

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 45.—Design of Levees

5-45-22. Unconsolidated material storage stockpile.

An unconsolidated material storage stockpile (UMSS) may exist in a floodplain without the approval of the chief engineer if the UMSS meets one of the conditions in subsection (a) and all of the requirements of subsection (b). (a)(1) The UMSS existed before 1929.

(2) In counties or cities with flood insurance rate maps, the UMSS existed before the creation of the most recent flood hazard map, and the UMSS's impact on flooding was analyzed in creating the map.

(3) The UMSS existed before January 1, 2006 at a sand and gravel mining site.

(4) The UMSS is located outside a floodway and meets both of the following conditions:

(A) The UMSS will be present at that location for less than 270 days.

(B) The site will be restored to its original condition within 90 days after the UMSS is removed.

(b) The UMSS meets the following requirements:

(1) Does not obstruct normal streamflow;

(2) does not redirect normal streamflow;

(3) does not block culverts and drainage channels; and

(4) does not cause other hydraulic problems, including an unreasonable effect.

(c) Each UMSS that is not a levee or any other such improvement subject to regulation pursuant to K.S.A. 24-126, and amendments thereto, except a temporary UMSS meeting the standards of paragraph (a)(4), shall become subject to regulation when the areal extent of the UMSS increases or the location changes in whole or in part.

(Authorized by and implementing K.S.A. 2007 Supp. 24-126; effective Oct. 3, 2008.)

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