

Kansas Administrative Regulations

Department of Health and Environment

Article 45.—Underground Hydrocarbon Storage Wells and Associated Brine Ponds

28-45-7a. Public notice.

(a) Public notice shall be given by the department for any of the following:

(1) A draft facility permit prepared pursuant to K.A.R. 28-45-5a and 28-45-6a;

(2) the modified portion of a draft facility permit for a new storage well and cavern, a new brine pond, or as specified in K.A.R. 28-45-8a;

(3) a public hearing on a permit action; or

(4) a scheduled hearing.

(b) Public notice shall not be required if suspension, denial, or revocation, or minor modification of a permit is proposed by the department.

(c) Public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit shall allow at least 30 days for public comment.

(e) Public notice of a public hearing shall be given at least 30 days before the hearing. Public notice of the hearing may be combined with the public notice of the draft permit.

(f) The public notice and, if applicable, a copy of the draft permit shall be mailed or electronically mailed by the department to the applicant.

(g) The public notice shall be mailed by the department to the following:

(1) Any person who submits a written request for placement on the mailing list;

(2) any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

(3) the Kansas register.

(h) The public notice shall include the following information:

(1) The name and address of the department processing the permit action for which the notice is being given;

(2) the name and address of the person seeking the permit;

(3) a brief description of the business conducted at the facility or the activity described in the permit application;

(4) the name, address, and telephone number of the departmental contact that interested persons may contact for further information, including copies of the application, draft permit, or any other appropriate information;

(5) a brief description of the comment procedures for public notice; and

(6) a statement of the procedure to request a hearing and other procedures that allow public participation in the final permit decision.

(i) Any interested person may submit written comments to the secretary on any permit action during the 30-day public comment period. The following requirements shall apply:

(1) All comments shall be submitted by the close of the public comment period.

(2) All supporting materials submitted shall be included in full. These materials shall not be incorporated by reference, unless the supporting materials include any of the following:

(A) Part of the administrative record in the same proceeding;

(B) state or federal statutes and regulations;

(C) state or environmental protection agency documents of general applicability; or

(D) other generally available reference materials.

(3) Commentators shall make supporting materials not already included in the administrative record available to the secretary.

(j) A response to comments shall be issued by the department when a final permit decision is issued. The response shall be available to the public and shall include the following:

(1) The changes, if any, that were made to the proposed permit as a result of public comment; and

(2) the response to any comment received during the public comment period.

(Authorized by and implementing K.S.A. 2023 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003; effective Aug. 8, 2003; amended Aug. 9, 2024.)

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