

Kansas Department of Health and Environment  
Bureau of Waste Management Policy 1998-P5  
**Public Notice Requirements for Solid Waste Facility Permit Actions**

Public notices inform the public and provide an opportunity for the public to comment on proposed permit actions, including significant modifications. The purpose of this policy is to clarify when a public notice is required and what constitutes a “significant modification.”

### **Background**

Public notice and opportunity to comment on solid waste facility permit actions is required under the following solid waste regulations:

[K.A.R. 28-29-6](#) requires an application for permits to construct, alter, or operate a solid waste disposal area or a solid waste processing facility.

[K.A.R. 28-29-6a](#) establishes when public notice of permit actions is required.

K.A.R. 28-29-6a(a)(1) requires a public notice when a municipal solid waste landfill action has been proposed under K.A.R. 28-29-6 or when a public hearing has been scheduled.

K.A.R. 28-29-6a(a)(1)(A) requires a public notice for a draft permit or any proposed significant modification to a permit issued by the Kansas Department of Health and Environment (KDHE).

[K.A.R. 28-29-3](#)(fff) defines significant modification as a substantial alteration, change, addition, or deletion to a facility, facility operations, facility ownership, or facility financial status that occurs after permit issuance.

### **Purpose**

This Bureau of Waste Management policy clarifies that public notice requirements apply to all proposed new solid waste permits and significant modifications to existing solid waste permits for: municipal solid waste landfills, industrial landfills, construction/demolition landfills, waste tire monofills, and solid waste processing facilities including transfer stations, composting facilities, and household hazardous waste facilities.

This policy also clarifies what constitutes a “significant modification” as referred to in K.A.R. 28-29-6a and K.A.R. 28-29-3(fff).

### **Public Notice Requirements**

Public notice will be required for any of the following permit actions:

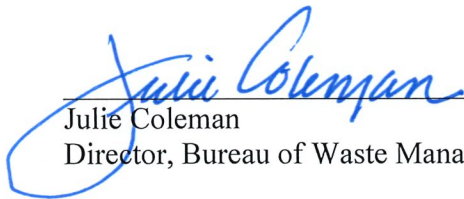
1. Proposed new permits;
2. Significant modifications, including:
  - a. The addition of any solid waste activity at a closed municipal solid waste landfill that would normally require a permit under K.A.R. 28-29-6(a);
  - b. A 10% or greater increase in the volume or capacity, in cubic yards, of the permitted disposal area;
  - c. An expansion of the currently permitted property boundary; and/or
  - d. Reduction or termination of any municipal solid waste landfill post-closure activity.

3. If the overall increase in the volume or capacity of the permit disposal area is less than 10%, a public notice may be required if KDHE determines there is significant local interest in the facility based upon the record of complaints or inquiries during the three years preceding receipt of an application by BWM. Among other site-specific variables, the BWM may take into account the number, frequency, type, severity, and validity of the complaints and/or inquiries in the record before determining whether a public notice should be published.

KDHE may determine that a public notice is not required when a permit is issued in an emergency situation under K.A.R. 28-29-6(g).

KDHE will document its final determination about whether or not a modification is significant and will provide a copy of the written determination to the applicant.

*Issued: 08/19/1998 as BWM Policy 98-05; revised 11/29/2021; Changes were made to provide clarity; particularly applicability of public notice requirement when the increase in volume or capacity is less than 10%.*

  
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Julie Coleman  
Director, Bureau of Waste Management

Date 11/29/2021

effective August 19, 1998  
revised November 29, 2021