

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 16.—WATER POLLUTION CONTROL

28-16-56a. (Authorized by and implementing K.S.A. 65-166a; effective, T-85-30, Nov. 14, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988; revoked Sept. 27, 1996.)

28-16-56b. (Authorized by and implementing K.S.A. 1984 65-166a; effective, T-85-30, Nov. 14, 1984; effective May 1, 1985; revoked Sept. 27, 1996.)

28-16-56c. Sewage permit fees; definitions. For the purposes of K.A.R. 28-16-56d the following terms shall be defined as set out in this regulation:

(a) "Sewage" shall be defined as in K.S.A. 65-164.

(b) "Domestic sewage" means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage-grinding, toilets, baths, showers and sinks.

(c) "Municipal wastewater treatment facility" means a facility serving a city, county, township, sewer district, or other local governmental unit, or a facility serving a state or federal agency, establishment, or institution, for the purpose of treating primarily domestic sewage by physical, chemical or biological means or by a combination of those methods.

(d) "Commercial wastewater treatment facility" means a facility serving a commercial enterprise or group or a combination thereof, for the purposes of treating primarily domestic sewage by physical, chemical or biological means or by a combination of those methods. "Commercial wastewater treatment facility" shall include any slaughter house with an average slaughter rate of 50 animals or less per week.

(e) "Industrial wastewater treatment facility" means a facility serving a city, county, township, sewer district, or other governmental unit; a state or federal agency, establishment, or institution; an industrial or commercial enterprise; or a group or combination thereof, for the purpose of treating primarily sewage or process-generated wastewater, other than domestic sewage, by physical, chemical or biological means or by a combination of those methods. "Industrial wastewater treatment facility" shall include any truck washing facility except truck washing facilities for animal waste, municipally-owned electricity generating facilities, facilities using contaminated groundwater for cooling or process water, and water treatment plants.

(f) "Point source" means any discernible, confined, and discrete conveyance from which pollutants are or may be discharged, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, confined animal feeding facility, landfill leachate collection system, or any vessel or other floating craft. This term shall not include return flows from irrigated agriculture or agricultural storm water runoff.

(g) "Storm water discharge" means any discharge of storm water runoff from a point source. This designation may include storm water runoff from a municipal, industrial or commercial facility, or from a construction site, or a discharge from any conveyance or system of conveyances used for collecting and conveying storm water runoff or a system of discharges from municipal separate storm sewers.

(h) "Cooling water discharge" means cooling water discharged from any system in which there is no contact with process pollutants and where there is no measured chemical buildup.

(i) "Treated cooling water discharge" means cooling water discharged from any system in which there is no contact with process pollutants and where there is no measured chemical buildup other than chemicals added for biological or corrosion control, or from evaporative losses.

(j) "Dewatering discharge" means a discharge resulting from drainage or removal of water from a lagoon, quarry, pit or any other holding device. Dewatering discharge shall not include any discharge in which there is measured chemical buildup or to which chemicals have been added for any purpose.

(k) "Pretreatment permit" means a permit issued to a source subject to pretreatment standards and which discharges to a municipal wastewater treatment facility not having an approved pretreatment program.

(l) "General permit" means an NPDES "permit" issued under K.A.R. 28-16-150 et seq.

(m) "Truck washing facility for animal wastes" means a facility which exists solely for the purpose of washing animal wastes from trucks or trailers.

(n) "Confined feeding facility" means any lot, pen, pool or pond which is:

(1) used for the confined feeding of animals or fowl for food, fur or pleasure purposes;

(2) not normally used for raising crops; and

(3) not used for growing vegetation for animal food.

Confined feeding facilities on separate pieces of land without a contiguous ownership boundary shall be classified as separate operations and each operation shall be assessed a fee under K.A.R. 28-16-56d.

(o) "Animal unit" means a unit of measurement calculated by adding the following numbers:

(1) the number of beef cattle weighing more than 700 pounds multiplied by 1.0;

(2) plus the number of cattle weighing less than 700 pounds multiplied by 0.5;

(3) plus the number of mature dairy cattle multiplied by 1.4;

(4) plus the number of swine weighing more than 55 pounds multiplied by 0.4;

(5) plus the number of sheep or lambs multiplied by 0.1;

(6) plus the number of horses multiplied by 2.0;

(7) plus the number of turkeys multiplied by 0.018;

(8) plus the number of laying hens or broilers, if the facility has continuous overflow watering, multiplied by 0.01;

(9) plus the number of laying hens or broilers, if the facility has a liquid manure system, multiplied by 0.033; and

(10) plus the number of ducks multiplied by 0.2. However, each head of cattle will be counted as one full animal unit for the purpose of determining the need for a federal permit.

