



STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded under 24 CFR §58.35(a).

PROJECT NAME: City of Arkansas City, Kansas, 2022 Housing Rehabilitation Program

ERR FILE # 22-HR-001
(optional)

An "ERR Determination" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check one of the appropriate boxes under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met**. OR

"B box" The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The EPA website confirms the project area is not a designated nonattainment area because only Saline County, KS, is designated nonattainment for lead, a NAAQS pollutant (Attachments 1-A and 1-B). The project area is approximately 130.32 miles from Salina, KS (Attachment 1-C). Asbestos and Radon will be addressed in the Tier II review once specific sites have been identified for rehabilitation and demolition.
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The nearest runway is located at Marrs Field and is approximately 24,182.4 feet from the nearest point in the targeted project area, the intersection of Kansas and 10 th (Attachment 2-A). Therefore, potential housing rehabilitation projects will be located further than the required 2,500 feet of the end of a civil airport runway or 15,000 feet from the end of a military airfield runway.
3. Coastal Zone Management [Coastal Zone Management Act sections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs exist in the states of HUD

307(c) & (d))			Region VII, as established by Nat'l Oceanic & Atmospheric Administration,
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The eligible activities will not be located on or near sites that contain hazardous materials. According to the EPA Region 7 Cleanup List, there are five clean up sites in within a 5-mile radius of the city of Arkansas City non of which will impact the proposed project. (Attachment 4-A). Three are inside the city limits (Attachment 4-B) two are not located with the city limits.</p> <p>There are is a landfill located outside the Arkansas City, city limits. It is 5.07 miles from the target area (Attachment 4-C). There is also a dump for Wast Connection that is 2.76miles from the target area but is outside the Arkansas City, city limits (Attachment 4-D). There is a Recycling center located 6.43 miles from the target area but is outside the city limits (Attachment 4-E).</p> <p>Correspondence dated March 28, 2022 from KDHE states that clearance of the project should not be delayed but applicant should address and clarify the questions or concerns indicated in the document (Attachment-F).</p> <p>Correspondence dated March 16, 2022 to Judi Dunn from Kevin Heit- Bureau of Waste Management ask that all waste is properly disposed.</p> <p>Correspondence dated March 23, 2022 to Judi Dunn from Christopher Wierman at KDHE states that no contaminated Drycleaner or Superfund sites have been identified within the prosed project vicinity.</p> <p>Correspondence dated March 15, 2022 to Judi Dunn from Brett Tavener at KDHE that no storage tank facilities within the proposed project vicinity.</p> <p>Correspondence dated March 15, 2022 to Judi Dunn from Delbert Smith at KDHE states that no identified contaminated spill sites are within the vicinity of the proposed project area.</p> <p>Correspondence dated March 17, 2022 to Judi Dunn from Seth Mettling at KDHE states that no know Brownfield sites within the project area.</p> <p>Correspondence dated March 23, 2022 to Judi Dunn from Wyatt Harness at KDHE states that no known sites have been identified within the Orphan Sites Unit in the proposed project area.</p> <p>Correspondence dated March 16, 2022 to Judi Dunn from Connie Ellis at KDHE staes any commerical building needd an asbestos inspection.</p> <p>Additional contamination reviews will be addressed in the Tier II review when specific sites are selected. All demolition sites will be tested for asbestos and demolition work will follow asbestos removal guidelines.</p> <p>Radon will be addressed in the Tier II review once specific sites have been identified for rehabilitaiton and demolition.</p> <p>All houses built prior to 1978 will be tested for the presence of lead. Only lead-certified renovators will be selected to perform rehabilitation and Lead Safe Work Practices will be followed.</p>
5. Endangered Species [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Correspondence from Kansas Dept. of Wildlife, Parks & Tourism on April 15, 2022, provided general recommendations for best practices but ultimately concluded that there will be no significant impact to crucial wildlife habitats, and that no special mitigation measures are recommended. There were no objections to the proposed project (Attachment 5-A).</p>
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Since the project does not involve any land acquisition or change in land use, and the goal is to provide residential housing rehabilitation for low-to-moderate income residents, no adverse environmental impacts will be created by this project and ultimately it will benefit low-income residents.</p>
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The eligible activities do not include new construction, rehabilitation of vacant buildings or rehabilitation that increases unit density, nor conversion of land use. Therefore, the provisions of the Explosive and Flammable Operations (24 CFR Part 51C) do not apply.</p>
8. Farmland Protection [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is located within the city limits of Cedar Vale and does not involve the acquisition of land, the conversion of undeveloped land, nor new construction. No farmland will be impacted since the eligible activities concern existing residential structures. Therefore, the provisions of the Farmland Protection Policy Act of 1981 are not impacted.</p>
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As indicated by the FEMA Floodplain Map (Attachment 9-A), there are areas identified as flood hazard areas within the city limits of Arkansas City but none</p>

			within the selected target area for this project. Additionally, in accordance with the Arkansas City approved Housing Plan, no project sites will be selected within flood areas and no rehabilitation will be offered to project sites within the FEMA identified special flood hazard areas. Therefore, the project target area was chosen outside the flood hazard areas. FEMA Floodplain Map (Attachment 9-A) shows the entire rehabilitation project target area is not within any floodplain area. Therefore, the project complies with floodplain protection.
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Historic Preservation will be addressed in the Tier II review when specific sites are selected. A photo, scope of work, and specific site location information will be furnished to SHPO. The project will not advance without SHPO clearance approval. There are tribal interests in Cowley County (Attachment 10-A), however according to the Notice CPD-11-006, the "Process for Tribal Consultation for Projects reviewed Under 24 CFP Part 58", and the corresponding checklist, tribal consultation is not required (Attachment 10-B).
11. Noise Control [24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Source data from the nearest point in the target area to the nearest major road or railway (Attachments 11-A, 11-B, & 11-C) was used to complete the HUD Day/Night Noise Level Calculator (DNL) worksheet for the housing rehabilitation target area in the City of Cedar Vale (Attachment 11-D). Based on the HUD DNL calculator results, the project target area is 48 decibels for Highway 77, 47 decibels for Highway 66 and decibel for BNSF Railroad which is under the 65 or less decibels therefore will not require mitigation.
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is located within the city limits of Arkansas City and does not involve the acquisition of undeveloped land, the change of land use, nor new construction. A search of the EPA Region 7 website indicates that there are no sole source aquifers in Kansas (Attachment 12-A).
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is located within the city limits of Arkansas City and does not involve the acquisition of undeveloped land, the change of land use, new construction, nor expansion of a buildings footprint. The project is not located within and does not impact a wetland. According to the U.S. Fish & Wildlife National Wetlands inventory, there are no wetlands within the targeted area of Arkansas City, Kansas (Attachment 13-A).
14. Wild and Scenic Rivers [36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no wild and scenic rivers in Kansas (Attachment 14-A).

DETERMINATION:

- Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any compliance measure (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down; OR**
- Box "B" has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§ 58.70 & 58.71 **before committing funds; OR**
- The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Part 58.6 Requirements [24 CFR §58.6]

Complete the following table for all projects.

§58.6 Requirements Status (Y/N) Source Documentation

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Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	Y	As indicated by the FEMA Floodplain Map (Attachment 9-A), there are areas identified as flood hazard areas within the city limits of Arkansas City but none within the selected target area for this project. Additionally, in accordance with the Arkansas City approved Housing Plan, no project sites will be selected within flood areas and no rehabilitation will be offered to project sites within the FEMA identified special flood hazard areas. Therefore, the project target area was chosen outside the flood hazard areas. FEMA Floodplain Map (Attachment 9-A) shows the entire rehabilitation project target area is not within any floodplain area. Therefore, the project complies with floodplain protection.
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	Y E S	No Coastal Barrier Resource Areas in MO/KS/NE/IA. http://coastalmanagement.noaa.gov/mystate/welcome.html
Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]	Y	The nearest runway is located at Marris Field and is approximately 24,182.4 feet from the nearest point in the targeted project area, the intersection of Kansas and 10th (Attachment 2-A). Therefore, potential housing rehabilitation projects will be located further than the required 2,500 feet of the end of a civil airport runway or 15,000 feet from the end of a military airfield runway.

