

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

### **Article 18.—Animal and Related Waste Control**

#### **28-18-8. Permit; terms and conditions.**

(a) The terms and conditions of all permits shall be consistent with the requirements of K.A.R. 28-16-62, as appropriate.

(b) (1) Animal waste management systems shall be designed, constructed, operated, and maintained in a manner that prevents pollution of waters of the state.

(2) Each operator of an animal waste management system for a confined feeding facility who is required to obtain a federal permit shall ensure that the animal waste management system is designed, constructed, operated, and maintained to prevent the discharge of animal or other process wastes to surface waters of the state. Any operator of an animal waste management system of a confined feeding facility may discharge the following to surface waters of the state, whenever precipitation events, either chronic or catastrophic, cause an overflow from an animal waste management system designed, constructed, operated, and maintained to contain all animal and other process wastes:

(A) Animal or other process wastes; and

(B) the direct precipitation and the runoff from a 25-year, 24-hour precipitation event for the location of the confined feeding facility.

(3)(A) Except as provided in paragraph (b)(3)(B), each animal waste management system for any confined feeding facility whose operator is not required to obtain a federal permit shall be designed, constructed, operated, and maintained to prevent the discharge of animal or other process wastes to surface waters of the state as required in paragraph (b)(2).

(B) Any operator of an animal waste management system for a confined feeding facility who is not required to obtain a federal permit may discharge animal or other process wastes to surface waters of the state, consistent with the requirements of K.A.R. 28-16-28b through K.A.R. 28-16-28g, K.A.R. 28-16-57a, and K.A.R. 28-16-62, as appropriate, when specifically authorized by a permit.

(c) For each emergency or accidental discharge, overflow, or unplanned release of animal or other process wastes, each operator shall report the incident to the department within two hours of discovery. Each operator shall report any emergency, spill, accidental discharge, overflow, or unplanned release associated with animal or other process wastes to the department, using the telephone numbers provided by the director. Each operator shall submit a written report to the department within three days of the incident.

(d) Each operator shall retain a copy of the current permit issued by the secretary at the site office for the facility or at a central records location.

(e) Each operator shall be responsible for advising the department within 60 days of any changes in mailing address or telephone number regarding the facility or designated facility contact.

(f) Each operator shall operate the facility in a manner that minimizes or prevents any discharge that is in violation of the permit or that has a potential to adversely affect human health or the environment.

(g) Each operator shall, at all times, properly operate and maintain the animal waste management system and any related appurtenances that are installed or utilized by the operator to achieve compliance with the conditions of the permit.

(Authorized by K.S.A. 2005 Supp. 65-171d; implementing K.S.A. 65-164, K.S.A. 65-165, K.S.A. 65-166, K.S.A. 2005 Supp. 65-166a, K.S.A. 2005 Supp. 65-171d, and K.S.A. 65-171h; effective Jan. 15, 1999; amended March 16, 2007.)

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