

Kansas Administrative Regulations

Department of Health and Environment

Article 46.—Underground Injection Control Regulations

28-46-2a. Definitions.

(a) The following federal regulations, as in effect on July 1, 2008, are hereby adopted by reference, except as specified:

(1) 40 CFR 124.2, except for the following terms and their definitions:

- (A) "Application";
- (B) "director";
- (C) "draft permit";
- (D) "eligible Indian tribe";
- (E) "environmental appeals board";
- (F) "facility or activity";
- (G) "Indian tribe";
- (H) "major facility";
- (I) "owner or operator";
- (J) "permit";
- (K) "regional administrator";
- (L) "SDWA"; and
- (M) "state";

(2) 40 CFR 144.3, except for the following terms and their definitions:

- (A) "Application";
- (B) "approved state program";
- (C) "appropriate act and regulations";
- (D) "director";
- (E) "draft permit";
- (F) "eligible Indian tribe";
- (G) "Indian tribe";
- (H) "state";

(I) "total dissolved solids"; and

(J) "well";

(3) 40 CFR 144.61;

(4) 40 CFR 146.3, except for the following terms and their definitions:

(A) "Application";

(B) "director";

(C) "exempted aquifer";

(D) "facility or activity";

(E) "Indian tribe";

(F) "owner or operator";

(G) "permit";

(H) "SDWA";

(I) "site"; and

(J) "well"; and

(5) 40 CFR 146.61(b), except for the term "cone of influence" and its definition.

(b) In addition to the definitions adopted in subsection (a), the following definitions shall apply in this article:

(1) "Application" means the standard departmental form or forms required for applying for a permit, including any additions, revisions, and modifications to the forms.

(2) "Authorized by rule," when used to describe an injection well, means that the well meets all of the following conditions:

(A) The well is a class V injection well.

(B) The well is in compliance with this article.

(C) The well is not prohibited, as specified in K.A.R. 28-46-26a.

(D) The well is not required by the secretary to have a permit.

(3) "Cone of impression" means the mound in the potentiometric surface of the receiving formation in the vicinity of the injection well.

(4) "Cone of influence" means the area around a well within which increased injection pressures caused by injection into the well would be sufficient to drive fluids into an underground source of drinking water (USDW).

(5) "Department" means the Kansas department of health and environment.

(6) "Director" means director of the division of environment of the Kansas department of health and environment.

(7) "Draft permit" means a document prepared by the department after receiving a complete application or making a tentative decision that an existing permit shall be modified and reissued, indicating the secretary's tentative decision to either issue a permit or deny a permit. A draft permit is not required for a minor modification of an existing permit.

(8) "Existing salt solution mining well" means a well authorized and permitted by the secretary before the effective date of these regulations.

(9) "Fracture pressure" means the wellhead pressure that could cause vertical or horizontal fracturing of rock along a well bore.

(10) "Gallery" means a series of two or more salt solution mining wells that are artificially connected within the salt horizon and are produced as a system with one or more wells designated for withdrawal of solutioned salt.

(11) "Injection well facility" and "facility" mean the acreage associated with the injection field and with facility boundaries approved by the secretary. These terms shall include the injection wells, wellhead, and any related equipment, including any appurtenances associated with the well field.

(12) "Maximum allowable injection pressure" means the maximum wellhead pressure not to be exceeded as a permit condition.

(13) "Motor vehicle waste disposal well" and "MVWDW" mean a disposal well that received, receives, or has the potential to receive fluids from vehicular repair or maintenance activities.

(14) "Notice of intent to deny" means a draft permit indicating the secretary's tentative decision to deny a permit.

(15) "Production casing," when used for a class III well, means the casing inside the surface casing of a well that extends into the salt formation.

(16) "Salt roof" means a distance, determined in feet, from the highest point of a salt solution mining cavern to the top of the salt formation. This distance shall be approved by the secretary.

(17) "Secretary" means the secretary of the Kansas department of health and environment or the secretary's authorized representative.

(18) "Transportation artery" means any highway, county road, township road, private road, or railroad, excluding any existing right-of-way, not owned or leased by the permittee.

(19) "Well" means any of the following:

(A) A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension;

(B) a dug hole whose depth is greater than the largest surface dimension;

(C) a sinkhole modified to receive fluids; or

(D) a subsurface fluid distribution system.

(Authorized by and implementing K.S.A. 2009 Supp. 55-1,117 and 65-171d; effective March 2, 2007; amended Aug. 6, 2010.)

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