PREPARER:

SIGNATURE: Michelle Kelly DATE: 5/4/22

PREPARER NAME & TITLE: Michelle Kelly Grant Administrator

PREPARER'S AGENCY (If Different from Responsible Entity):

SCHEDP

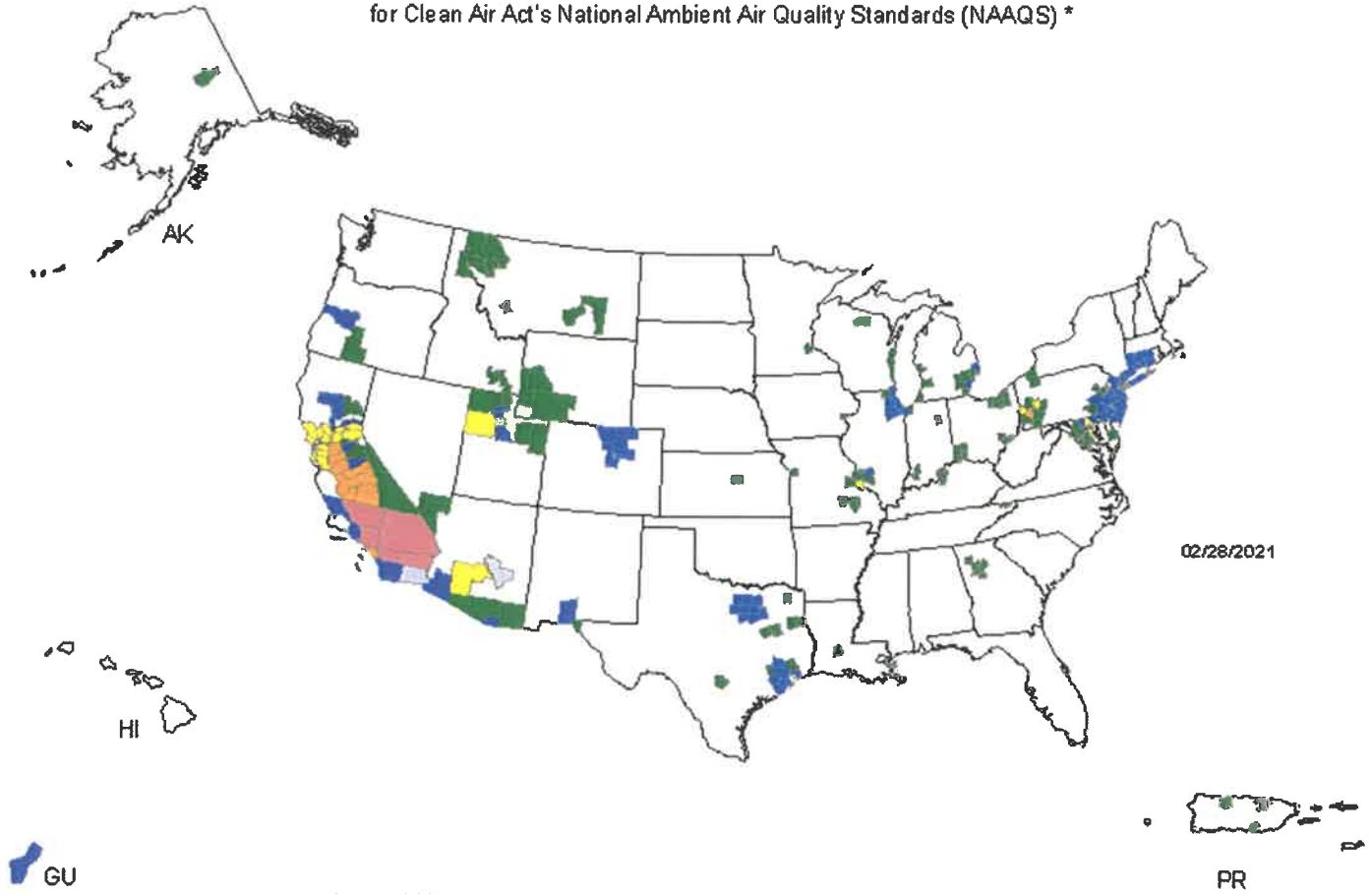
RESPONSIBLE ENTITY APPROVING OFFICIAL:

SIGNATURE: _____ DATE: _____

APPROVING OFFICIAL NAME & TITLE: _____

Counties Designated "Nonattainment"

for Clean Air Act's National Ambient Air Quality Standards (NAAQS) *



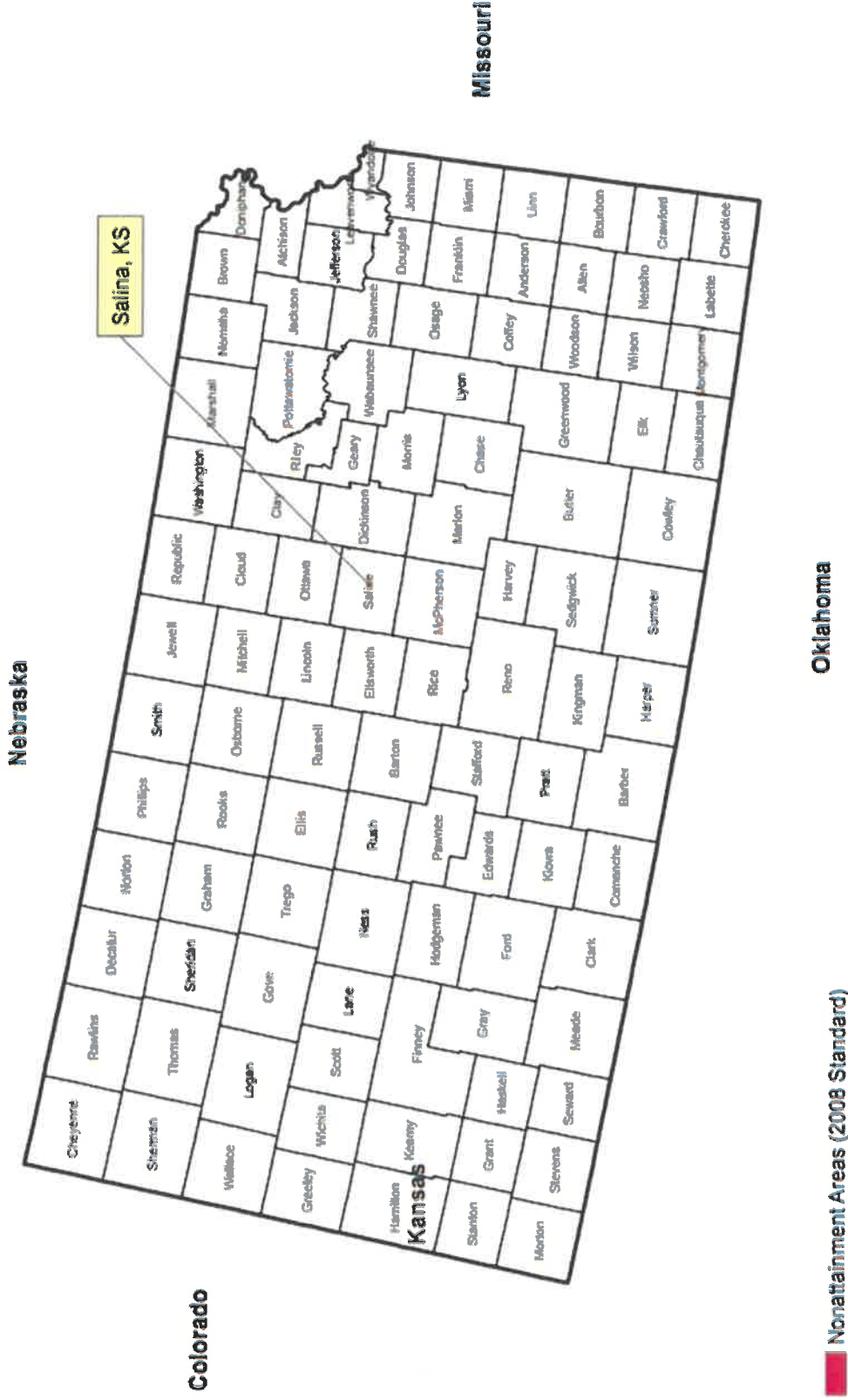
Legend **

- County Designated Nonattainment for 6 NAAQS Pollutants
- County Designated Nonattainment for 5 NAAQS Pollutants
- County Designated Nonattainment for 4 NAAQS Pollutants
- County Designated Nonattainment for 3 NAAQS Pollutants
- County Designated Nonattainment for 2 NAAQS Pollutants
- County Designated Nonattainment for 1 NAAQS Pollutant

