



File No. **20189004**      15. Formation Code:      Drainage Basin: **Walnut River**      County: **BU**      Special Use:      Stream:

16. Points of Diversion

| MOD | DEL             | ENT | PDIV        | Qualifier | S  | T   | R  | ID | 'N     | 'W  |
|-----|-----------------|-----|-------------|-----------|----|-----|----|----|--------|-----|
| MOD | <del>8817</del> |     | <b>SWSE</b> | NE        | 30 | 24S | 4E | 9  | 3293.8 | 757 |
|     |                 |     |             |           |    |     |    |    | 3294   |     |
|     |                 |     |             |           |    |     |    |    |        |     |
|     |                 |     |             |           |    |     |    |    |        |     |
|     |                 |     |             |           |    |     |    |    |        |     |

17. Rate and Quantity

| Authorized |              | Additional |             | Overlap PD Files |
|------------|--------------|------------|-------------|------------------|
| Rate gpm   | Quantity mgy | Rate gpm   | Quantity af |                  |
| 125        | 65.69        | 125        | 65.69       | 939094           |
|            |              |            |             |                  |
|            |              |            |             |                  |
|            |              |            |             |                  |
|            |              |            |             |                  |

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by 12/31/2018      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

| MOD | DEL | ENT | PUSE  | S  | T   | R  | ID | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner | Chg? | Overlap Files |
|-----|-----|-----|-------|----|-----|----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|
|     |     |     |       |    |     |    |    | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |       |       |      |               |
| ✓   |     |     | 12811 | 30 | 24S | 4E | 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       | 7a    | no   | 20189005      |
|     |     |     |       |    |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      | 939095        |
|     |     |     |       |    |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
|     |     |     |       |    |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
|     |     |     |       |    |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:**

August 3, 2018

**FROM:** Alex Whitesell

**RE:**

Term Permit, File No. 20189004

Darren Booth filed the above referenced Term Permit, proposing the appropriation of <sup>65.69</sup>~~68.624~~ million gallons (201.6 acre-feet) of groundwater at a rate of 125 gallons per minute for contamination remediation use in the Walnut River Basin in Butler County.

The applicant noted term permit file no. 889008-A, which expired in 1992, as an overlapping point of diversion. Term permit file no. 939094 expired in July 22, 2017 and has the same place of use as the proposed permit and this new permit has more accurate feet distances for the point of diversion. The remediation project uses one well that is processed through an air stripper. The treated wastewater then flows into a series of ponds before finally discharging into Brush Creek.

The quantity was calculated as follows: 125 gpm X 60 min X 24 hours per day X 365 days =  
**68.624 mgy or 201.6 AF**

The application originally requested a five year period of use but has modified to reflect a 20 year period of use, until February 6, 2038. The application is now subject to safe yield. There is only 66 acre-feet of water appropriated within two miles of the point of diversion; therefore, it appears that there will be no problem meeting safe yield.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed well. WWC-5 records indicate two domestic wells that are within 660 feet of the proposed point of diversion, however, they are owned by the applicant. Therefore, the application complies with well spacing requirements.

In an email message dated August 3, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell  
Environmental Scientist  
Division of Water Resources

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

LUBRICATION ENGINEERS INC  
V P MANUFACTURING OPER  
PO BOX 16447/1919 E TULSA  
WICHITA KS 67216

September 6, 2018

Re: Term Permit, File Nos. 20189004 and 20189005

Dear Sir or Madam:

Your applications for a term permits to appropriate water for beneficial use have been examined, approved, and are being returned herewith for your records. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in Exhibit A of these permits.

The approval of your applications constitutes term permits to appropriate water for beneficial use as set forth in the applications. It does not constitute authority under K.S.A. 82a-301 through 305a, to construct any dam or other obstruction. It does not give authority to access any right-of-way, or authorize injury to, or trespass upon, public or private property, nor does it obviate the necessity of obtaining assent from Federal or Local Governmental authorities, when necessary. Please be advised that K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources.

An acceptable water meter is required and shall be installed on the diversion works authorized by these term permits in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12, and it shall be installed prior to water being put to beneficial use. Notification of installation of the meters must be received in the office of the Chief Engineer within thirty (30) days of installation of the meter. A form for this purpose and for your convenience is enclosed. Accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined, shall be maintained by the applicant, and the applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Handwritten signature of Kristen A. Baum in cursive.