(p) "Animal unit capacity" means the maximum number of animal units which a confined feeding facility is designed to accommodate at any one time. (Authorized by and implementing K.S.A. 1995 Supp. 65-166a; effective Sept. 27, 1996.)

28-16-56d. Sewage permit fees; schedules. (a) Each applicant applying for a permit pursuant to K.S.A. 65-165, and each holder of a permit issued pursuant to K.S.A. 65-165 and amendments thereto, shall submit the appropriate fee in accordance with the following schedule:

Schedule of Fees at Annual Rate

Classification	Unit Rates and Minimum Rates.
(1) Municipal or commercial wastewater treatment facility.	\$185/year/million gallons per day permitted capacity and for any portion thereof. \$185 minimum fee per year.
(2) Municipal stormwater system. 100,000+ population.	\$2,000 per year.
(3) Industrial wastewater treatment facility.	\$320/year/million gallons per day permitted capacity and for any portion thereof. \$320 minimum fee per year.
(4) Cooling water discharge—surface disposal.	\$60 per year.
(5) Treated cooling water discharge—surface disposal.	\$120/year/million gallons per day permitted capacity and for any portion thereof. \$120 minimum fee per year.
(6) Dewatering discharge.	\$60 per year.
(7) Pretreatment permit.	\$320 per year.
(8) General permit.	\$60 per year.
(9) Industrial stormwater discharge—general permit.	\$60 per year.
(10) Industrial stormwater discharge—individual permit.	\$320 per year.
(11) Confined feeding facility:	
(A) Initial registration fee, regardless of capacity	\$25 one-time fee.
(B) Permit fee:	
(i) animal unit capacity of 999 or less	\$25 per year.
(ii) animal unit capacity of 1,000-4,999	\$100 per year.
(iii) animal unit capacity of 5,000-9,999	\$200 per year.
(iv) animal unit capacity of 10,000 or more	\$400 per year.
(12) Truck washing facility for animal wastes.	\$320 per year.

(b)(1) Plans and specifications shall not be reviewed and processing and issuance of a permit shall not take place until the required fee is paid. Fees shall be made payable to the "Kansas department of health and environment—water pollution control permit."

(2) Fees paid in accordance with the above schedule, including fees paid for facilities which are never built or which are abandoned, shall not be refunded.

(3) Each applicant operating a facility in which two or more of the wastewaters identified in the above fee schedule are discharged shall pay the appropriate fee for each

type of wastewater discharged, even if only one permit has been issued for the facility.

(4) Permit fees shall be based on the minimum rate or unit rate, whichever is greater. The full unit rate shall be applied to any portion of a unit. The fee per unit shall not be prorated.

(5) A permit fee shall be paid annually in accordance with the above schedule.

(6) If ownership of the permitted facility changes during the term of a valid permit no additional fee shall be required unless a change occurs which results in a new or expanded facility or operation.

(7) If a change occurs during the term of a valid permit which results in an expanded capacity of the facility or operation, a new application shall be required. Upon approval, the existing permit shall be amended and shall continue in effect for the remainder of its original term, unless revoked. The additional fee shall be based only on the difference between the original permitted capacity and the expanded capacity. The new annual fee for the expanded facility shall be based on the unit rate at the expanded capacity or the minimum rate, whichever is greater, for the remainder of the term of the permit. (Authorized by and implementing K.S.A. 1995 Supp. 65-166a; effective Sept. 27, 1996.)

28-16-59. Filing of applications. (a) Each person presently discharging or having a potential to discharge pollutants into any "waters of the state" shall file one copy of the appropriate application within 30 days of a written notification by the division.

(b) Each person proposing commencement of a discharge of pollutants after enactment of these regulations shall file a complete application:

(1) no less than 180 days in advance of the date on which the person desires to commence the discharge of pollutants; or

(2) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of state or federal law.

(c) Each application shall be considered to be complete when the appropriate fee has been paid in accordance with K.A.R. 28-16-56c and 28-16-56d and when the applicant has filed:

(1) A refuse act application and any additional information required by the director; or

(2) a complete application form, as prescribed for the type, category, or size of discharge, facility, or activity, and plans, specifications and an engineering report in accordance with K.A.R. 28-16-1 through 28-16-7 and any additional information required by the director.

(d) Notification to and approval by the director is required prior to any of the following:

(1) The connection of an industrial waste discharge to a municipal system or the addition of a new process or product by an existing industrial facility;

(2) A significant change in disposal method, including change from a land disposal to direct discharge to water, or a change in the method of treatment which would significantly alter the characteristics of the waste;

(3) A significant change in the disposal area or point of discharge, including discharging into another drainage

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