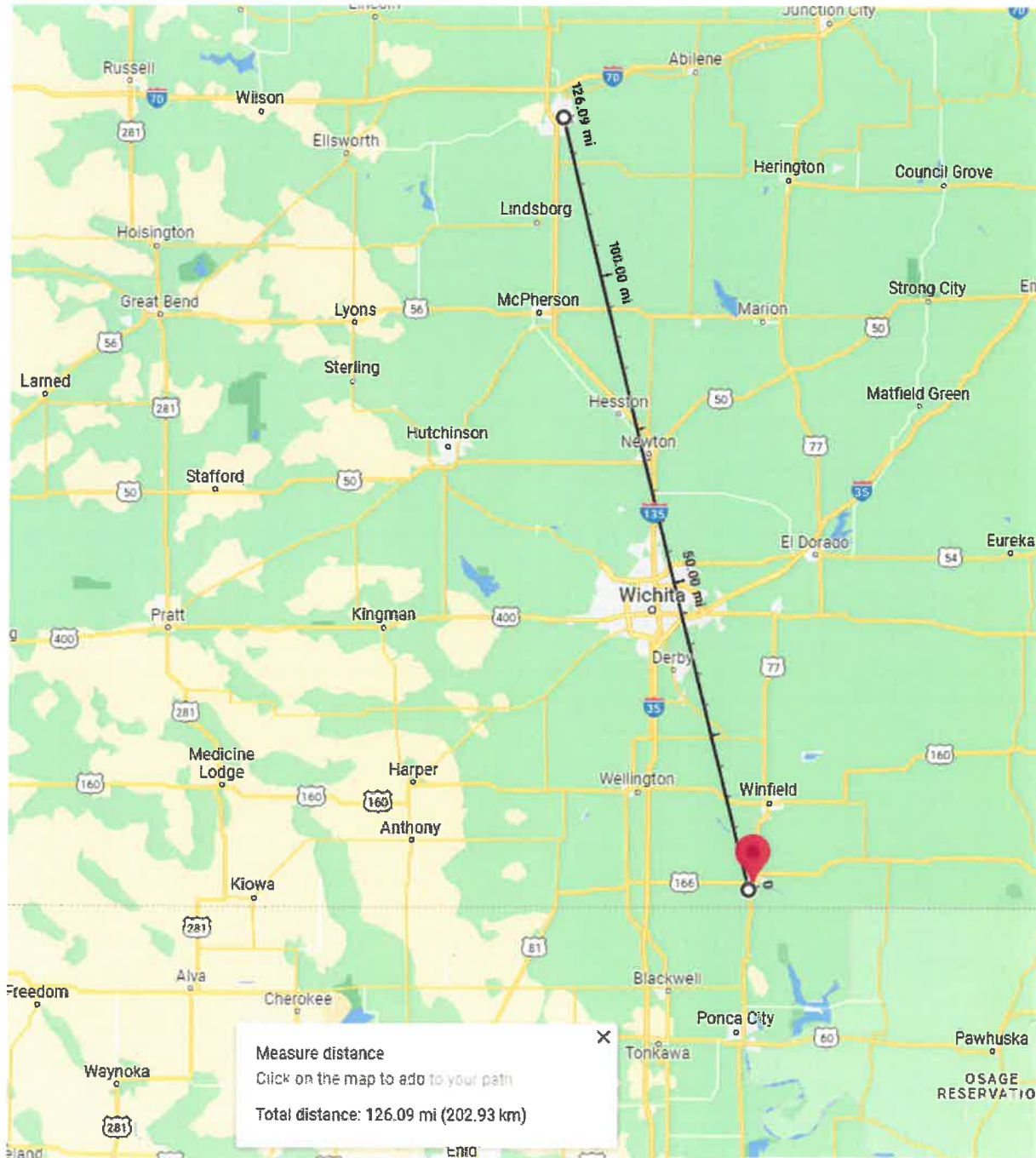
* The National Ambient Air Quality Standards (NAAQS) are health standards for Carbon Monoxide, Lead (1978 and 2008), Nitrogen Dioxide, 8-hour Ozone (2008), Particulate Matter (PM-10 and PM-2.5 (1997, 2006 and 2012), and Sulfur Dioxide.(1971 and 2010)

** Included in the counts are counties designated for NAAQS and revised NAAQS pollutants. Revoked 1-hour (1979) and 8-hour Ozone (1997) are excluded. Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

Kansas Lead Nonattainment Areas (2008 Standard)

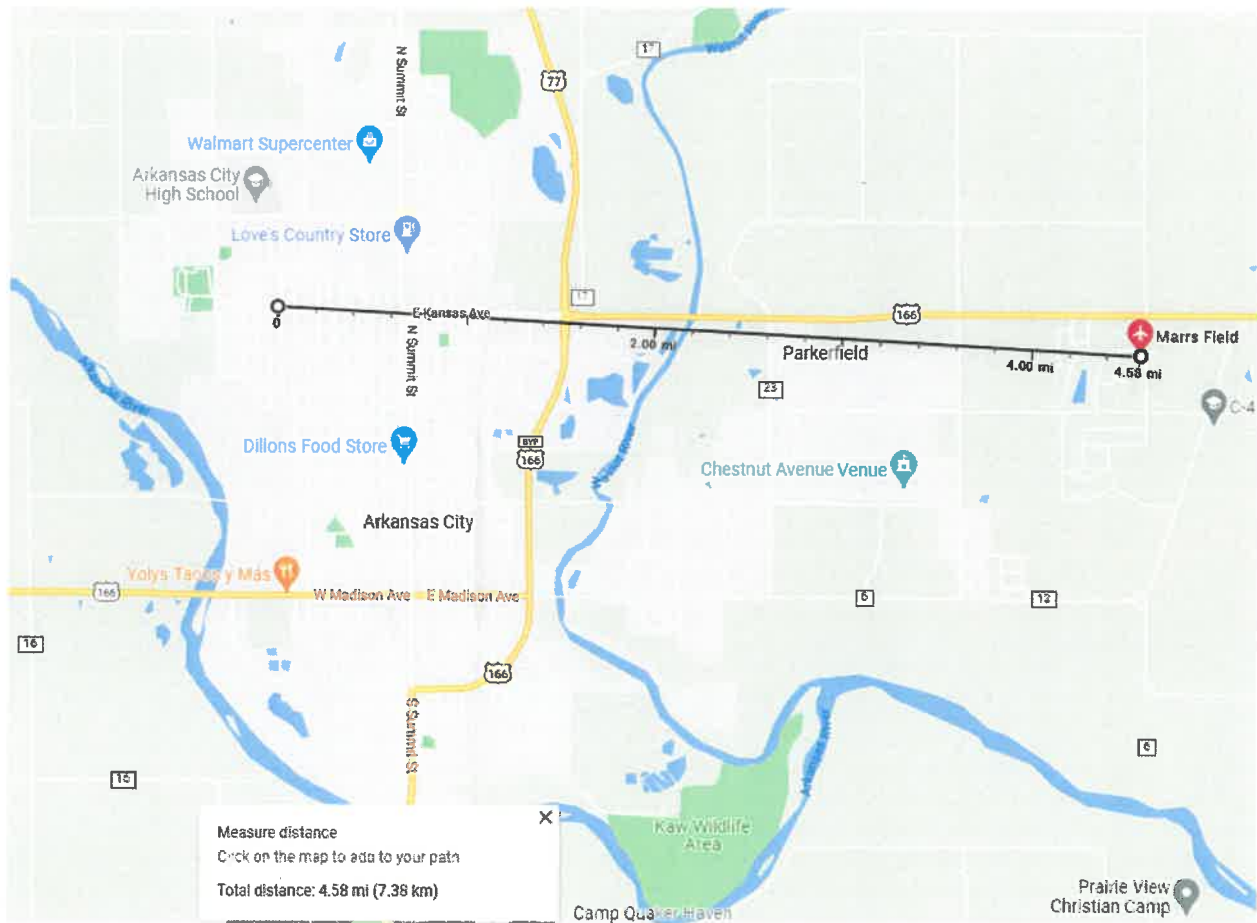


Arkansas City/ Salina Distance



The project area is approximately 126.09 miles from the nearest nonattainment area.

Airport Distance



The nearest runway is approximately 4.58 miles from the nearest pint in the project target area at the intersection of Kansas and 10th Street.

United States Environmental Protection Agency

Search EPA.gov

You are here: EPA Home >> Cleanups >> Cleanups In My Community (CIMC)

Share Contact Us

Cleanups and Grants Listing Page

Use this page to get a listing of cleanups or grant areas in the geographic area you define.

Step 1 - Define your geographic area of interest.

Complete the boxes below from left to right, choosing options and entering names or numbers.

City

Kansas

Arkansas City

Step 2 - Choose your search type.

Choose a Basic or Advanced search for Cleanups, or the search option for Brownfields Grant Jurisdictions. You can click on each option to see what additional choices each search type provides.

- Basic Filters
 Advanced Filters
 Grants Filters
 RE-Powering Filters

Step 3 - Choose programs and/or other specific filters within your search type, and then click the "Apply" button.

Basic Filters Apply

All Cleanups

Brownfields Properties

- Assessment Grants**
- Assessment Pilots**
- Cleanup Grants**
- RLF Grants**
- RLF Pilots**
- Multi-Purpose Grants**
- Area-Wide Grants**
- State and Tribal 128(a) Grants**
- State and Tribal 128(a) Pilots**
- Showcase Community**
- Targeted Brownfields Assessments**

Acronyms

RLF: Revolving Loan Fund

NPL: National Priority List

CWA: Clean Water Act

OPA: Oil Pollution Act

RCRA: Resource Conservation & Recovery Act

BRAC: Base Realignment & Closure

CERCLA: Comprehensive Environmental
Response, Compensation, & Liability Act

RCRA Hazardous Waste - Corrective Actions

- Current Corrective Action**
- Remedy Selected**
- Construction Complete**
- Remedy Action Complete**
- Remedy Not Yet Selected**
- Ready for Anticipated Use**

Federal Agency Hazardous Waste Compliance Docket

- NPL Superfund**
- BRAC**
- RCRA**
- Other Docket Facilities**

Federal Facilities

- BRAC**
- Superfund**
- RCRA**

Superfund NPL Sites

- Proposed**
- Final**
- Deleted**

- Superfund Sites Targeted for Immediate, Intense Action
- Superfund Alternative Approach (SAA) Agreement Sites

- Superfund Non-NPL Sites

- Assessment Needed or Ongoing
- Not Eligible for the NPL/No Further Remedial Action Planned
- Referred to Cleanup Program

- Recovery Act (2009)

- Brownfields Properties
- Superfund
- Responses

Response Type

- Emergency
- Non-Time-Critical
- Pre-Deployment
- PRP Oversight
- Time-Critical
- No Category

Response Authority

- CERCLA
- CERCLA/OPA
- CWA
- OPA
- Stafford Act
- No Category

Status

- Active
- Complete

Incident Category

- Removal Action
- Removal Assessment
- No Category

- Click on the column header to sort in ascending or descending order.
- To directly view any profiles and reports available for a cleanup, click on the associated report(s) found in columns designated as "...Link"
- To see a map of a cleanup, click on the "Map It" link found in the "Map Site" column.
- To export /download the list of cleanups, click Actions (located below), then click Download and choose the report format.
- To add additional columns, click Actions, click Select Columns, then choose the column(s) from the left "Do Not Display" box and move them to the "Display in Report" box. Columns can be re-ordered by moving them up or down in the "Display in

Report" box but return to the default order when opening a new session.