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:ajw  
Enclosures  
pc: Stafford Field Office

Submit To: CHIEF ENGINEER  
 Division of Water Resources  
 Kansas Department of Agriculture  
 1320 Research Park Drive  
 Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

APPLICATION FOR TERM PERMIT Water Resources  
 Received  
 GROUNDWATER  
 SURFACE WATER  
 (check one)



FEB 20 2018 1:00

State of Kansas

20189004

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION. (Make check payable to the Kansas Department of Agriculture)

1. Applicant: (Please print or type)  
 Name Darren Booth Lubrication Engineers Inc  
 Street 1919 E Tulsa St.  
 City and State Wichita, KS  
 Zip Code 67215 Telephone No. (316) 529-6800  
 E-Mail Address d.booth@le-inc.com  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. 75-0817172

2. Location of Point of Diversion:  
 Sec. 30, Twp. 24 South, Rng. 4 East, (E/W),  
Butler County, Kansas.  
 Distance from Southeast Corner of Section:  
3294 feet North from Southeast Corner  
757 feet West from Southeast Corner  
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:  
 Proposed Max. Pumping Rate (gpm) 125  
 Amount Requested (acre-feet) 201.6 (45.69 MGU)  
 per calendar year  
 Depth of Well (feet) 128  
 Date (completed) (will be completed) 3-9-88  
 Drainage Basin Brush Creek via Walnut Basin (Walnut River)  
 Name of Stream Walnut River via Whitewater River via Brush Creek

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
Groundwater remediation. An air stripper is in use to treat hydrocarbon contaminated groundwater.

5. Location of place of use:  
203 Anita Potwin, KS Butler County

6. Period of use:  
 Commencing date: 2/6/2018  
 Ending Date: 2/6/2023 2/6/38 Also enter on Item 12

If off-stream pit, check here   
 Will pit floor intersect water table? Yes  No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:  
889008-A RR-2

FEE SCHEDULE

- The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:  

| Acre-feet     | Fee      |
|---------------|----------|
| 0-100         | \$200.00 |
| 101-320       | \$300.00 |
| More than 320 | \$300.00 |

 plus \$20 for each additional 100 acre-feet or any part thereof.
- The fee for an application in which storage is requested, is:  

| Acre-feet     | Fee      |
|---------------|----------|
| 0-250         | \$200.00 |
| More than 250 | \$200.00 |

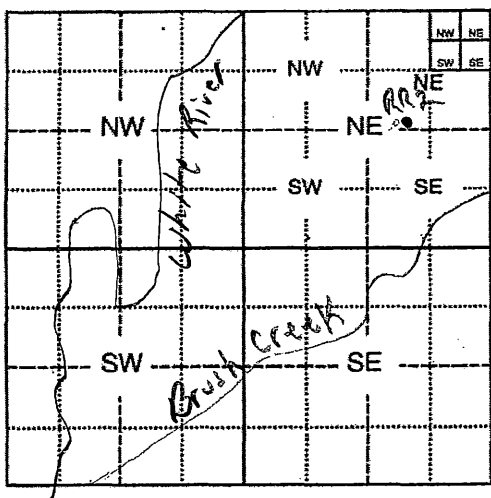
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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

- The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.
- A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
- There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons  
 1 million gallons equal 3.07 acre-feet



Assisted by \_\_\_\_\_

For Office Use Only:  
 F.O. 2 GMD Meets K.A.R. 5-3-1 (YES) (NO) Use CON Source GS County BU By AJW Date 2/20/18  
 Code 7122 Fee \$ 000 TR # \_\_\_\_\_ Receipt Date 2/20/18 Check # 740106

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells –

Well A Owner(s): None  
Address: \_\_\_\_\_

Well B Owner(s): None  
Address: \_\_\_\_\_

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): NA  
Address: \_\_\_\_\_

Tract B Owner(s): NA  
Address: \_\_\_\_\_

10. The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 8, 2018. Darren Booth  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on February 6, 2023 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Darren Booth Telephone No. ( 316 ) 529-6800  
Darren Booth Signature of Applicant or VP of Manufacturing Operations Authorized Representative 2-8-18 Date  
Darren Booth Applicant's Name Printed VP of Manufacturing Operations Title

