

Kansas Administrative Regulations

Department of Health and Environment

Article 48.—Spill Reporting

28-48-3. Reportable quantities.

Each release shall be reported to the department, as specified in K.A.R. 28-48-2 in accordance with the following criteria:

(a) The person responsible for the release shall report the release to the department if any of the following conditions are met:

(1) The release, regardless of quantity, occurred in any waters of the state;

(2) the release occurred on soil and the quantity of released pollutant meets or exceeds any of the following reportable quantities:

(A) Any quantity identified in either table 302.4 or appendix B of 40 C.F.R. 302.4, as adopted by reference in K.A.R. 28-48-4. The reporting requirement shall be determined in accordance with the criteria specified in 40 C.F.R. 302.6(b) through (d), as adopted by reference in K.A.R. 28-48-4;

(B) 100 pounds of a pollutant that meets all of the following criteria:

(i) The pollutant is not identified in table 302.4 or appendix B of 40 C.F.R. 302.4;

(ii) the pollutant is a hazardous waste as specified in 40 C.F.R. 261, as adopted by reference in K.A.R. 28-31-261. For the purposes of this regulation, a released pollutant is considered a waste, regardless of any potential for beneficial use; and

(iii) the pollutant exhibits the characteristic of ignitability, corrosivity, reactivity, or toxicity, or any combination of these characteristics, according to the criteria specified in 40 C.F.R. 261.21 through 261.24;

(C) 25 gallons of oil, unless the oil was released during the exploration and production of petroleum and is required to be reported to the Kansas corporation commission, as specified in K.A.R. 82-3-603 through K.A.R. 82-3-608. For the purposes of this regulation, "oil" shall mean a nonpolar chemical substance that is hydrophobic and lipophilic, including the following:

(i) Naturally formed petroleum hydrocarbons, regardless of specific gravity;

- (ii) refined petroleum products, including fuel;
- (iii) mineral oil;
- (iv) electrical insulating oil;
- (v) animal fat; and
- (vi) vegetable oil, including oil derived from plant seeds, nuts, kernels or fruits.

(D) 420 gallons of brine. For the purposes of this regulation, "brine" shall mean a solution of water and dissolved solids with a concentration of chlorides or sulfates of 3,000 parts per million or more;

(E) 1,000 pounds of dry fertilizer, as defined in K.A.R. 4-4-900; or

(F) 100 gallons of liquid fertilizer, as defined in K.A.R. 4-4-900; or

(3) two or more releases that occur on the same property within 90 calendar days and the cumulative amount of the pollutant released meets or exceeds any of the reportable quantities specified in paragraph (a)(2).

(b) If the discovery of one or more pollutants, in any quantity, occurs as the result of an environmental investigation of a property, the person who owns the property at the time of the discovery shall report the release to the department.

(Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective April 5, 2024.)

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