

Kansas Administrative Regulations

Department of Health and Environment

Article 18.—Animal and Related Waste Control

28-18-4. Filing of applications and payment of fees.

(a) Each entity seeking a permit shall submit the application required by K.A.R. 28-16-59.

(b) In order for the department to provide adequate public notice regarding a permit for any proposed new construction or proposed new expansion of a confined feeding facility, a public livestock market, a collection center, a transfer station, or a truck-washing facility for animal wastes, each applicant shall provide to the secretary the name and mailing address of each of the following:

(1) The United States post office or offices serving the immediate area of the confined feeding facility; and

(2) each owner of a habitable structure or any property located within one mile of the confined feeding facility.

(c) In addition to the application requirements of K.A.R. 28-16-59, for any new construction or new expansion of a confined feeding facility, each applicant shall submit the following information:

(1) A map identifying the location and layout of the confined feeding facility or the confined feeding facility perimeter;

(2) a map identifying the location of any habitable structure or city, county, state, or federal park within one mile of the confined feeding facility or the confined feeding facility perimeter;

(3) a map identifying all water wells on the confined feeding facility property;

(4) a map identifying any streams and bodies of surface water within one mile of the confined feeding facility or the confined feeding facility perimeter;

(5) for confined feeding facilities that utilize a waste-retention lagoon or pond, any information that the applicant possesses indicating the presence of any unplugged oil,

gas, or salt solution mining wells located at the proposed or existing confined feeding facility;

(6) a waste management plan for any confined feeding facility whose operator is not required to obtain a federal permit;

(7) a nutrient management plan for any confined feeding facility whose operator is required to obtain a federal permit;

(8) a groundwater monitoring plan, if required by the secretary; and

(9) a closure plan for any confined feeding facility whose operator is required to obtain a federal permit and that is located over the Equus Beds.

(d)(1) If adjacent confined feeding facilities use a common animal waste management system or if two or more confined feeding facilities do not adjoin but use a common animal waste management system, the multiple confined feeding facilities shall be considered one confined feeding facility.

(2) If two or more confined feeding facilities do not adjoin and do not have a common waste management system or if two or more confined feeding facilities adjoin but do not use a common animal waste management system, the confined feeding facilities shall be considered separate confined feeding facilities.

(e) Each applicant for a confined feeding facility permit shall submit the application fee required by K.A.R. 28-16-56d.

(f) Each applicant for a confined feeding facility permit shall sign the permit application as required by 40 C.F.R. 122.22, dated July 1, 2019, which is hereby adopted by reference.

(Authorized by K.S.A. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, 65-166a, 65-171d, and 65-171h; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended Jan. 15, 1999; amended March 16, 2007; amended Aug. 6, 2021.)

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