**DO NOT WRITE BELOW THIS LINE**

**CONDITIONS OF APPROVAL:**

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

See Exhibit "A" for Additional Conditions of Term Permit File No. 20189004

**APPLICATION APPROVED**  
PERMIT NUMBER: 20189004  
DATE ISSUED: 8/30/18  
EXPIRATION DATE: 02/06/2038  
WATER METER REQUIRED: YES  NO



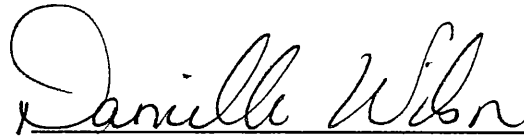
## CERTIFICATE OF SERVICE

On this 6<sup>th</sup> day of September, 2018, I hereby certify that the foregoing Approval of Term Permit, File No. 20189004, dated August 30<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

LUBRICATION ENGINEERS INC  
V P MANUFACTURING OPER  
PO BOX 16447/1919 E TULSA  
WICHITA KS 67216

With photocopies to:

Stafford Field Office



Division of Water Resources



## Whitesell, Alex [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Friday, August 03, 2018 1:03 PM  
**To:** Whitesell, Alex [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: Recommendation 20189004\_05  
**Attachments:** Memo to File 20189004.docx; Memo to File 20189005.docx

Alex. I approve of these contamination remediation terms.

Lets get that water cleaned up!

Do you know what they are cleaning up at this site? Since its and air stripper im guessing fuel or some kind of LNAPL?

---

**From:** Conant, Cameron [KDA]  
**Sent:** Friday, August 3, 2018 11:36 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Recommendation 20189004\_05

Jeff, these are two 20 year term periods for remediation. This is an ongoing project that pulls water, utilizes an air stripper, then puts the treated water into a series of ponds before it discharges into Brush Creek. The original permits go back to the 1989 or so. There is only 66AF and 190 AF appropriated in these 2 terms 2 mile circles. Alex indicated SY should be good to go. Spacing is met to all nearby wells as far as we know so the applications have been modified to request 20 year term periods and Alex has revised the applications to show the correct quantity of water based on 24/7/365 operation with the applicant submitted rate of diversion.

Basically, this is just re-upping existing terms to clean up the water. One is requesting 202 AF (past 5 year average use is ~170 AF). The other is requesting ~65 AF (past 5 year average use is 64 AF when you throw out 1 year that reported 111AF??). We have had no complaints from area landowners and this project has been ongoing for nearly 30 years now, I think we can recommend them for approval. Please pass on to Alex if you agree.

Cameron

---

**From:** Whitesell, Alex [KDA]  
**Sent:** Friday, August 3, 2018 10:35 AM  
**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** RE: Recommendation 20189004\_05

Cameron,

I think this are a little cleaned up and modified for a 20 year period of use. The applicant was okay with that and safe yield was figure out and added to the memo.

Let me know what you think.

Alex

---

**From:** Conant, Cameron [KDA]  
**Sent:** Thursday, August 02, 2018 1:08 PM

**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Recomendation 20189004\_05

Bummer, forgot we needed SY if going over 5 years. What exactly would we say to justify it and do you think we would need a waiver and if so, do you think David/Kristen would be ok with a waiver?

We could say this remediation has been ongoing for 25 years with no complaints about localized impairment from any surrounding wells (domestic or permitted). There are 7 permitted wells within 2 miles of the remediation project, all of which are used for stock purposes at 2 different stock facilities. There are no permitted wells within 1 mile of the remediation project however the city of Potwin is within ½ mile of the remediation wells but it appears spacing of at least 660' is maintained to any nearby domestic wells. This may be sourced in kind of a very localized alluvium or perhaps Wellington??

You can call if you want and we can discuss it a bit. I'm not sure if it's better to just say oops and roll with 5 years or try to justify the 20 year term or just run a SY and see how that goes.

Cameron

---

**From:** Whitesell, Alex [KDA]  
**Sent:** Thursday, August 2, 2018 12:16 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Recomendation 20189004\_05

Cameron,

They are okay with going to 20 years for these terms. I just realized that means safe yield considerations. There is really not a lot to go off, would you be okay with me mentioning that safe yield is required but not of consequence as this project is for remediation in the public interest?