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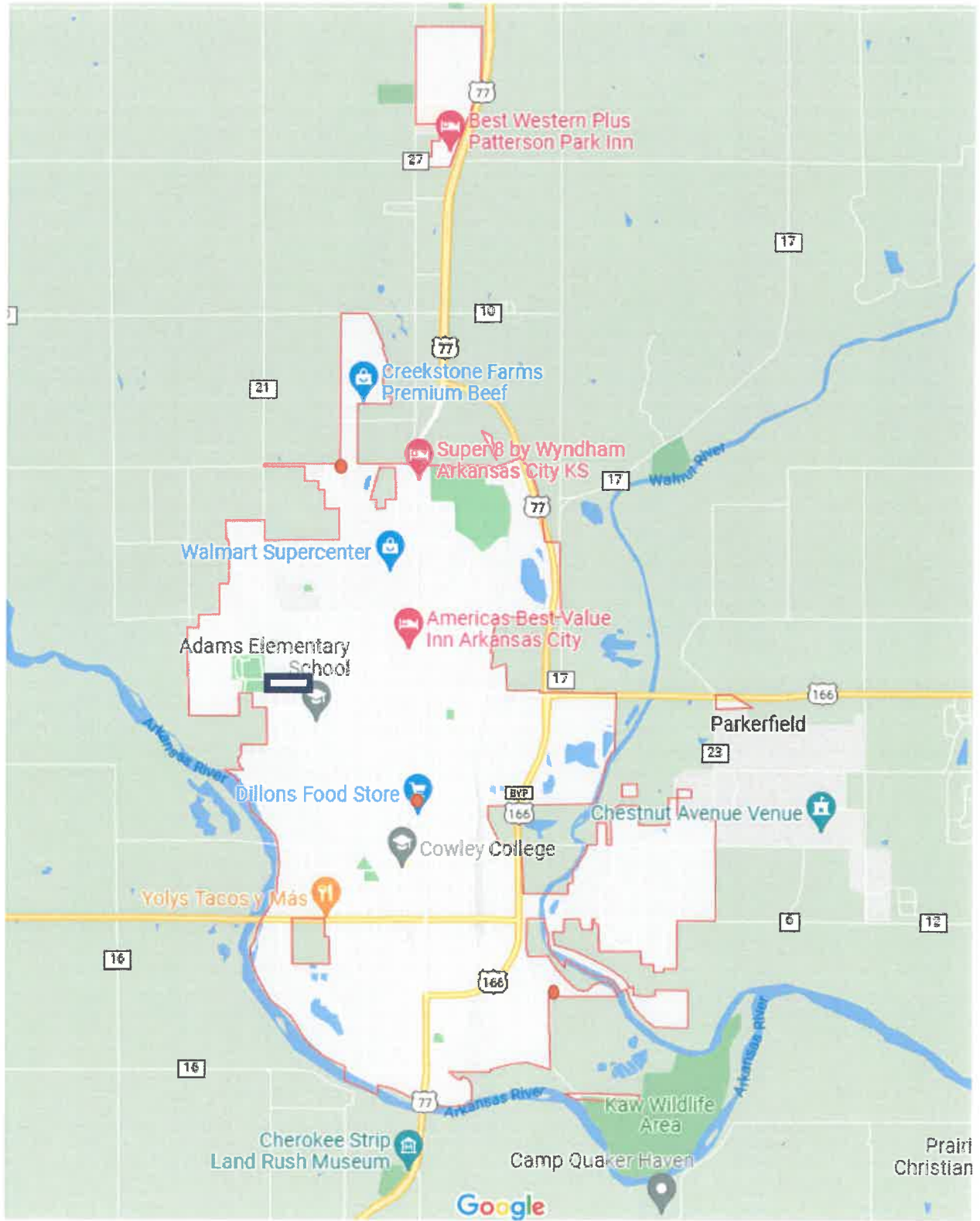
FRS Link	Cleanup Name	Location Address	City Name	State Code	Postal Code	County Name	EPA ID	Brownfields Li
110046426890	FORMER SOUTH CENTRAL REGIONAL MEDICAL CENTER	216 WEST BIRCH AVE	ARKANSAS CITY	KS	67005	COWLEY		1429
110071090546	GOFF INDUSTRIAL PARK	SKYLINE AND 8TH	ARKANSAS CITY	KS	67005	COWLEY		2499
110009286138	ARKANSAS CITY DUMP	HWY 166 S	ARKANSAS CITY	KS	67005	COWLEY	KSD980500789	
110000613346	TPI PETROLEUM - ARKANSAS CITY ASPHALT TERM. (SOIL VENT)	1400 SOUTH M STREET	ARKANSAS CITY	KS	67005	COWLEY	KSD087418695	
110041184642	GE ENGINE SERVICES - STROTHER SOUTH	STROTHER FIELD	ARKANSAS CITY	KS	67005	COWLEY	KSD041917501	

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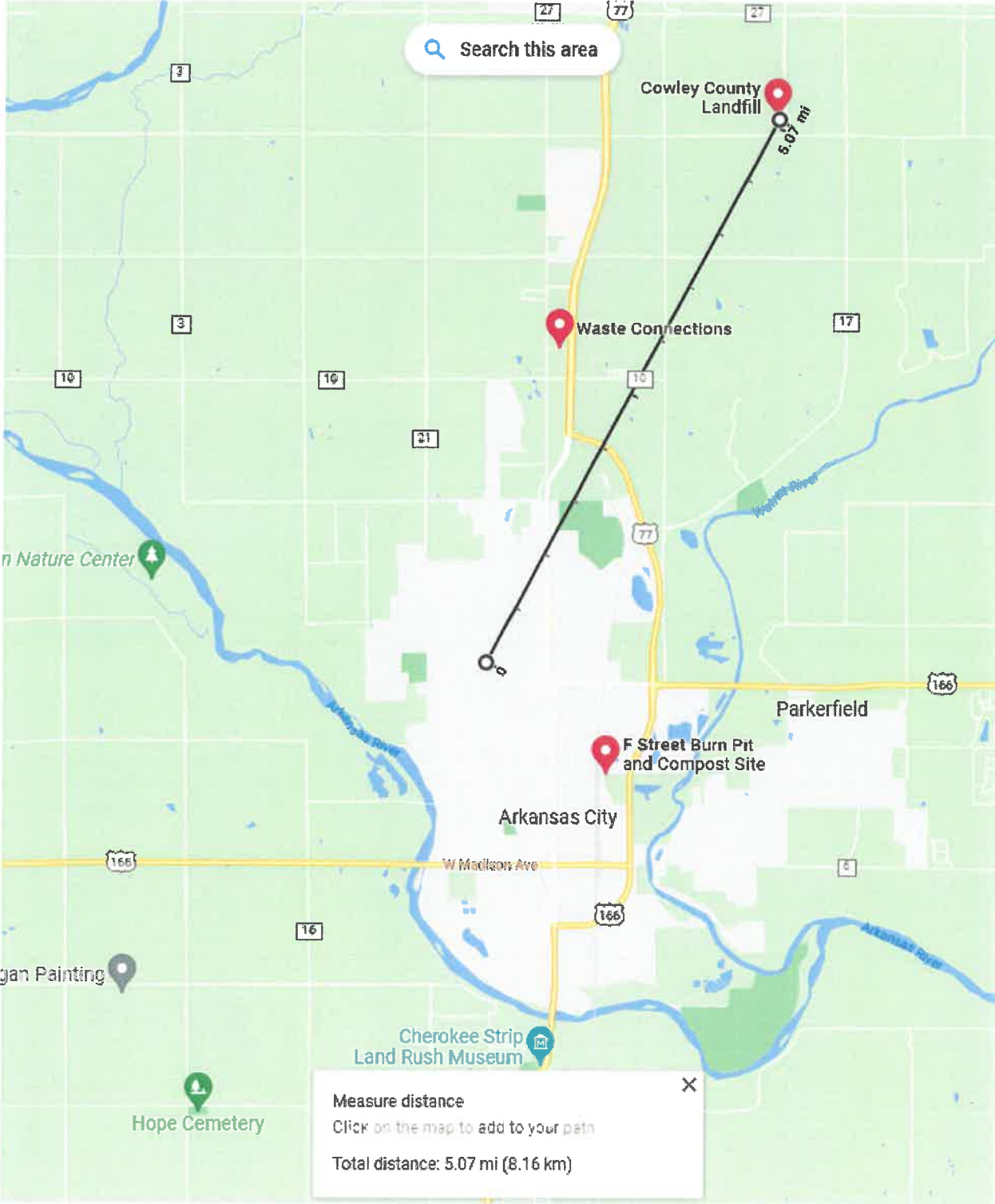
Legal Notices

