

Kansas Administrative Regulations

Department of Health and Environment

Article 18.—Animal and Related Waste Control

28-18-16. Waste-retention lagoon or pond closure plan requirements.

(a) Each operator shall notify the department of any intention to cease operation of, close, or abandon the waste-retention lagoon or pond.

(b) Each operator shall maintain and comply with a valid water pollution control permit for the confined feeding facility until closure of the waste-retention lagoon or pond is complete and all materials representing a threat to public health and the environment are removed.

(c) Each operator of a confined feeding facility located over the Equus Beds that is required to obtain a federal permit and proposes the new construction or expansion of a waste-retention lagoon or pond shall develop a waste-retention lagoon or pond closure plan. The operator shall submit the waste-retention lagoon or pond closure plan with the permit application to the department for consideration for approval. When submitting waste-retention lagoon or pond closure plans, each operator shall submit four paper copies or shall transmit an electronic copy of the closure plan.

(d) Each operator of a confined feeding facility required to obtain a federal permit shall develop a waste-retention lagoon or pond closure plan if all of the following conditions are met:

(1) The waste-retention lagoon or pond is located over the Equus Beds.

(2) The operator is applying for the renewal of the permit after the effective date of this regulation.

(3) The operator does not have an approved waste-retention lagoon or pond closure plan. The operator shall submit the closure plan with the permit renewal application to the department. When submitting a waste-retention lagoon or pond closure plan, the operator shall submit four paper copies or shall transmit an electronic copy of the plan.

(e) Each operator of a confined feeding facility with a waste-retention lagoon or pond shall submit a closure plan that includes the following information:

(1) A description of all animal waste management system components utilized to contain, control, or store process wastes at the facility;

(2) a description of the procedures to be employed to remove and dispose of animal or other process wastes;

(3) a description of the maintenance, deactivation, conversion, or demolition of all waste-retention lagoons or ponds or the closure of any waste-retention lagoon or pond by one of the following methods:

(A) Removing the berms and leveling and revegetating the site to provide erosion control;

(B) leaving the structure or structures in place for use as a freshwater farm pond or reservoir;

(C) retaining the structure or structures for future use as a part of an animal waste management system; or

(D) using any other method approved by the secretary that will be protective of the environment and meet all statutory and regulatory requirements; and

(4) a description of, and detailed drawings for, the plugging of any water or groundwater monitoring wells at the confined feeding facility.

(f) Each operator of a confined feeding facility required to have a waste-retention lagoon or pond closure plan shall amend and submit the amended plan to the department for approval whenever specifically directed by the secretary or whenever warranted by one or more of the following:

(1) Any significant changes in operation of the confined feeding facility;

(2) any significant change or modification in the animal waste management system;
or

(3) any other significant conditions affecting the confined feeding facility or the animal waste management system.

(g) Each operator of a confined feeding facility required to develop a waste-retention lagoon or pond closure plan shall retain the current plan at the site office of the confined feeding facility or at a central records location in a manner that is accessible to inspection by any authorized representative.

(h) Within six months before the closure of a waste-retention lagoon or pond, the operator shall perform either of the following:

(1) Notification to the department of the proposed closure of the waste-retention lagoon or pond; or

(2) termination of operations for any confined feeding facility for which the operator is required to develop and implement a waste-retention lagoon or pond closure plan.

(i) Each operator seeking an extension of time for closure shall submit a written request detailing the reasons to the secretary. Only weather conditions or the legal change in ownership of the confined feeding facility shall be grounds for an extension.

(j) If the operator of a confined feeding facility is unwilling or unable to properly close the waste-retention lagoon or pond, the owner of the confined feeding facility and the property owner shall be responsible for closing the waste-retention lagoon or pond in a manner that protects the waters of the state, public health, and the environment.

(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 March 16, 2007; amended Nov. 19, 2021.)

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