

Kansas Administrative Regulations

Department of Health and Environment

Article 45.—Underground Hydrocarbon Storage Wells and Associated Brine Ponds

28-45-10a. Siting requirements for a storage facility or storage well and cavern.

(a) Each applicant shall submit a map that shows the facility boundary with respect to the following siting requirements:

(1) Each storage facility shall be located at least three miles from the established boundaries of each municipal population center.

(2) Each storage facility shall be located at least five miles from current or past conventional subsurface mining activities.

(3) Each storage facility shall be located at least one mile from any porosity storage facility.

(b) Each applicant shall submit a map that shows the facility boundary with respect to each water well, oil and gas well, monitoring well, underground injection control well, and storage well within a one-mile perimeter of the facility boundary to determine if the following conditions have been met:

(1) Each well has been constructed in a manner protective of public health, safety, and the environment.

(2) Each abandoned well has been properly plugged.

(c) Each applicant shall submit a flood assessment for the facility location, including whether the facility is in a floodplain or flood-prone area.

(d) Each applicant shall submit a report on the potential risks to storage operations from activities conducted at an adjacent facility.

(e) Each applicant shall submit a map of the facility that identifies all utilities having a right-of-way, including pipeline, railway, roadway, and electrical lines within a one-mile perimeter of the facility boundary to determine any potential impacts of the utilities on the location or operation of the facility. If a facility is exposed and subject to hazards,

including vehicular traffic, railroads, electrical power lines, and aircraft traffic, the facility shall be protected from accidental damage by distance or barricades.

(f) Each applicant shall submit a report prepared by a professional geologist providing an evaluation of the local geology and hydrogeology to determine whether the mechanical integrity of any storage well could be adversely affected by salt thinning due to any stratigraphic change or a dissolution zone in the salt.

(g) Each applicant shall submit a map of the facility boundary with respect to the outer boundary of any new storage cavern to show that each new storage cavern is more than 100 feet from any of the following:

(1) An adjacent storage cavern, unless an alternative action was authorized by the secretary;

(2) the property boundary of any owners who have not consented to subsurface storage under their property;

(3) any existing surface structure not owned by the applicant; or

(4) any public transportation artery.

(Authorized by and implementing K.S.A. 2022 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003; effective Aug. 8, 2003; amended Aug. 9, 2024.)

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