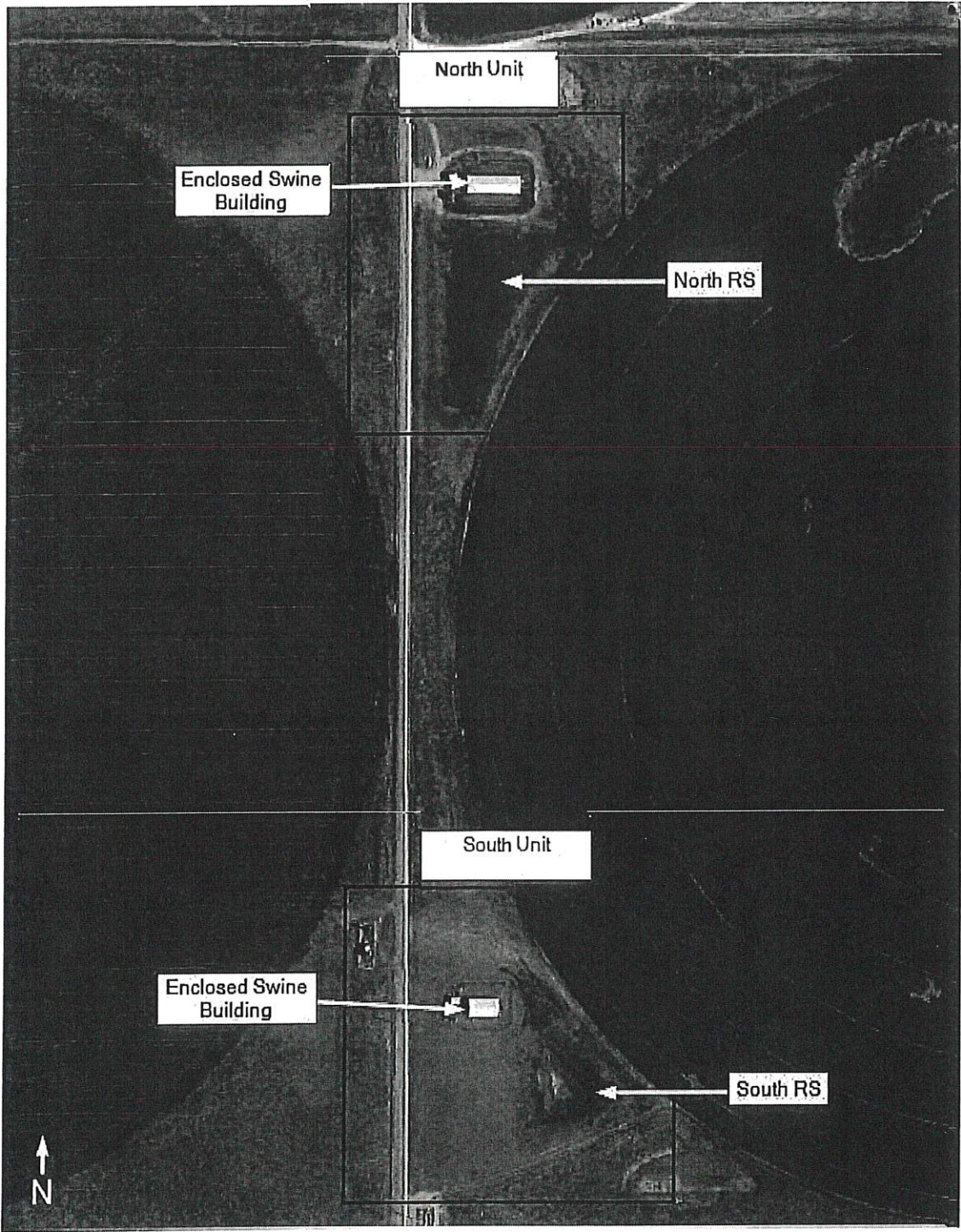
- a. Weeds and deep rooted vegetation shall be removed from the South RS and the liner shall be recompacted.
- b. A permeability test and analysis shall be completed on the South RS via the core sample or whole pond test. Permittee shall contact the KDHE Southwest District Office at 302 W. McArtor Road, Dodge City, KS 67801, (620) 682-7940, at least 48 hours prior to conducting any permeability tests to provide KDHE an opportunity to witness the testing procedure. The tests shall be conducted in accordance with the following timelines:

If an individual sample or observation method, such as the core sample method, is utilized, the permeability tests shall be completed and results submitted to the Department within 30 days of the completion of the cleanout activities and/or proposed construction and prior to placing the retention structure back into service.

If a whole lagoon or whole pond test method is utilized, the permeability tests shall be completed and results submitted to the Department within twelve (12) months of the completion of the cleanout activities and/or proposed construction.

Test results and analysis shall be submitted to the Department within 30 days of the completion of testing. If the test results demonstrate that the retention structure did not meet the permeability requirements, additional sealing and retesting will be required.

