

Kansas Administrative Regulations

Department of Health and Environment

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

28-45-31. Variances.

(a) Any permittee may request a variance from any specific requirement of this article of the department's regulations according to the following:

(1) Each permittee that wants a variance shall submit a written request, including justification for the request and any supporting data, to the department.

(2) Each permittee that wants a variance to operate a storage well and cavern beyond any physical cavern limitation, as specified in K.A.R. 28-45-6a, shall submit a geomechanical study evaluating the mechanical integrity of the storage well and cavern and each surrounding storage well and cavern. The evaluation shall be based on a value greater than the requested variance limit and at least a 10-year operation and maintenance projection.

(3) Each permittee shall complete any additional testing, monitoring, geomechanical studies, or storage well improvements if requested by the department.

(b) Upon the secretary's determination whether the variance request is protective of public health, safety, and the environment, the permittee shall receive one of the following:

(1) A variance from one or more requirements of this article of the department's regulations; or

(2) a notice that the request for a variance has been denied.

(Authorized by and implementing K.S.A. 2022 Supp. 55-1,117; effective Aug. 9, 2024.)

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