[Click for More Brownfields Info](#)

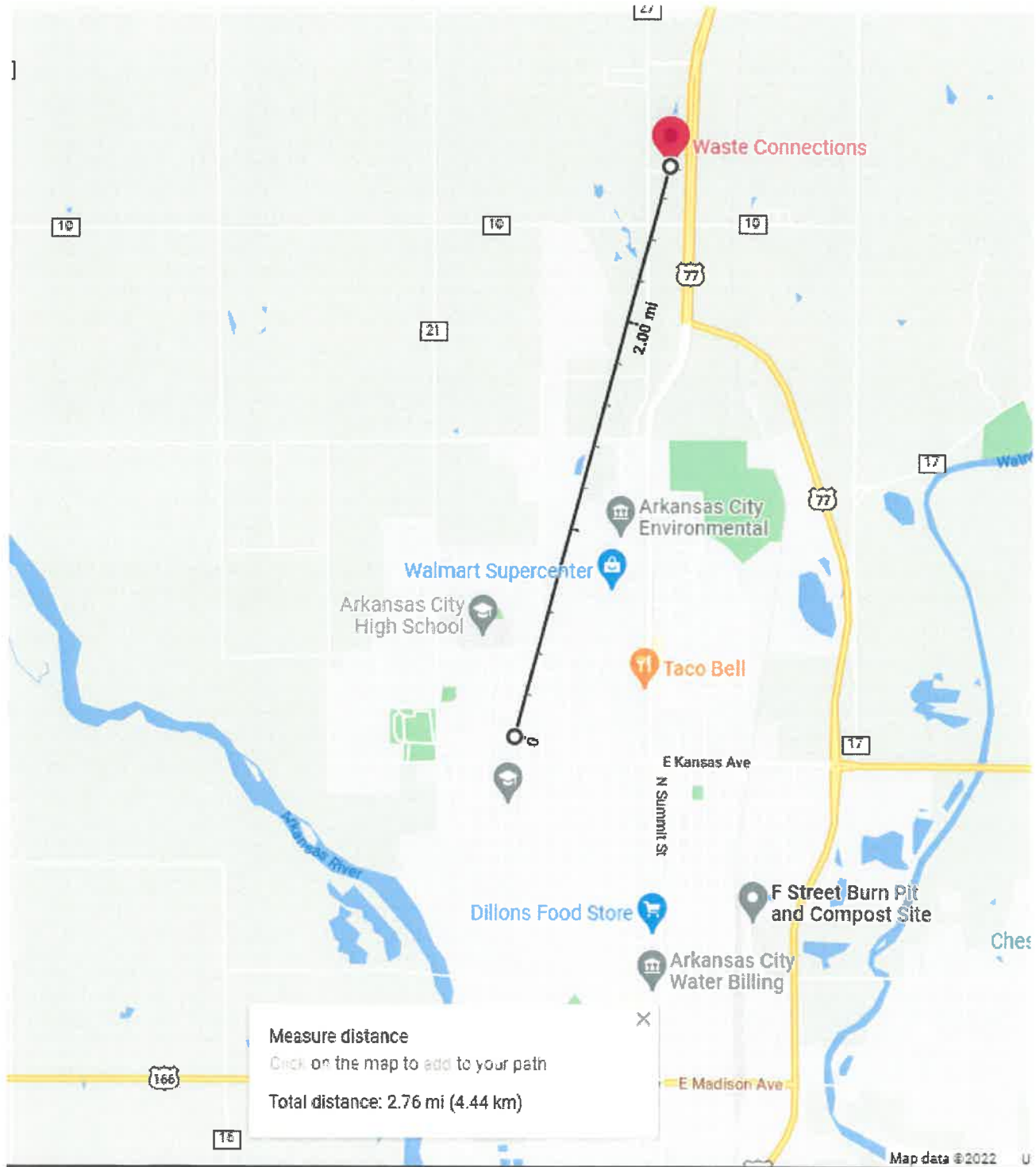




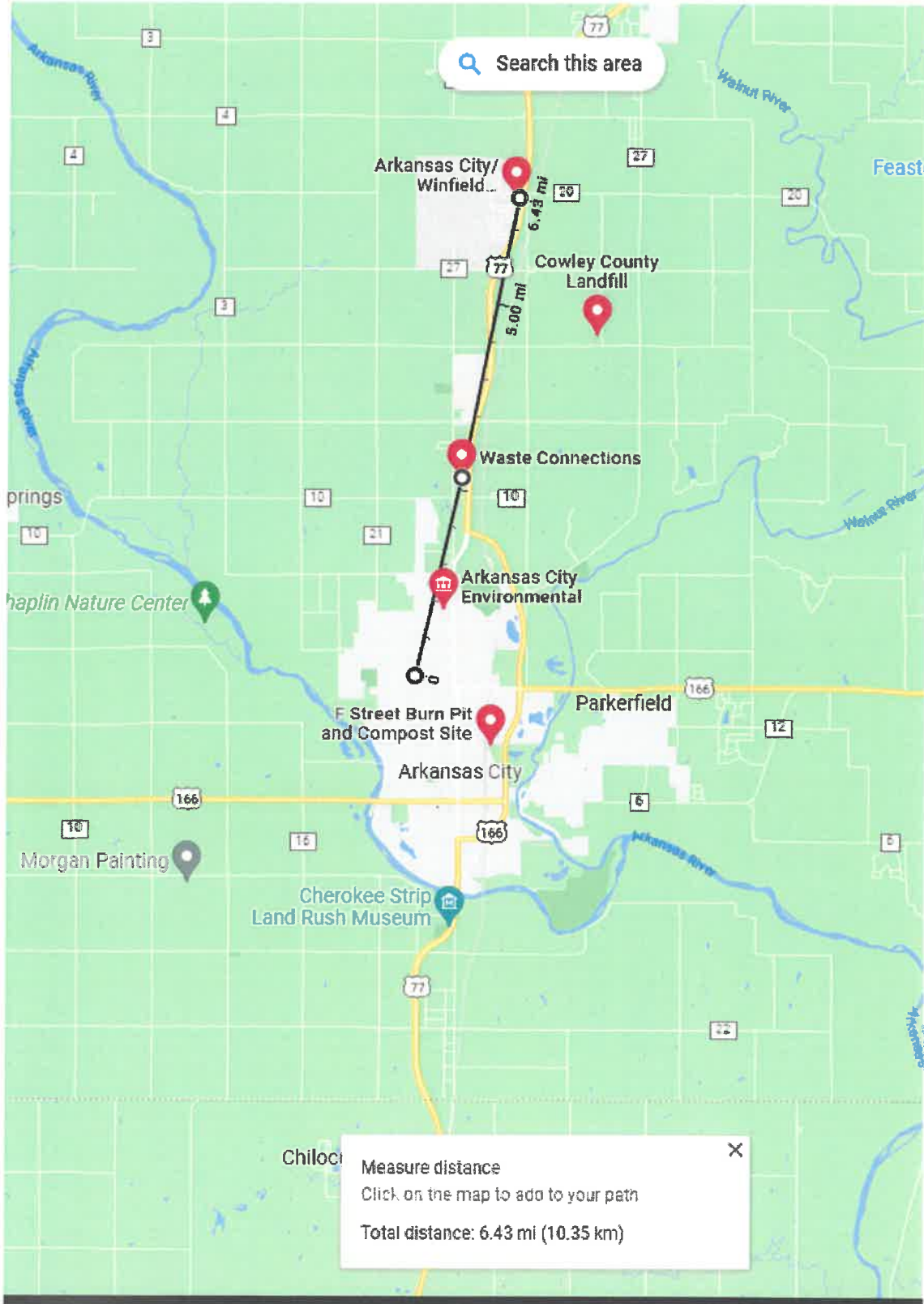
Target Area/ Distance to Cowley County Landfill



Wate Connections/ Project Area Distance



Target Area/ Arkansas City Winfield Recycling Center Distance



Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367



Phone: 785-296-0461
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: March 28, 2022

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To:
Michelle Kelly
Grant Administrator
Email: mkelly@sckedd.org

PART I

REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II

AGENCY REVIEW COMMENTS

(Attach additional sheet if necessary) Re: City of Arkansas City, Cowley County, Kansas, 2022 Housing Rehabilitation Program, CDBG Grant Award 22-HR-001

Kevin Heit, Bureau of Waste Management: Comments and an attachment are enclosed for this project.
Bob Jurgens, Bureau of Environmental Remediation: Christopher Wierman; comments are enclosed for this project, Randy Carlson; The Remedial Section has no concerns with this project, Brett Tavener; comments are enclosed for this project, Delbert Smith; comments are enclosed for this project, Seth Mettling; comments are enclosed for this project, Wyatt Harness; comments are enclosed for this project.
Connie Ells, Bureau of Air: All asbestos and demolition notifications need to be sent to Phil Schlaman.
Erich Glave, Bureau of Environmental Field Services, BEFS has no comments.
Tom Stiles, Bureau of Water: Does not appear to have any issues for BOW to consider.

