

Kansas Administrative Regulations

Department of Health and Environment

Article 48.—Spill Reporting

28-48-2. Action required.

(a) For each release that is required to be reported as specified in K.A.R. 28-48-3, unless the discovery occurs as the result of an environmental investigation, the person responsible for the release shall conduct the following:

(1) Immediate action. As soon as the discovery occurs, the person responsible for the release shall:

(A) Take immediate action to accomplish the following:

- (i) Protect human life and public safety;
- (ii) notify local emergency responders;
- (iii) stop and contain the release; and
- (iv) prevent any additional release; and

(B) cooperate fully with representatives of the department and local emergency responders during the release response.

(2) Reporting and notifications. The person responsible for the release shall conduct the following:

(A) As soon as practicable after the discovery of the release, after the actions specified in paragraph (a)(1)(A) have been initiated, report the release to the department by calling the 24-hour spill reporting telephone number or by using another method specified by the department.

(B) Not later than five days after the discovery of the release, make reasonable attempts to ensure that the following are notified of the release:

- (i) The owner and each tenant of the property upon which the release occurred; and
- (ii) the owner and each tenant of each property onto which the release migrated.

(3) Clean up and restoration. The person responsible for the release shall conduct the following:

(A) Perform a cleanup that is determined by the secretary to be protective of human health and safety and the environment; and

(B) restore each property onto which the release migrated to a condition that is determined by the secretary to be as close as reasonably possible to the condition of the property before the release.

(b) If the discovery occurs as the result of an environmental investigation of a property, the person who owns the property at the time of the discovery shall:

(1) Not later than fourteen days after the discovery, make reasonable attempts to ensure that each tenant of the property upon which the release occurred is notified of the release; and

(2) report the discovery to the department in writing within 30 days of the discovery.

(c) Any person with knowledge of a release not specifically provided for in this regulation may report the release to the department by calling the 24-hour spill reporting telephone number or by using another method specified by the department.

(Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective May 1, 1986; amended April 5, 2024.)

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