

Kansas Administrative Regulations

Department of Health and Environment

Article 46.—Underground Injection Control Regulations

28-46-15. Modification and reissuance of permits.

(a) Any permit may be modified and reissued either at the request of any interested person, including the permittee, or upon the secretary's initiative after conducting a review of the permit file.

(b) Each request from any interested person or the permittee shall be submitted in writing and shall contain facts or reasons supporting the request.

(c) If at least one of the causes listed in subsection (d) for modification or reissuance exists, a draft permit including the modifications to the existing permit shall be issued.

(d) Each of the following shall be cause for modification and reissuance:

(1) There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance and justify the application of permit conditions that are different from or absent in the existing permit.

(2) The secretary has received information indicating that the terms of the permit need modification because the information was not provided to the secretary when the permit was issued.

(3) The regulations on which the permit was based have been changed by promulgation of new or amended regulations or by judicial decision after the permit was issued.

(4) The secretary determines that good cause exists for modification of a compliance schedule, including an act of God, strike, flood, materials shortage, or any other event over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) Cause exists for termination under K.A.R. 28-46-16, and the secretary determines that modification and reissuance is appropriate.

(6) The secretary determines that the waste being injected is a hazardous waste either because the definition of hazardous waste has been revised or because a previous determination has been changed.

(7) The secretary determines that the location of the facility is unsuitable because new information indicates that a threat to human health or the environment exists that was unknown at the time of permit issuance.

(e)(1) If the secretary decides to modify and reissue a permit, a draft permit under K.A.R. 28-46-7 shall be prepared by the secretary incorporating the proposed changes. Additional information may be requested by the secretary, and the submission of an updated application may be required by the secretary.

(2) If a permit is modified, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect.

(3) A permit may be modified to make minor modifications to a permit without the issuance of a draft permit. Minor modifications shall include the following:

(A) Correcting typographical errors;

(B) requiring more frequent monitoring or reporting by the permittee;

(C) changing an interim compliance date in a schedule of compliance, if the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(D) allowing for a change in ownership or operational control of a facility if the secretary determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the secretary;

(E) changing quantities or types of fluids injected that are within the capacity of the facility as permitted, if the change meets the following conditions:

(i) The change would not interfere with the operation of the facility;

(ii) the change would not interfere with the facility's ability to meet conditions described in the permit; and

(iii) the change would not change the facility's classification;

(F) changing construction requirements previously approved by the secretary; and

(G) amending a plugging and abandonment plan that has been updated.
(Authorized by and implementing K.S.A. 2009 Supp. 55-1,117 and 65-171d; effective May 1, 1982; amended, T-83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; amended March 21, 1994; amended Aug. 6, 2010.)

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