Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 1. Definitions and Administration Procedures.

28-29-6a. Public notice of permit actions, public comment period, and public hearings.

(a) Public notice and comment period.

(1) Scope and timing. A public notice shall be given by the department when a municipal solid waste landfill permit action has been proposed under K.A.R. 28-29-6 or when a public hearing has been scheduled pursuant to subsection (b) of this regulation.

(A) Public notice shall be required for a draft permit or any proposed significant modifications to a permit by the department.

(B) Public notice shall be required for any public hearing on a permit action.

(C) A public notice shall not be required when suspension, denial or revocation, or non-significant modification of a permit is proposed by the department.

(D) A public notice may describe more than one permit action or hearing.

(E) Each public notice shall be published not less than 30 days prior to the hearing or proposed action.

(2) Procedures.

(A) Each public notice shall be published in the Kansas register.

(B) Where a proposed action or hearing may generate significant local interest, a public notice shall also be published in a newspaper having major circulation in the vicinity of the proposed action or hearing.

(3) Contents of public notice. Each public notice issued under this regulation shall contain the following information:

(A) The name and address of the office processing the permit action for which notice is being given;

(B) the name and location of the facility for which the permit action is proposed;

(C) a map of the facility for which the permit action is proposed;

(D) a brief description of the activity to be conducted at the facility for which the permit action is proposed;

(E) the name, address, and telephone number of the person from whom interested persons may obtain or review additional information;

(F) the time and place of any hearing that will be held; and

(G) a brief description of the comment procedures outlined in subsections (b) and (c) of this regulation.

(b) Public comments. During the public comment period provided in subsection (a) of this regulation, any interested person may submit written comments. All comments, except those concerning determinations by local government units that the proposed permit action conforms with the official plan, shall become a part of the permit record and shall be considered in making a final decision on the proposed permit action.

(c) Public hearings. If the department determines there is sufficient local interest in a proposed permit action, a public hearing may be scheduled. All written and verbal comments received during a public hearing provided in subsection (a) of this regulation shall become a part of the permit record and be considered in making a final decision on the proposed permit action.

(d) Response to comments. A response to comments shall be issued at the time any final permit decision is issued. The response shall be available to the public and shall:

(1) Specify what, if any, changes were made to the proposed action as a result of public comment; and

(2) briefly respond to any significant comments received during the public comment period.

(Authorized by K.S.A. 65-3406; amended by L. 1993, Ch. 274, Sec. 2; implementing K.S.A. 65-3401; effective March 21, 1994.)

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