Sandy Road Farms, LLC Kansas Isolation



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

1. Definitions:

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

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

- 2. Animal waste management systems shall be designed, constructed, maintained and operated to prevent the pollution of waters of the state and to protect public health and the environment.
- 3. Neither the approval of construction plans, specifications, Waste Management Plan, or any other plan, nor the issuance of a permit or certification by the Department shall prohibit the Department from taking any enforcement action if the animal waste management system fails to protect the waters of the State, meet any specified effluent criteria, or comply with State Surface Water Quality Standards. In addition, this approval, permit issuance, or certification shall not constitute a defense by the permittee regarding violation of any statute, regulation, permit condition, or requirement.
- 4. Representative Sampling and Reporting (applies only if required in the permit):
 - A. Samples and measurements taken as required in this permit shall be representative of the physical and chemical nature of the monitored material. All samples and measurements shall be taken at the locations designated in the permit, and unless specified otherwise, at locations before the material being sampled joins, mixes with or is diluted by any other material.

- B. Monitoring, testing and reporting requirements shall be recorded and reported on forms acceptable to the Department. Signed copies of the reports, prepared in accordance with K.A.R. 28-16-59, shall be submitted unless otherwise specified in the permit to:

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

5. Soil Sampling Protocol: For each land application site (field) to be sampled, soil samples shall be collected from areas representative of the soil types and nutrient application activities. A representative number of cores shall be collected from each field. Each core shall be taken to a depth of 24 inches. Two composite samples for each field shall be made from the cores collected. One composite sample shall consist of the top six inches of the cores from the field and shall be tested for nitrate (as N), phosphorus (Bray-1, Mehlich III or Olsen P test), pH, electrical conductivity and other parameters as specified in the permit. The other composite sample shall be made from the remaining six to 24 inches of the cores from the field and shall be tested for nitrate (as N) and other parameters as specified in the permit. Soil test results shall be sent to the address shown in paragraph 4B above and submitted pursuant to the requirements of the permit.
6. Test Procedures: All analysis required by this permit shall conform to the requirements of 40 CFR Part 136 and the North Central Regional Research Publication No. 221, "Recommended Chemical Soil Test Procedures for the North Central Region" unless otherwise designated. Testing shall be conducted in a laboratory certified or otherwise accepted by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of sampling/measurement as appropriate. The laboratory report shall include the date of the analysis, the analytical techniques or methods used, the name of the individual(s) who performed the analysis, and the results. If the permittee monitors any material or takes any measurement at the location(s) designated in this permit more frequently than required by this permit, using approved procedures; the results shall be included in the report form required in paragraph 4B above. Such increased frequencies shall also be indicated.
7. Records Retention: A copy of all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation shall be retained on-site for a minimum of five calendar years or longer if requested by the Director of the Division of Environment.
8. Availability of Permit and Permit Records/Falsification of Data: The permittee shall retain a copy of the current permit issued by the Department and approved plans at the facility's site office or such other site as approved by KDHE. Construction plans, specifications, sample test results and other plans are not confidential material unless specifically so designated by KDHE pursuant to Federal and State law. Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and K.S.A. 65-170c.
9. Change in Operations: Any significant anticipated change in operations shall be reported to the Division at least one hundred eighty (180) days before such change occurs. A significant Change in Operations means any of the following: (1) Expansion or enlargement of a facility beyond the scope or boundaries established by registration, permit, certification, or approved plans and specifications; (2) any increase in the animal unit capacity beyond that authorized by a permit or certification; or (3) a change in construction or operation of a confined feeding facility that may affect the collecting, storage, handling, treatment, utilization, or disposal of animal or other process wastes. Minor changes shall be submitted to the Department for review and approval prior to construction, implementation or use.

Notification to and approval by the Director is required prior to a significant change in disposal method, a change in the method of treatment which would significantly alter the characteristics of the process waste, discharging to a disposal area different from the existing approved area, or other circumstances which result in a change in character, amount or location of process waste disposal or re-use.

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

10. **Facilities Operation:** The permittee shall, at all times, properly operate and maintain the animal waste management system and any related appurtenances that are installed or utilized by the permittee to achieve compliance with Kansas law and the conditions of the permit. The permittee shall operate the facility in a manner to prevent any discharge that is in violation of the permit or that has a potential to adversely affect human health or the environment. When necessary to maintain compliance with the permit conditions, the permittee shall stop or reduce those activities under its control, which generate process wastes routed to the animal waste management system.
11. **Immediate Reporting Required:**
 - A. Any emergency or accidental discharge, overflow, or unplanned release of animal or other process wastes, any water pollution incident, or any permit violation shall be reported to the Department by telephone at (785) 296-1679 within two hours of discovery. A written report explaining the cause of the incident and what actions the permittee has taken, or will take to prevent recurrence shall be submitted to the Department at the address provided in paragraph 4B within three days of the incident.
 - B. Any discharge from, or bypass of any part of the animal waste management system not in compliance with this permit is prohibited except: where no feasible alternatives to the bypass exists and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive stormwater inflow or infiltration would damage any part of the animal waste management system necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass or discharge. The Director or Director's designee may approve a bypass or discharge, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall report such discharges or bypasses pursuant to paragraph A above.
12. **Right of Entry and Bio-Security:** The permittee shall allow authorized representatives of the Division of Environment and the Environmental Protection Agency (EPA) to enter upon the permitted premises to inspect the animal waste management system, and at reasonable times, to have access to and copy any records required by this permit, to review any practices required by this permit, and to sample any influents to, discharges from or materials in the animal waste management system. Any permittee that develops or modifies bio-security protocols and requests KDHE conformance with the protocols shall submit a copy of the protocols to the Department. Upon request of the permittee, KDHE or EPA officials shall present their credentials to the permittee. However, the presentation of credentials shall not be a basis to deny entry to the permitted facility.