---

**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, August 01, 2018 4:25 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Recomendation 20189004\_05

That works great!!

---

**From:** Whitesell, Alex [KDA]  
**Sent:** Wednesday, August 1, 2018 4:24 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Recomendation 20189004\_05

Sorry I didn't see this earlier! Mind if I call you tomorrow morning?

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**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, August 01, 2018 2:20 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** FW: Recomendation 20189004\_05

Alex, can you give me a call about these when you have a moment?

Where does 939094 and 939095 fit in to this remediation project? The footages from the SE corner on the 2018 terms don't match up with the old terms referenced on the application (889008-A & 889008-B) which expired in 1993, nor do they match up with the 939 terms that just expired last year.

I feel like this is going to be fine to approve these after a bit of clarification, but I want to make sure we are all on the same page with what is authorized, what is being replaced and what is overlapped...Maybe just call and we can discuss it a bit more. Thanks,

Cameron

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**From:** Whitesell, Alex [KDA]  
**Sent:** Thursday, July 12, 2018 2:50 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Recomendation 20189004\_05

Good afternoon, could you please provide a recommendation on these term permits?

Thanks!

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

My email has changed [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)

## Whitesell, Alex [KDA]

---

**From:** James Overheul <JOverheul@isienvironmental.com>  
**Sent:** Thursday, August 02, 2018 11:16 AM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

Ok. Please proceed with the 20 year.

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Thursday, August 2, 2018 11:04 AM  
**To:** James Overheul <JOverheul@isienvironmental.com>  
**Subject:** RE: Term Permit - Darren Booth

Not for the area that these permits are located in.

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Thursday, August 02, 2018 10:18 AM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

Are there any additional requirements if they opted for the 20 year?

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

---

**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Thursday, August 2, 2018 9:10 AM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

James, as the field office was reviewing these applications for approval, it was noted that these term permits could request a period of use of 20 years. Is that something that you would like to do for these two terms?

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Wednesday, July 11, 2018 3:54 PM

**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

That will work.

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Monday, July 9, 2018 12:00 PM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

James,

I hadn't looked closely enough at the second permit but have now noticed that the rate that you propose, 40 gpm, could not reach the quantity requested of 72.6 AF if pumped 24/7/365. Are you okay with me reducing the quantity to **64.52 AF (21.024 million gallons)?** That quantity is the 40 gpm x 60 min/hour x 24 hours/day x 365 days/year.

Please let me know if that will work.

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Tuesday, July 03, 2018 2:11 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

Alex,  
Here is the NPDES permit that describes how the water is discharged from the stripper.  
Please let me know if you have any additional questions.

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

---

**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Monday, July 2, 2018 1:01 PM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

James,

I forgot to ask one question about the contamination remediation term permits. What is done with the water after it is run through the air stripper?

Thanks,

Alex

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Monday, June 25, 2018 4:05 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

That will work just fine. I will call you.

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Monday, June 25, 2018 4:05 PM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

I am really free all day, except between 1 and 2. Would 9am work?

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Monday, June 25, 2018 3:58 PM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

What time tomorrow would work best?

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Monday, June 25, 2018 3:44 PM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

James,

Sorry it has taken me some time to get back to you, I was out of the office last week. I also received your voicemail. I would be available for a call some time tomorrow. Sorry today has not worked out.

---

**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Friday, June 22, 2018 8:17 AM  
**To:** Whitesell, Alex [KDA]  
**Subject:** RE: Term Permit - Darren Booth

Alex,  
Do you have time for a call this morning?

James Overheul  
iSi Environmental  
Manager, Safety and Industrial Hygiene  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Monday, June 18, 2018 2:44 PM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>  
**Subject:** RE: Term Permit - Darren Booth

Mr. Overheul,

I am emailing to follow up on the information that I requested for the term permits.

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

**My email has changed** [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)

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**From:** James Overheul [<mailto:JOverheul@isienvironmental.com>]  
**Sent:** Wednesday, May 02, 2018 10:35 AM  
**To:** Whitesell, Alex [KDA]; [d.booth@le-inc.com](mailto:d.booth@le-inc.com)  
**Subject:** RE: Term Permit - Darren Booth

Alex,  
I am working on getting you the information you have requested. I should have it for you next week.

