

Kansas Administrative Regulations

Department of Health and Environment

Article 45.—Underground Hydrocarbon Storage Wells and Associated Brine Ponds

28-45-23. Brine pond; permitting requirements.

(a) Each permittee of an existing brine pond that is not authorized by a facility permit shall submit a facility permit application within one year of the effective date of this article of the department's regulations.

(b) Each permittee that wants to construct a new brine pond shall submit a request for a permit modification to the secretary, at least six months before construction begins. Construction shall not begin until the secretary has issued a permit modification.

(c) Upon review by the secretary of each request, the permittee shall receive one of the following:

(1) A permit modification, if the request is approved; or

(2) a notice that the request has been denied, if the permittee has not met the requirements of this article of the department's regulations.

(d) Each permittee shall include a hydrogeological investigation report with the request for a permit modification to construct a new brine pond. The hydrogeological investigation shall be completed under the direction of a professional engineer or a professional geologist, and the permittee shall notify the department at least 30 days before beginning the hydrogeological investigation. Each hydrogeological investigation for a new brine pond shall meet the following requirements:

(1) A site characterization for brine pond construction shall meet the following requirements:

(A) The bottom of the brine pond shall be determined by the lowest surface elevation of compacted or excavated soils used in creating the brine pond structure.

(B) All required excavations or boreholes shall be made to a depth of at least 10 feet below the bottom of the brine pond.

(C) A separation distance of at least 10 feet shall be maintained between the brine pond bottom and the usable water formation.

(D) The surface area shall be measured at the interior elevation of the top of the dike.

(2) The location and depth of each borehole or excavation, based on surface area, shall be determined by the following criteria:

(A) At least two boreholes or excavations for each five acres of proposed brine pond surface area; or

(B) at least two boreholes or excavations if the brine pond surface area is less than five acres.

(3) The following information shall be submitted for each borehole or excavation:

(A) A log of soil types encountered in each borehole or excavation; and

(B) a groundwater level measurement at each borehole or excavation.

(e) Each permittee shall submit a contingency plan with the request for a permit modification to construct a new brine pond. Each contingency plan shall include a procedure for brine containment issues associated with brine pond maintenance and dewatering due to brine pond liner failure, repair, replacement, or expansion. Each permittee shall maintain the contingency plan at the facility.

(f) Each permittee shall submit a flood response plan with the request for a permit modification to construct a new brine pond if the brine pond is located in a flood plain or flood-prone area. Each permittee shall maintain the flood response plan at the facility. (Authorized by and implementing K.S.A. 2022 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003; effective Aug. 8, 2003; amended Aug. 9, 2024.)

***** Authenticated Kansas Administrative Regulation *****