

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Conservation

Article 7.—Non-Point Source Pollution Control Fund

11-7-1. Definitions.

(a) "Animal unit" means a defined unit of measurement to determine the applicability of state and federal regulations and pollution potential of a confined feeding facility as defined by K.S.A. 65-171d, and amendments thereto.

(b) "Applicant" means a landowner or legal agent applying for financial assistance to construct or apply pollution control practices.

(c) "Commission" means the state conservation commission.

(d) "Confined feeding facility" is as defined in K.S.A. 65-171d (c)(2), and amendments thereto, exclusive of swine.

(e) "Critical or targeted water resources" means water resources that have been identified as exceptional and vulnerable.

(f) "District" means a conservation district that is a political subdivision of state government with its own governing body of five elected supervisors created under K.S.A. 2-1901 et seq., and amendments thereto, as a special purpose district to develop and carry out soil and water conservation programs within its political boundaries.

(g) "Exceptional value water resources" means any of the following:

- (1) A public water supply impoundment and associated tributary watershed;
- (2) a recharge area or groundwater capture zone of a public water supply well field;
- (3) a sole source aquifer;
- (4) a flowing stream and tributary watershed above a public water supply diversion;
- (5) a flowing stream and tributary watershed that sustains or supports habitats of threatened or endangered species;

(6) a flowing stream and tributary watershed above the highest valued fishery resources;

(7) a flowing stream and tributary watershed above reaches having any habitat of aquatic species in need of conservation; or

(8) a flowing stream and tributary watershed above highly valued recreation areas.

(h) "Financial assistance" means financial incentives offered to eligible applicants on a cost-sharing basis to implement approved pollution control practices.

(i) "KDHE" means the Kansas department of health and environment.

(j) "Non-point source (NPS)" means any activity that is not required to have a national pollutant discharge system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(k) "On-site wastewater system" means a system composed of a septic tank disposal field, a wastewater pond, or an alternative treatment system designed to treat wastewater from a single-family residence or business installed in compliance with state regulations and county ordinances to prevent surface and groundwater contamination by disease-causing organisms, organic matter, chemicals, and nutrients.

(l) "Plan" means a locally developed, long-range comprehensive plan for the non-point source pollution control in a watershed, hydrologic unit, or county.

(m) "Pollution" means either of the following:

(1) Any contamination or other alteration of the physical, chemical, or biological properties of any waters of the state that will or is likely to create a nuisance or render these waters harmful, detrimental, or injurious to public health, safety, or welfare; to the plant, animal, or aquatic life of the state; or to other designated beneficial uses; or

(2) any discharge that will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.

(n) "Practice" means a land treatment or management practice constructed or implemented to effect pollution control.

(o) "Project work plan" means a detailed plan for a proposed project that is identified in the approved local non-point source pollution management plan.

(p) "State contract" means a contract between the commission and the district to prescribe the annually allocated amount of technical assistance and information and education funds and to prescribe expenditure guidelines for those funds.

(q) "State non-point source pollution management plan" means a process to identify measures to control pollutants discharged from non-point source pollution sources and shall also mean state and local programs for controlling non-point source pollution.

(r) "Total maximum daily load" means state identification and prioritization of pollutants and specific water bodies with pollutant loadings allocated for specific water bodies and corresponding pollutant reduction goals developed and strategies implemented.

(s) "Vulnerable water resources" means water resources that have a high probability of being contaminated. Factors that contribute to vulnerability shall include the following:

- (1) Infiltration recharge;
- (2) vadose zone characteristics;
- (3) depth to water table;
- (4) topography;
- (5) soil characteristics;
- (6) pollutant source concentration;
- (7) pollutant characteristics;
- (8) groundwater;
- (9) surface water;
- (10) precipitation;
- (11) runoff;
- (12) land cover; and
- (13) proximity of the pollution to a stream or lake. .

(Authorized by and implementing K.S.A. 1998 Supp. 2-1915; effective May 21, 1990; amended Dec. 27, 1999)

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