

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

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

#### **28-45-8a. Transfer and modification of a facility permit.**

(a) No person shall transfer a facility permit without meeting the following requirements:

(1) Each person requesting a permit transfer shall submit a completed application to the secretary on a form provided by the department, at least 60 days before the effective date of the proposed transfer.

(2) Each person requesting a permit transfer shall comply with the conditions of the existing permit until the secretary reissues the permit.

(3) All facility records, as specified in K.A.R. 28-45-19, shall transfer to the new permittee on the effective date of the transfer.

(b) Any section of a facility permit may be modified by the secretary under any of the following conditions:

(1) The secretary receives information that was not available when the permit was issued.

(2) The secretary receives a request for the modification of a permit.

(3) The secretary conducts a review of the permit file and determines that a modification is necessary.

(c) Only the permit actions subject to modification shall be placed on public notice as specified in K.A.R. 28-45-7a.

(d) Minor modifications that shall not require public notice include the following, except as otherwise specified:

(1) Correction of typographical errors;

(2) requirements for more frequent monitoring or reporting by the permittee;

(3) a date change in a schedule of compliance;

(4) a change in ownership or operational control of the facility, unless the secretary determines that public notice is necessary to protect the public interest;

(5) a change in the physical location of a storage well before drilling, if the storage well is within the existing permitted facility boundary;

(6) voluntary upgrades to infrastructure, including brine pond relining, casing size or weight, or a type of process control system; and

(7) any amendments to a plugging and abandonment plan or to a decommissioning and abandonment plan.

(e) A draft permit and public notice shall be required if one of the following conditions is met:

(1) A permittee proposes an addition to the facility that includes either a new storage well or a new brine pond.

(2) A permittee proposes an activity that justifies a change in the permit requirements that is different or absent in the existing permit after the issuance, including cumulative effects on public health, safety, or the environment.

(3) Information becomes available that would have initially justified different permit requirements.

(4) Standards of regulations on which the permit was based have changed due to the promulgation of new or amended standards or due to a judicial decision after the permit was issued.

(f) Any permittee may request a permit modification within six months after any of the following:

(1) The adoption of new regulations or standards;

(2) any deadline to achieve compliance changes before the permit expires; or

(3) any judicial remand and stay of a promulgated regulation if the permit requirement was based on the remanded regulation.

(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.)