Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—Municipal, Commercial and Industrial Wastewater Lagoon Requirements.

28-16-173. Municipal, commercial, and industrial wastewater lagoons: closure requirements.

(a) Each wastewater lagoon permittee shall notify the secretary of any plans to cease operation of, close, or abandon a municipal, commercial, or industrial wastewater lagoon or lagoon system.

(b) Each permittee shall maintain and comply with a valid Kansas water pollution control permit until the secretary approves the closure of the wastewater lagoon or lagoon system.

(c) Each permit applicant or permittee shall develop and submit a wastewater lagoon closure plan for review and consideration for approval by the secretary along with the construction plans and specifications for any new, modified, or expanded wastewater lagoon or lagoon system.

(d) Each wastewater lagoon closure plan shall, at a minimum, include all of the following:

(1) The procedure for deactivating the various wastewater collection and treatment units employed at the facility;

(2) the procedures to be employed to remediate, remove, or dispose of wastewater, accumulated sludge in the wastewater lagoon or lagoons, any impermeable synthetic membrane liner, contaminated soils, and contaminated groundwater;

(3) a description regarding the proposed maintenance, deactivation, conversion, or demolition of the wastewater lagoon structure;

(4) procedures addressing the plugging of any water wells or groundwater monitoring wells associated with the facility, wastewater lagoon, or wastewater lagoon system; and

(5) an estimate of the design life of an impermeable synthetic membrane liner if this type of liner is utilized at the wastewater lagoon.

(e) Each permittee of a wastewater lagoon shall prepare or update, when directed by the secretary, a wastewater lagoon closure plan for review and consideration for approval by the secretary and shall retain the plan at the facility in a manner that is accessible for inspection by the department.

(f) The closure of a wastewater lagoon or lagoon system shall be completed within one year of authorization by the secretary to initiate closure.

(g) Each permittee requesting an extension of time for closure of a wastewater lagoon shall submit the request in writing to the secretary, and the request shall detail the reasons for the requested extension. Consideration of weather conditions and the legal change in ownership of the facility may constitute grounds for the secretary's consideration in granting an extension.

(Authorized by K.S.A. 2003 Supp. 65-171d and K.S.A. 65-171h; implementing K.S.A. 65-164, K.S.A. 2003 Supp. 65-171d, and K.S.A. 65-171h; effective May 20, 2005.)

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