The permittee shall provide all necessary specialized equipment, clothing, etc. to enable the Department and EPA inspectors to enter the facility for inspection. Bio-security protocols shall not inhibit reasonable access by any Department or EPA inspector.
13. **Property Rights:** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of or violation of federal, state or local laws or regulations.
14. **Permit Modifications and Terminations:** As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended, revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records this permit requires to be kept.

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

If the approval becomes void, the permit shall remain in effect for the term of the permit, but the operator shall resubmit the construction plans, specifications, and other associated plans to the secretary for review and consideration for approval before initiating the construction or expansion of the facility.

16. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the remainder of the permit shall not be affected thereby.
17. Transfer of Ownership: The permittee shall notify the succeeding owner or controlling person of the existence of this permit and shall provide the Department a copy of an agreement indicating the date when the transfer of permit responsibility, coverage and liability will take place. The permit is not transferable to any person except after notice to and approval by the Director. The existing permit remains in effect until the Department authorizes the transfer by letter or reissues the permit. The Director may require modification or revocation and reissuance of the permit to update the permit to comply with current Federal and State requirements.
18. Change in Permittee Address/Telephone No.: The permittee shall notify the Department within 60 days of any changes in mailing address or telephone number regarding the facility or the designated facility contact.
19. Retention Structure Wastewater, Liquid Process Waste Level Monitoring (applies only if required in the permit): A permanent water level measurement device (such as a staff gauge) shall be installed and maintained in each retention structure used as the basis for determining appropriate storage capacity. The device shall be marked in increments of feet and shall be readable to the nearest $\frac{1}{2}$ foot.
20. Irrigation Practices: Irrigation practices shall be managed to minimize pooling of animal or other process wastes at the land application site. Irrigation practices shall be managed to ensure that animal or other process wastes are not discharged from the waste application sites.
21. Removed Substances: Solids, sludge, or other process wastes removed from the animal waste management system shall be disposed of or re-used in a manner acceptable to the Division.
22. Transport of Animal or Process Wastes: The permittee shall haul or transport animal or process wastes to land application sites in a manner that prevents loss or spillage during transport.
23. Cease Operations/Removal from Service: Each permittee shall notify the Department of plans to cease operations of, close, or abandon the facility, and shall maintain and comply with the permit until the Department approves the closure of the facility. The permittee shall inform the Division prior to removing from service any part of the animal waste management system that would affect compliance with the permit. The permittee shall make arrangements acceptable to the Division to decommission any portion of the animal waste management system being permanently removed from service such that the public health and waters of the state are protected.
24. Retention Structure Liners: The permittee shall install and maintain the liner to comply with K.A.R. 28-18-1 *et seq.* When soil liners are utilized, no trees or other deep-rooted vegetation shall be allowed to grow within 100 feet of the liner. Any mechanical or structural damage to the liner shall be reported to the Department within two workdays of identification and shall be repaired in a time frame approved by the Department.
25. Permeability Tests: The permittee shall conduct permeability tests using methods acceptable to the Department. For a description of the acceptable methods, the permittee may contact KDHE at the

address in paragraph 4B. Permeability tests shall be conducted anytime the retention structure is altered by cleanout and/or reconstruction or anytime there is damage to the liner. Results of the permeability test shall be submitted to the Department within 30 days of completing the test. Should any structure not meet the permeability requirements, additional sealing will be required.

26. Annual Permit Fee: Each permittee shall submit the appropriate annual permit fee according to the schedule of fees provided in K.A.R. 28-16-56d. The Department will bill the permittee annually. Failure to pay the annual permit fee shall result in revocation of the permit.
27. Duty to Reapply: A permittee wishing to continue any activity regulated by this permit after the expiration date of this permit must apply for a new permit at least 180 days prior to expiration of the permit.
28. Stocking of New/Expanded Facility: The permittee shall not stock a new facility or the expanded portion of an existing facility nor place in use any animal waste management system until after the construction or expansion of the facility, including the animal waste management system, is completed, the Department has reviewed and approved any requested construction certifications, and the new or modified permit is issued or re-issued by the Department.
29. Waste Management Plan: The permittee shall comply with the most current KDHE approved Waste Management Plan. The permittee shall amend this plan whenever warranted by changes in the operation of the facility.
30. Chemical Disposal: Chemicals shall not be disposed of in the pollution control system unless specifically authorized in writing by the Department.
31. Additional Information and Contacts: Additional information and KDHE contacts can be found on the KDHE-Livestock Waste Management Section's web page at www.kdheks.gov/feedlots.