

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Conservation

Article 7.—Non-Point Source Pollution Control Fund

11-7-11. Maintenance contract.

(a) Each applicant for financial assistance shall sign form SCC/NPS-3 entitled "non-point source pollution control program application/contract for financial assistance."

(b) The applicant shall agree to maintain the practice according to recommended maintenance procedures adopted by the commission for 10 years or the life of the practice, whichever is greater.

(c) If the financial assistance recipient fails to maintain the practice according to contract provisions, the recipient may be declared ineligible for future financial assistance funds. The financial assistance recipient may be required to repay financial assistance funds received on the following pro-rata basis if the amount is more than \$100.00 and the recipient has constructed or installed the practice within the following time limits:

- (1) Five or fewer years: 100%;
- (2) more than five years but six or fewer years: 80%;
- (3) more than six years but seven or fewer years: 60%;
- (4) more than seven years but eight or fewer years: 40%;
- (5) more than eight years but nine or fewer years: 20%; and
- (6) more than nine years but 10 or fewer years: 10%.

(d) The recipient of state financial assistance for any pollution control practice shall be responsible for proper operation and maintenance and, if needed, modification of the facility or other actions to ensure satisfactory operation and continued pollution control at the recipient's expense.

(e) The financial assistance recipient shall obtain a written agreement to transfer the maintenance responsibilities contained in the commission's "non-point source pollution control program application/contract for financial assistance" in the event of new ownership of the property where the practice was installed within the life span specified.

(f) When a recipient of financial assistance is determined by the commission to be in noncompliance with the requirements of the contract for financial assistance, upon notice by the district, the recipient shall bring the property into compliance within a time specified by the commission, or the repayment provisions of the application contract outlined in subsection (c) above shall apply.

(g) The provisions of the financial assistance application contract shall not apply to a recipient of financial assistance if the recipient's failure to comply is due to any of the following:

- (1) Natural disasters;
- (2) faulty design or construction as determined by the commission; or
- (3) any other situation beyond the control of the financial recipient.

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

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