

Kansas Administrative Regulations

Department of Health and Environment

Article 18.—Animal and Related Waste Control

28-18-2. Registration and application requirements.

(a) Each entity proposing the construction, modification, or expansion of an unregistered confined feeding facility, public livestock market, collection center, or transfer station and each operator of an existing, but unregistered, confined feeding facility, public livestock market, collection center, or transfer station shall submit a registration form for the facility to the secretary, if any of the following conditions is met:

(1) The proposed or existing unregistered facility has an animal unit capacity of 300 or more animal units.

(2) The proposed or existing unregistered facility presents a significant water pollution potential, as defined in K.A.R. 28-18-1.

(3) The proposed or existing unregistered facility is required by statute to obtain a permit from the secretary.

(4) The entity proposing the construction, modification, or expansion of an unregistered facility or the operator of an existing unregistered facility elects to register the facility in order to obtain either a permit or certification, even though there is no requirement to obtain a permit or certification.

(b) Each entity or operator that submits a registration form to the department shall include the required \$25 fee.

(c) Each entity proposing the construction, modification, or expansion of a confined feeding facility, a public livestock market, a collection center, a transfer station, or a truck-washing facility for animal waste and each operator of an unpermitted confined feeding facility, public livestock market, collection center, transfer station, or truck-washing facility for animal waste shall submit to the secretary a permit application for the facility if any of the following conditions is met:

(1) The proposed facility or existing unpermitted facility presents a significant water pollution potential, as defined in K.A.R. 28-18-1.

(2) The proposed facility or existing unpermitted facility is required by statute to obtain a permit.

(3) The entity proposing the construction, modification, or expansion of the facility or the operator of an existing unpermitted facility elects to obtain a permit, even though a permit is not required.

(d) Each entity or operator that submits a permit application to the department shall include the permit fee required by K.A.R. 28-16-56d.

(e) The animal unit capacity of a confined feeding facility using an animal waste management system, for species other than those included in the definition of animal unit, shall be determined by the secretary on a case-by-case basis. The quantity or concentration of animal waste produced by the species in comparison to those species addressed in the animal unit definition shall be the factor used by the secretary in determining the animal unit capacity.

(f) Each entity or operator proposing the construction, modification, or expansion of a confined feeding facility and each operator of an unpermitted confined feeding facility required by statute or regulation to obtain a federal permit shall apply to the secretary for a federal permit.

(g) Each entity or operator that is proposing the construction, modification, or expansion of a confined feeding facility, public livestock market, collection center, transfer station, or truck-washing facility for animal wastes and that is required to obtain a permit or certification shall obtain a permit or certification from the secretary before initiating operation of the facility.

(Authorized by K.S.A. 2005 Supp. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, K.S.A. 2005 Supp. 65-166a, K.S.A. 2005 Supp. 65-171d, and K.S.A. 65-171h; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended Jan. 15, 1999; amended March 16, 2007.)

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