Regards,

James Overheul  
iSi Environmental  
Project Manager  
(o) 316-264-7050  
(m) 316-706-1195  
Email: [joverheul@isienvironmental.com](mailto:joverheul@isienvironmental.com)

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**From:** Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]  
**Sent:** Wednesday, April 25, 2018 10:31 AM  
**To:** James Overheul <[JOverheul@isienvironmental.com](mailto:JOverheul@isienvironmental.com)>; [d.booth@le-inc.com](mailto:d.booth@le-inc.com)  
**Subject:** Term Permit - Darren Booth

Good morning,

I am working the contamination remediation term for Lubrication Engineers have a couple of questions.

Is the quantity based on pumping both wells 24/7/365 at a combined rate of 125gpm? Is the location of the well that you provided the geographic center of the two wells mentioned in the cover letter or for one of the wells? Could you please provide feet distances for both wells?

Thank you,

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

**My email has changed** [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)

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**CERTIFIED MAIL**

February 16, 2018

Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

**FEB 20 2018**

KS Dept Of Agriculture


RE: Term Permit Applications – Lubrication Engineers, Inc.

To Whom it May Concern:

iSi Environmental (iSi), on behalf of Lubrication Engineers, Inc., presents the Term Permit Applications for two water wells located in Potwin, Kansas along with payment for the application fees.

If you have any questions, please do not hesitate to contact me at (316) 264-7050 or via email at [joverheul@iSienviromental.com](mailto:joverheul@iSienviromental.com).

Sincerely,



James Overheul  
Project Manager

Enclosures: Applications for Term Permits  
Check #74066 for Application Fees

cc: Darren Booth, Lubrication Engineers  
iSi Project File No. 1712013

9

Kansas Permit No.: I-WA12-PO01

Federal Permit No.: KS0085901

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

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

Owner: Lubrication Engineers, Inc.

Owner's Address: P.O. Box 16447  
Wichita, KS 67216

Facility Name: Potwin Refinery and Tank Farm

Facility Location: 203 Anita Street  
Potwin, Kansas 67123

Lagoon Location: Latitude: 39.09815 Longitude: -96.71920

Legal Description: NE¼ of Section 30, Township 24S, Range 4E of  
Butler County, Kansas

Receiving Stream: Walnut River via Whitewater River via Brush Creek,  
Walnut River Basin

is authorized to discharge from the wastewater treatment facility described herein, in accordance with effluent limitations and monitoring requirements as set forth herein.

This permit is effective January 1, 2016, supersedes the previously issued Kansas Water Pollution Control permit I-WA12-PO01, and expires November 30, 2020.

**FACILITY DESCRIPTION:**

This is an old inactive refinery site which was but is no longer used as a storage facility for petroleum based oils. All storage tanks were demolished in 2004. The site has hydrocarbon-contaminated groundwater which is treated in an air stripper. The treated wastewater then flows into a series of ponds (ponds #1 and #3) prior to discharging to Brush Creek. The average wastewater flow is 0.23 million gallons per day. Pond #2 contains the rinse water after the air stripper is acid washed and also receives stormwater runoff from the former refinery site. Pond #2 overflows to Pond #3.

  
\_\_\_\_\_  
Secretary, Kansas Department of Health and Environment

December 22, 2015  
Date

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The effluent limitations shall become effective on the dates specified herein. Such discharges shall be controlled, limited, and monitored by the permittee as specified. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Monitoring reports shall be submitted monthly, on or before the 28th day of the following month. In the event no discharge occurs, written notification is still required.

| Monitoring Locations and<br>Parameter(s) – units                         | EFFLUENT<br>LIMITATIONS        |  | MONITORING<br>REQUIREMENTS |                |
|--|--------------------------------|--|----------------------------|----------------|
|  | Daily Maximum                  |  | Measurement<br>Frequency   | Sample<br>Type |
| <u>Outfall 001A1 (EDMR code: EFF001A1) - Discharge from Air Stripper</u> |                                |  |                            |                |
| Flow - MGD   | Monitor                        |  | Daily                      | Estimate       |
| Benzene - µg/l   | 5                              |  | Quarterly <sup>(1)</sup>   | grab           |
| Sulfate - mg/l   | Monitor                        |  | Annually <sup>(2)</sup>    | grab           |
| pH - Standard Units  | within the range of 6.0 to 9.0 |  | Quarterly                  | grab           |

