

KANSAS SPILL NOTIFICATION



Kansas Department of Health and Environment
In partnership with:
Kansas Division of Emergency Management
Kansas Corporation Commission

July 1, 2021

<http://www.kdheks.gov/spill/>



To protect and improve the health and environment of all Kansans

INDEX

SPILL REPORTING INSTRUCTIONS:	3
OTHER EMERGENCY TELEPHONE NUMBERS	4
KANSAS POISON CONTROL CENTER.....	4
WILDLIFE AND FISH KILLS	5
AGRICULTURAL RELATED SPILLS	5
KDHE DISTRICT OFFICES – ENVIRONMENT	6
KANSAS CORPORATION COMMISSION DISTRICT OFFICES.....	7
K. A. R. 28-48. – SPILL REPORTING.....	8
K. S. A. 65-171v – CLEANUP OPERATIONS.....	9
DISCLAIMER.....	9

SPILL REPORTING INSTRUCTIONS:

The spiller is responsible for reporting spills that impact the soil or waters of the state. Hazardous materials that are released in the air that exceed federal reportable quantities must **also** be reported to the state reporting number. The federally listed chemicals and reportable quantities (RQ) can be obtained at www.epa.gov/emergencies under the tab of “List of Lists”. Kansas regulations and statutes regarding spill reporting are included on pages 8 through 9 of this document. A spiller may call one number 24/7 to make the required verbal notification to the state of Kansas.

Kansas Spill Reporting Number (24/7)

785-291-3333

LEPC/ CEPR

If the release is not contained or threatens the health or safety of the local population, the Local Emergency Planning Committee (LEPC) within the county of the release must be notified first by dialing 911. The LEPC point of contact in most counties is the county emergency manager.

Whenever a spill exceeds the RQ of federally listed hazardous materials, the LEPC must be notified and the Kansas Commission on Emergency Planning & Response (CEPR) requires a follow up written report within seven days after the verbal report. The Kansas Division of Emergency Management (KDEM) facilitates the follow up written report which is called a Form A report. KDEM also requires a follow up Form A report for petroleum spills that exceed 110 gallons.

KCC Regulated Spills

Spills that occur at oil and gas wells are reportable to the Kansas Corporation Commission (KCC). Spillers may call the same number above to be directed to the KCC reporting numbers (select option 1 and then option 3) or may call the KCC district offices direct.

The KCC district office numbers are listed on page 7.

Call the spill line shown above and select option 1 if an oil spill flows off a lease into a waterway after normal business hours and report the spill to the National Response Center (NRC).

National Response Center

Whenever a spill exceeds the RQ of federally listed hazardous materials, it must also be reported to the National Response Center (NRC). Federal law also requires that any oil spill that has impacted or threatens a waterway must be reported to the NRC. EPA Region 7 Emergency Response Branch personnel monitor the NRC reports and may call the spiller back for more information.

NRC 24-hour number

800-424-8802

OTHER USEFUL TELEPHONE NUMBERS

Kansas Division of Emergency Management (KDEM)

24-Hour All Hazards Reporting Number (785) 291-3333
Main phone line (non-emergency/admin) (785) 274-1409
Fax: (785) 274-1426

Kansas Fire Marshal Office

Hazmat Regional Response Team Request (866)-KHAZMAT or (866) 542-9628
(Local authorities may request mutual aid response)

Environmental Protection Agency (EPA)

Region 7 Kansas City Office 24-Hour Spill Number (913) 281-0991

Chemtrec (Chemical information of spilled material if registered) (800) 262-8200

Centers for Disease Control - ATSDR

For Health Effects of Spilled Material (Hours from 8-8, M-F) (800) 232-4636
Emergency after business hours- Contact EPA Region 7 Spill Line (913) 281-0991

Kansas Highway Patrol

24-Hour Dispatch (785) 827-4437
Turnpike (316) 682-4537

Kansas Bureau of Investigation

(Statewide crime number includes response to meth labs) (785) 296-8200

Kansas Department of Health and Environment

Bioterrorism, Biohazards and Disease Issues

Epidemiologist (877) 427-7317

Municipal Sewage Releases & Public Water Supply Problems

KDHE District Office: (see District List page 6)
(After Business Hours) (785) 296-1679