PART III

RECOMMENDED ACTION COMMENTS

- | | |
|--|--|
| <input type="checkbox"/> Clearance of the project should be granted. | <input checked="" type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments | |

DIVISION/ AGENCY/ COMMISSION:
Judi Dunn, Division of Environment Director's Office
Phone: 785.291-3092 Email: Judi.Dunn@ks.gov

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn

CC: Julie Coleman, Amy Thompson

FROM: Kevin Heit – Bureau of Waste Management

DATE: March 16th, 2022

RE: Intergovernmental Agency Review requested by South Central Kansas Economic Development District for Kansas Department of Commerce Community Development Block Grant (CDBG) sponsored City of Arkansas City Housing Rehabilitation Project activities in Cowley County, KS.

The City of Arkansas City and its contractor(s) should review the attached Technical Guidance Document and ensure all waste is properly disposed. Waste that does not meet the definition of clean rubble or construction/demolition waste should be disposed at a permitted municipal solid waste landfill. If further information is required, I may be reached via email at kevin.heit@ks.gov or by phone at (785) 296-1757.



Construction and Demolition Wastes and Clean Rubble Technical Guidance Document SW-1994-G2

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in KSA 65-3402 (u) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.

KAR 28-29-300(a)(4)(A)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board. *KAR 28-29-300(a)(4)(C)*

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402 (u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with KAR 28-19-647);
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Technical Guidance Document SW 02-01, and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management Policy 02-01.

Clean Rubble

Definition of clean rubble

According to KSA 65-3402 (w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."

KSA 65-3415b lists "clean rubble" as a waste which is exempt from the state solid waste tonnage fee. The definition of "construction and demolition waste" in KSA 65-3402(u) states: "Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste. "

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

For additional information regarding the proper management of solid or hazardous waste in Kansas, you may visit the Bureau of Waste Management website at <http://www.kdheks.gov/waste/> or contact the Bureau at: (785) 296-1600, bwm_web@kdheks.gov, or the address at the top of this document.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Christopher Wierman
DATE: March 23, 2022
RE: Intergovernmental Agency Review requested by South Central Kansas Economic Development District for Housing Rehabilitation in Arkansas City

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaner / Superfund Unit, has not identified contaminated Drycleaner or Superfund sites within the vicinity of the proposed project boundaries.

Staff members or representatives for South Central Kansas Economic Development District or Arkansas City are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-5548 or by email at christopher.wierman@ks.gov if you have any questions.

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Topeka, KS 66612-1367



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Janet Stanek, Secretary

Laura Kelly, Governor

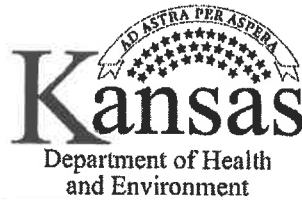
MEMORANDUM

TO: Judi Dunn
FROM: Brett Tavener
DATE: March 15, 2022
RE: Intergovernmental Agency Review for housing rehabilitation, Arkansas City, KS

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Storage Tank Section, did not identify any storage tank facilities within the vicinity of the proposed project area. Clearance for the project should be granted.

Staff members or representatives for the City of Arkansas City or their consultant are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785-291-3105 or brett.tavener@ks.gov if you have any questions or concerns.

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Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Delbert Smith
DATE: March 15, 2022
RE: Intergovernmental Agency Review requested by South Central Kansas Economic Development District (City of Arkansas City – Housing Rehabilitation Program).

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Spills Unit, has no identified contaminated spill sites within the vicinity of the proposed project.

Staff members or representatives for South Central Kansas Economic Development District or the City of Arkansas City are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 368-7301 or by email at delbert.smith@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

TO: Judi Dunn
FROM: Seth Mettling
DATE: March 17, 2022
RE: Intergovernmental Agency Review for Kansas Department of Commerce Small Cities Community Development Block Grant, requested by the City of Arkansas City

Redevelopment Section – Brownfield Program notes no known sites within the project area. Clearance for the project should be granted.

Staff members or representatives for the City of Arkansas City are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785.296.5519 or by email at seth.mettling@ks.gov if you have any questions or concerns.

Division of Environment
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1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Wyatt Harness
DATE: March 23, 2022
RE: Intergovernmental Agency Review requested by South Central Kansas Economic Development District on behalf of Arkansas City regarding the Community Development Block Grant.

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Orphan Sites Unit, has not identified any sites within the vicinity of the project which would be impacted by or would impact the proposed project.

Staff members or representatives for South Central Kansas Economic Development District, are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-1681 or by email at Wyatt.Harness@ks.gov if you have any questions.

Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367



Phone: 785-296-0461
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Connie Ellis
DATE: 03.16.2022
RE: City of Arkansas City, Cowley County, Kansas, 2022 Housing Rehabilitation Program

Any demo or rehab of a commercial building needs an asbestos inspection. Please contact Philip Schlaman for asbestos information:

Philip Schlaman
Unit Supervisor, Performance Testing and Asbestos Control
(785) 296-1549
Philip.Schlaman@ks.gov

KDWP Review: CDBG Grant Award 22-HR-1, CL Co. (Track #20220322)

Hofmeier, Jordan [KDWP] <Jordan.Hofmeier@KS.GOV>

Fri 4/15/2022 12:51 PM

To: Michelle Kelly <mkelly@sckedd.org>

Michelle Kelly,

We have reviewed the information for the proposed rehabilitation of existing housing in Arkansas City, Cowley County, KS. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife and Parks managed areas for which this agency has administrative authority.

We provide the following comments and general recommendations, when applicable:

- **Avoid impacts to existing streams and rivers, riparian zones, wetlands, and native prairie and woodland areas.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Incorporate principles of low impact development (LID), such as permeable asphalt pavement, porous concrete, swales, bioretention, or raingardens. More info. on LID: <https://www.epa.gov/nps/urban-runoff-low-impact-development>**
- **Implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers (wattles, filter logs, rock ditch checks, mulching, or any combination of these) across the entire construction area to prevent sediment and spoil from entering aquatic systems. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established. For more information, go to: <http://www.kdheks.gov/stormwater/#construct>**
- **Reseed disturbed areas with native warm-season grasses, forbs, and trees.**

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Permits or reviews may be required from other regulatory agencies including but not limited to: Kansas Dept. of Agriculture - Division of Water Resources, Kansas Dept. of Health and Environment, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, etc. You should verify this yourself.

Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project

plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Please consider this email our official review for this project. Thank you for the opportunity to provide these comments and recommendations. Please let me know if you have any questions or concerns about the preceding information.

Please direct all review materials electronically to KDWP.T.ESS@ks.gov to streamline the review process for all parties.

Jordan Hofmeier | *Aquatic Ecologist*
Kansas Department of Wildlife and Parks
512 SE 25th Ave | Pratt, KS 67124
T: (620) 672-0798 | ksoutdoors.com
C: (785) 249-0874 | chickadeecheckoff.com

Follow us:

Facebook-@WildlifeDiversityKDWP

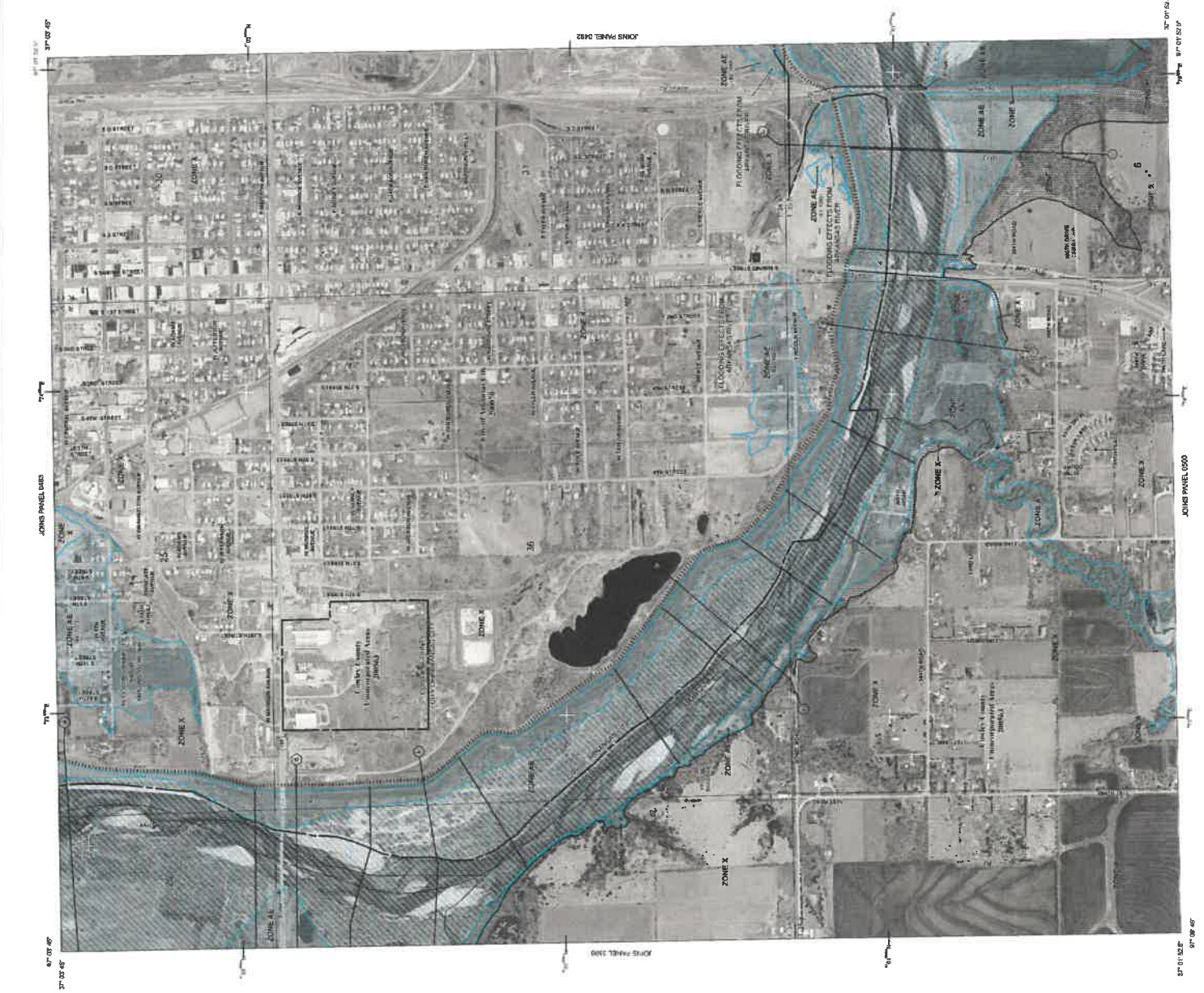
Instagram-@kswildlifediversity

NOTES TO USERS

This map is for use only in connection with the National Flood Insurance Program. It does not constitute a warranty of any kind... The community map is intended to provide information for the purpose of determining flood insurance rates...

LEGEND

- AREA OF FLOOD DAMAGE SUSCEPTIBILITY... FIRM FLOOD INSURANCE RATE MAP... FLOOD DAMAGE SUSCEPTIBILITY... FIRM FLOOD INSURANCE RATE MAP...



STATE OF KANSAS FIRM PANEL LOCATOR DIAGRAM

Table with columns for PANEL, COUNTY, and other identifiers. Includes a locator diagram for the State of Kansas.

CONTACT INFORMATION

For more information, contact the Federal Emergency Management Agency (FEMA) at 500 Capitol Mall, Sacramento, CA 95833. Phone: (916) 334-7400.

DATE

This map was prepared on 10/15/98. The next update is scheduled for 10/15/03.

REVISIONS

Table with columns for REVISION NUMBER, DATE, and DESCRIPTION. Lists changes made to the map.

NATIONAL FLOOD INSURANCE PROGRAM logo, FIRM FLOOD INSURANCE RATE MAP, COWLEY COUNTY, KANSAS, AND INCORPORATED AREA, PANEL 481 OF 750, and other administrative information.

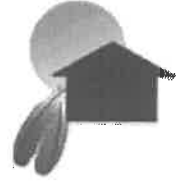
Scale bars in feet and meters, north arrow, and other technical details.

Main map area with various flood zones and geographical features.

Administrative information, including contact details for FEMA and the State of Kansas, and a locator diagram.



Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Cowley County, Kansas

	Tribal Name	County Name
+	Cherokee Nation	Cowley
+	Cheyenne and Arapaho Tribes, Oklahoma	Cowley
+	Kaw Nation, Oklahoma	Cowley
+	Osage Nation	Cowley
+	United Keetoowah Band of Cherokee Indians in Oklahoma	Cowley
+	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma	Cowley

1 - 6 of 6 results

« < 1 > » 10 ▾

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

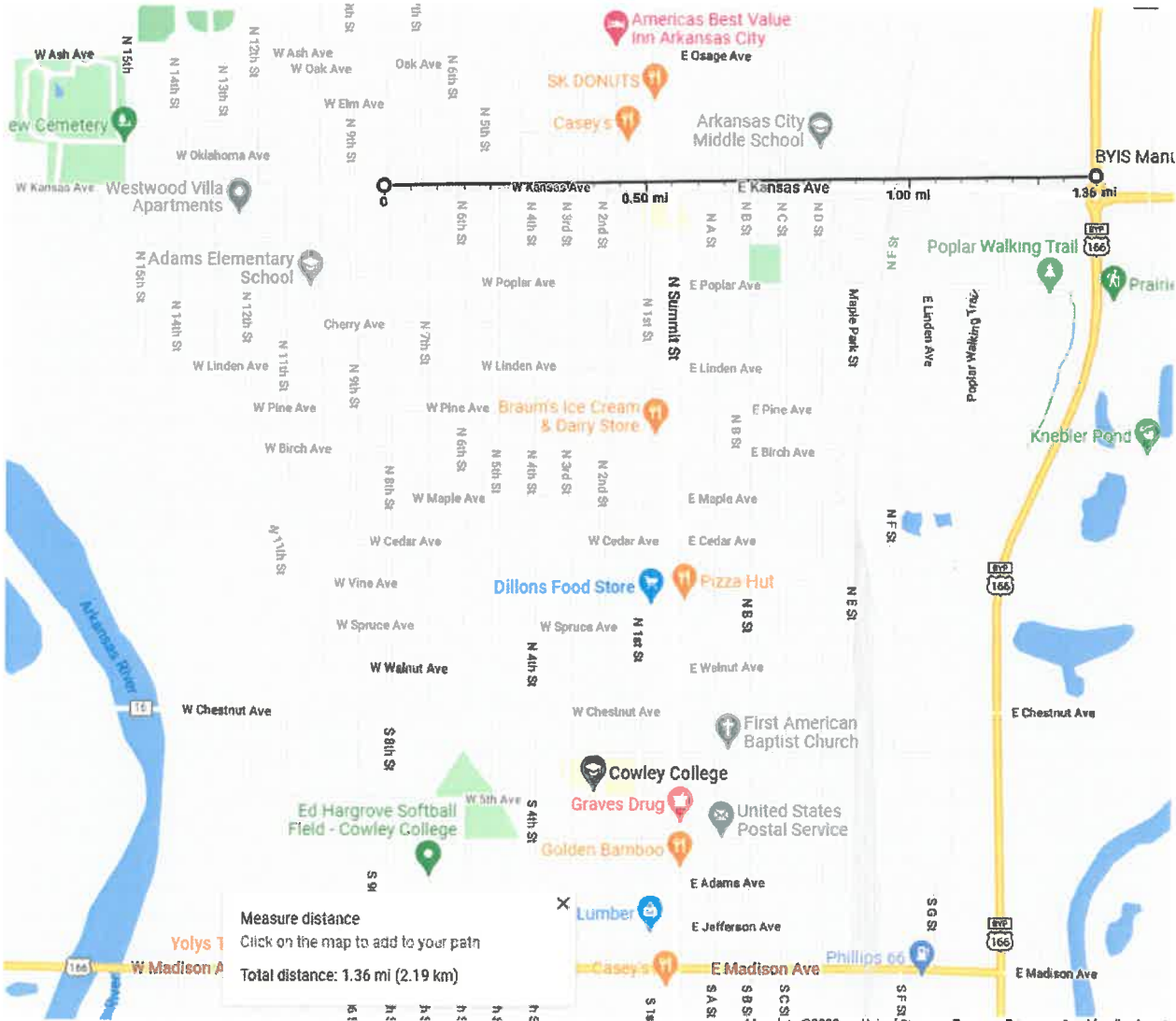
None of the above apply

CDBG Housing Rehabilitation
Project

Michelle Kelly
Reviewed By

4/7/22
Date

Target Area/ Distance to Highway 77



Target Area / Distance to Highway 166



Target Area/ Distance to BSNF Railroad



Home (/) > Programs (/programs/) > Environmental Review (/programs/environmental-review/) > DNL Calculator

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the [Day/Night Noise Level Calculator Electronic Assessment Tool Overview \(/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/\)](#).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID	City of Arkansas City
Record Date	04/27/2022
User's Name	Michelle Kelly
Road # 1 Name:	Highway 166

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	8025	8025	8025
Distance to Stop Sign			
Average Speed	65	65	50
Average Daily Trips (ADT)	3000	3000	2500
Night Fraction of ADT	15	15	15
Road Gradient (%)			2
Vehicle DNL	31	41	45
Calculate Road #1 DNL	47	Reset	

Road # 2 Name: Highway 77

Road #2

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	7867	7867	7867
Distance to Stop Sign			
Average Speed	70	70	50
Average Daily Trips (ADT)	6500	5000	3250
Night Fraction of ADT	15	15	15
Road Gradient (%)			2
Vehicle DNL	35	44	46
Calculate Road #2 DNL	48	Reset	