<sup>(1)</sup> At the start of operation of the treatment system; or in the event the wastewater treatment plant has shut down for two weeks or more; or after a modification to the wastewater treatment system which is likely to affect the quality or quantity of the discharge; or if the discharge fails to meet the permit limits, all parameters marked "<sup>(1)</sup>" shall be sampled weekly until the discharge is in compliance for at least four (4) consecutive weeks. Quarterly monitoring may be resumed thereafter.

<sup>(2)</sup> Monitoring shall be performed annually in September.

**B. STANDARD CONDITIONS**

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated August 1, 2010.

**C. SCHEDULE OF COMPLIANCE**

None

**D. SUPPLEMENTAL CONDITIONS**

1. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301 (b)(2), (C), and (D), 304 (b)(2), and 307 (a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit, or
- b. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

D. SUPPLEMENTAL CONDITIONS, Continued

2. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels".
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.

3. In the event the Environmental Protection Agency amends or promulgates the BPT, BAT, and/or BCT effluent guideline limitations for a specific Point Source Category or any of the subcategories covering your industry, this permit will be modified to incorporate the new limitation(s).

4. Toxic Substances - Water Treatment Additives. If the permittee utilizes or changes water treatment additives:

- a. After the mixing zone provided by Kansas Water Quality Standards, the discharge of water treatment additives shall not be harmful to human, animal or plant life uses in the receiving water.
- b. The permittee shall keep an ongoing log of the water treatment chemicals used, their potential concentration in the facility discharge, and the associated toxicity data for each chemical. A sample chemical additives evaluation log can be obtained from KDHE.
- c. The permittee shall provide KDHE, upon request, toxicity tests and/or a chemical additives evaluation log the permittee uses to determine if the requirements in the paragraphs above are being achieved. In the event the data indicate the requirements in the paragraphs above are not achieved, KDHE reserves the right to amend the facility's NPDES permit to specify additional terms and conditions for toxic substances.

STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:
  - A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.
  - B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of the month following the completed reporting period. Signed and certified copies of these, prepared in accordance with KAR 28-16-59, and all other reports required herein, may be FAXed to 785.296.0086, e-mailed as scanned attachments to [dmr4kdhe@kdheks.gov](mailto:dmr4kdhe@kdheks.gov), or sent by U.S. mail to:

Kansas Department of Health & Environment  
Bureau of Water-Technical Services Section  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367
2. Definitions:
  - A. Unless otherwise specifically defined in this permit, the following definitions apply:
    - (1). The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.
    - (2). The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.
    - (3). The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.
  - B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
  - C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
  - D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.
  - E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.
3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via mail, e-mail or fax per paragraph 1.B above, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or

noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.

4. **Test Procedures:** All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.
5. **Change in Discharge:** All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.
6. **Facilities Operation:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
7. **Incidents:**

"Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

"In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

"In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

"Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(a).
8. **Diversions not Exceeding Limits:** The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.
9. **Prohibition of an In-Plant Diversion:** Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.
10. **Incident Reporting:** The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description

of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report form is available at [www.kdheks.gov/water/tech.html](http://www.kdheks.gov/water/tech.html).

For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.

11. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.
12. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.
13. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
14. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
15. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.
16. **Availability of Records:** Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such 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 KSA 65-170c.
17. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
18. **Toxic Pollutants:** Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
19. **Administrative, Civil and Criminal Liability:** The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.



20. **Oil and Hazardous Substance Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.
21. **Industrial Users:** A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.
22. **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 infringements of or violation of federal, state or local laws or regulations.
23. **Operator Certification:** The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.
24. **Severability:** The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
25. **Removal from Service:** The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
26. **Duty to Reapply:** A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.

1320 Research Park Drive  
Manhattan, Kansas 66502  
785-564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
785-296-3556

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 28, 2018

DARREN BOOTH  
1919 E TULSA ST  
WICHITA KS 67215

RE: Application  
File No. 20189004

Dear Sir or Madam:

Your application for permit to appropriate water in 30-24S-4E in Butler County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
GMD

SCANNED