Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—State Grants to Municipalities for the Construction of Water Pollution Control Projects Benefiting from Federal Grants.

28-16-59. Filing of applications.

(a) Each person presently discharging or having a potential to discharge pollutants into any "waters of the state" shall file one copy of the appropriate application within 30 days of a written notification by the division.

(b) Each person proposing commencement of a discharge of pollutants after enactment of these regulations shall file a complete application:

(1) no less than 180 days in advance of the date on which the person desires to commence the discharge of pollutants; or

(2) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of state or federal law.

(c) Each application shall be considered to be complete when the appropriate fee has been paid in accordance with K.A.R. 28-16-56c and 28-16-56d and when the applicant has filed:

(1) A refuse act application and any additional information required by the director; or

(2) a complete application form, as prescribed for the type, category, or size of discharge, facility, or activity, and plans, specifications and an engineering report in accordance with K.A.R. 28-16-1 through 28-16-7 and any additional information required by the director.

(d) Notification to and approval by the director is required prior to any of the following:

(1) The connection of an industrial waste discharge to a municipal system or the addition of a new process or product by an existing industrial facility;

(2) A significant change in disposal method, including change from a land disposal to direct discharge to water, or a change in the method of treatment which would significantly alter the characteristics of the waste;

(3) A significant change in the disposal area or point of discharge, including discharging into another drainage area or into a different water body, or to a disposal area different from the existing approved area;

(4) An increase in flow beyond that specified in the issued permit or the application thereto; or

(5) Other circumstances which result in a change in character, amount or location of waste discharge.

(e) The application shall be signed and certified in accordance with the provisions of 40 CFR Section 122.22 as in effect on July 1, 1985.

(f) A permit shall not be issued on the basis of any application which the director has identified as incomplete or otherwise deficient until the director receives sufficient information to correct any deficiency.

(Authorized by K.S.A. 1995 Supp. 65-171d; implementing K.S.A. 65-165, 65-166; effective, E-74-32, June 14, 1974; effective May 1, 1975; amended May 1, 1987; amended Sept. 27, 1996.)

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