Railroad #1 Track Identifier:	BSNF
--------------------------------------	-------------

Rail # 1

Train Type	Electric <input checked="" type="checkbox"/>	Diesel <input checked="" type="checkbox"/>
Effective Distance	5860	5860
Average Train Speed	30	30
Engines per Train	1	2
Railway cars per Train	8	50
Average Train Operations (ATO)	20	20
Night Fraction of ATO	15	15
Railway whistles or horns?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Bolted Tracks?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Train DNL	41	50
Calculate Rail #1 DNL	51	Reset

Add Road Source	Add Rail Source
-----------------	-----------------

Airport Noise Level

Loud Impulse Sounds? Yes No

Combined DNL for all Road and Rail sources

Combined DNL including Airport	<input type="text"/>
Site DNL with Loud Impulse Sound	<input type="text"/>
<input type="button" value="Calculate"/>	<input type="button" value="Reset"/>

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative:** Cancel the project at this location
- **Other Reasonable Alternatives:** Choose an alternate site
- **Mitigation**
 - **Contact your Field or Regional Environmental Officer** (</programs/environmental-review/hud-environmental-staff-contacts/>)
 - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
 - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
 - Incorporate natural or man-made barriers. See *The Noise Guidebook* (</resource/313/hud-noise-guidebook/>)
 - Construct noise barrier. See the **Barrier Performance Module** (</programs/environmental-review/bpm-calculator/>)

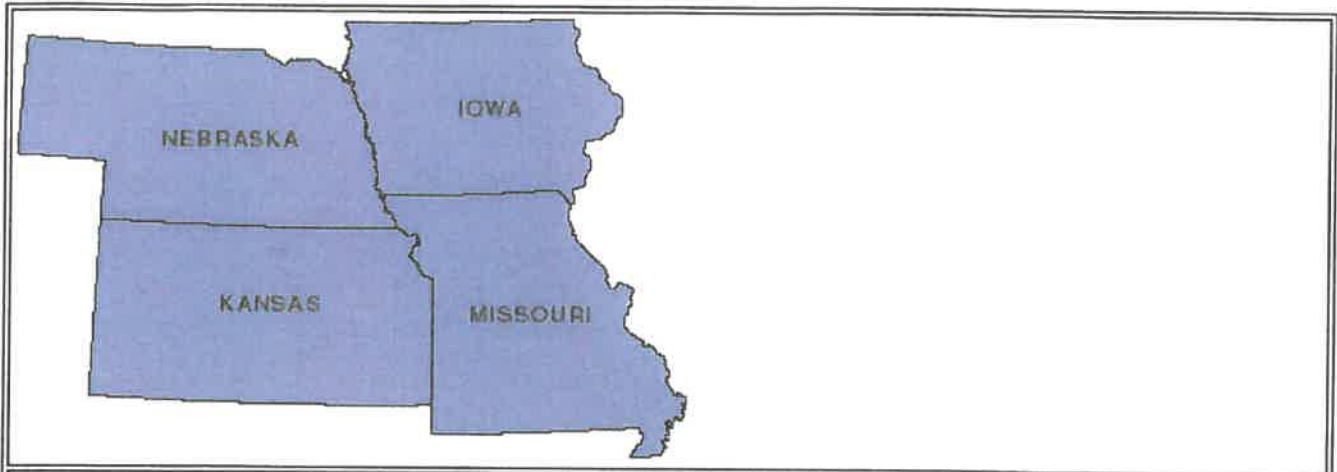
Tools and Guidance

[Day/Night Noise Level Assessment Tool User Guide \(/resource/3822/day-night-noise-level-assessment-tool-user-guide/\)](/resource/3822/day-night-noise-level-assessment-tool-user-guide/)

[Day/Night Noise Level Assessment Tool Flowcharts \(/resource/3823/day-night-noise-level-assessment-tool-flowcharts/\)](/resource/3823/day-night-noise-level-assessment-tool-flowcharts/)

Designated Sole Source Aquifers in EPA Region VII

Iowa, Kansas, Missouri, Nebraska

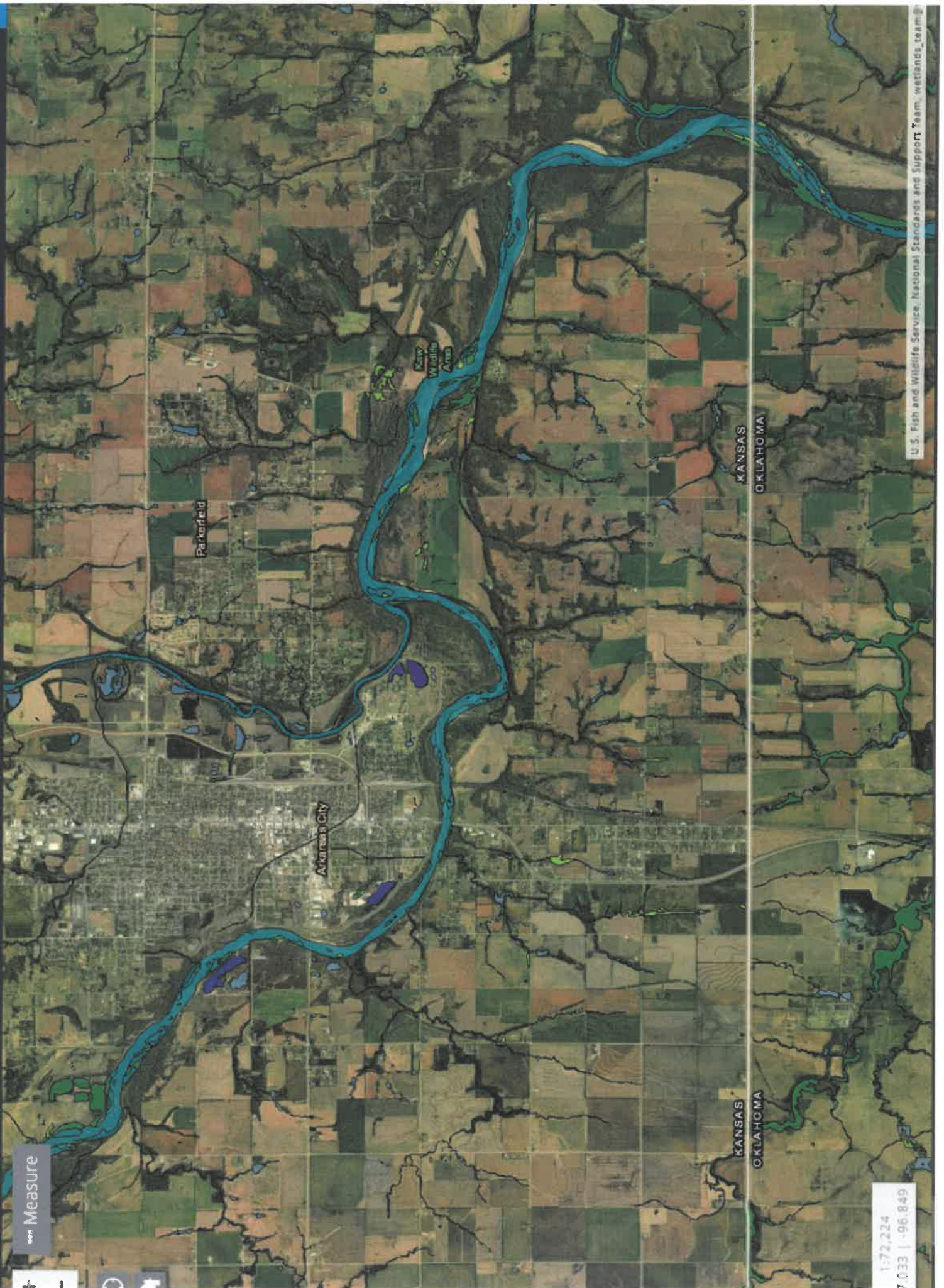


REGION VII (IA, KS, MO, NE)

Stephanie Lindberg
Drinking Water/Ground Water Branch
EPA Region 7
901 N. 5th Street
Kansas City, KS 66101
phone: (800) 223-0425
email: lindberg.stephanie@epa.gov

There are no designated Sole Source Aquifers in Region VII. Contact the coordinator above for more information about designating SSAs in Region VII.

Return to: [Sole Source Aquifer program home page](#)



Measure

1:72,224
7 033 | -96.849

Wild & Scenic Rivers in Kingman, KS



NATIONAL WILD AND SCENIC RIVERS SYSTEM



NATIONAL SYSTEM MANAGEMENT RESOURCES PUBLICATIONS CONTACT US 50 YEARS SITE INDEX

KANSAS

Kansas has approximately 133,956 miles of river, but no designated wild & scenic rivers.



Legend ↗

+ View larger map

Kansas does not have any designated rivers.

EXPLORE DESIGNATED RIVERS



Choose A State ▼ | Go
Choose A River ▼ | Go

Nourished by the fertile soils of the region, rivers of the Midwest explode with life, from great avian migrations to ancient fishes.