KANSAS POISON CONTROL CENTER

University of Kansas Hospital

Kansas Poison Control Center Hotline

TDD/TTY

(800) 222-1222
711 or (800) 766-3777

WILDLIFE AND FISH KILLS

KDHE Fish Kill Notification in public waters (After Business Hours)	(see District List page 6) (785) 296-1679
Kansas Department of Wildlife, Parks & Tourism Pratt- Operations Office Topeka- Administration Office Operation Game Thief	(620) 672-5911 (785) 296-2281 (877) 426-3843
U.S. Fish & Wildlife Service	(785) 539-3474

AGRICULTURAL RELATED SPILLS

Pesticides and Fertilizer Spills

Notify Spill Line	(24hrs/7day week)	(785) 291-3333
Kansas Department of Agriculture (normal business hours) Technical consultation, regulates applicators and facilities		(785) 564-6688
National Pesticide Information Center (npic@ace.orst.edu)		(800) 858-7378

Animal Waste Releases/Spills:

KDHE Livestock Waste Management Program	(785) 296-6432
KDHE District Office (After Business Hours)	(see District List page 6) (785) 296-1679

FOOD SAFETY

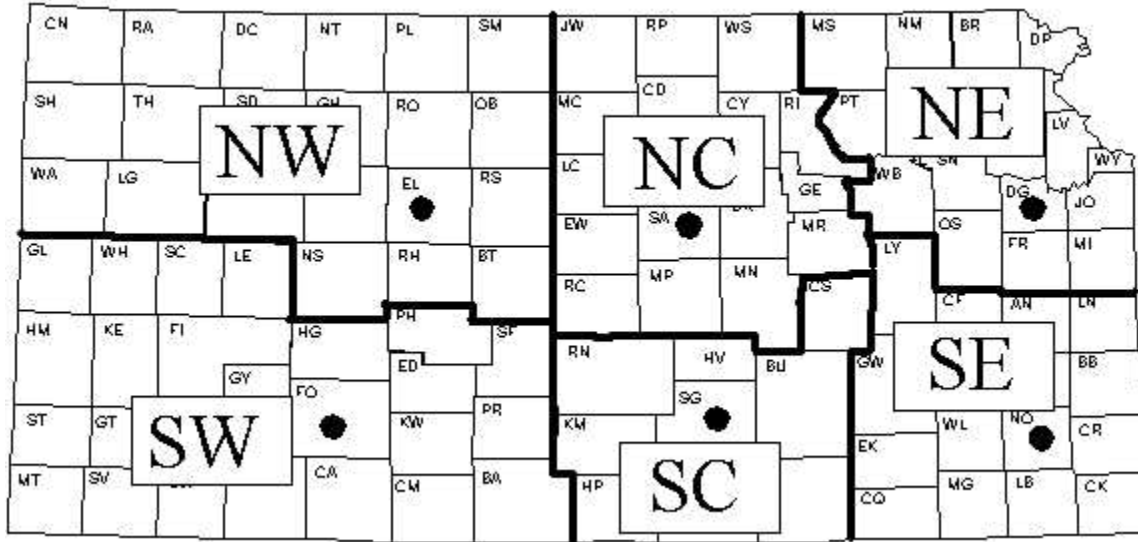
Kansas Department of Agriculture Grocery & convenience stores, distribution, transportation Restaurants, fast food, taverns/clubs, schools, street vendors	(785) 564-6767
EMERGENCY After normal business hours: (press "1" during the message, when calling the emergency number)	(800) 915-6163

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)

Worker exposure to hazardous materials or environmental hazards:

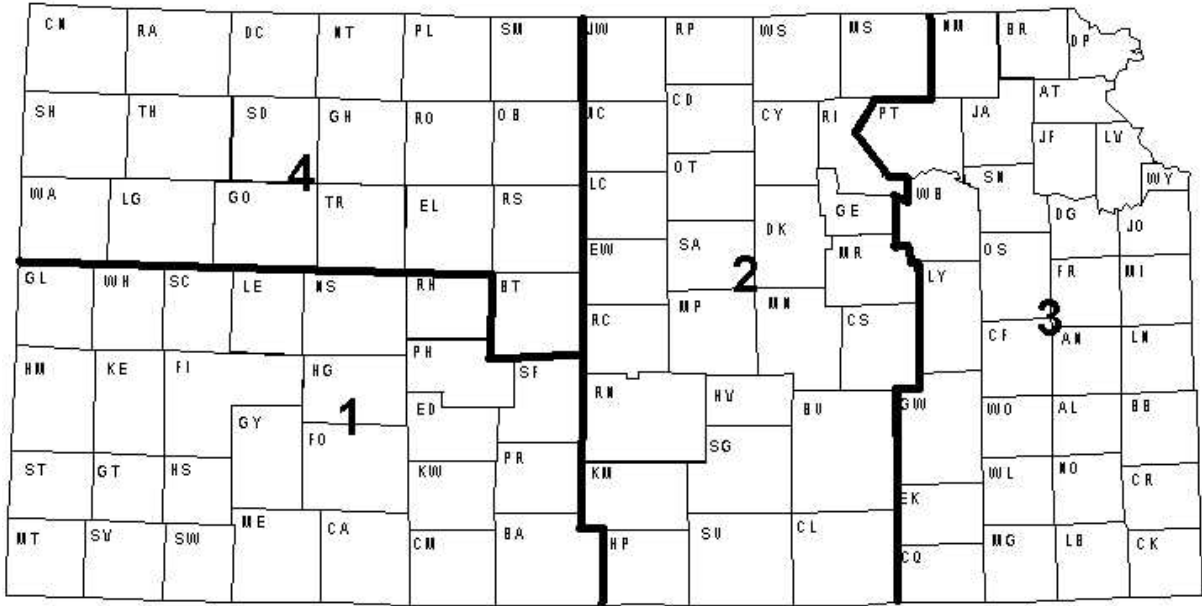
OSHA Area Office for Kansas	Complaints	(800) 362-2896
	Emergency	(800) 321-OSHA

KDHE DISTRICT OFFICES – ENVIRONMENT



DISTRICT	PHONE and FAX	ADDRESS
<p>1 <u>SOUTHWEST DISTRICT OFFICE</u> WADE KLEVEN, Administrator TYREL WEHNER, Geo Specialist KEVIN FAUROT, Env Comp/Reg Spc</p>	<p>SWDO <u>(620) 682-7940</u> FAX (620) 225-3731</p>	<p>302 W. McArtor Road., Dodge City 67801</p>
<p>2 <u>SOUTH CENTRAL DISTRICT OFFICE</u> ALLISON HERRING, Administrator MEER HUSAIN, Prof. Geologist STANLEY MARCOTTE, Env. Comp/Reg Spc VINCENT RESSEL, Env. Comp/Reg Spc</p>	<p>SCDO <u>(316) 337-6020</u> FAX (316) 337-6055</p>	<p>300 W. Douglas, Suite 700, Wichita KS 67202</p>
<p>3 <u>SOUTHEAST DISTRICT OFFICE</u> DOUG COLE, Administrator RENEE BROWN, Env. Comp/Reg Spc TRENT CHRIESTENSON, Geology Spc</p>	<p>SEDO <u>(620) 431-2390</u> FAX (620) 431-1211</p>	<p>308 W. 14th Street, Chanute, KS 66720</p>
<p>4 <u>NORTHEAST DISTRICT OFFICE</u> JAIME WILSON, Administrator NATHAN LUNA, Env. Comp/Reg Spc MEREDITH ROTH, Env. Comp/Reg Spc</p>	<p>NEDO <u>(785) 842-4600</u> FAX (785) 842-3537</p>	<p>800 W. 24th Street, Lawrence, KS 66046</p>
<p>5 <u>NORTH CENTRAL DISTRICT OFFICE</u> JENNIFER NICHOLS, Administrator MARK VISHNEFSKE, Prof. Geologist JAVIL HANSEN, Geology Assoc.</p>	<p>NCDO <u>(785) 827-9639</u> FAX (785) 559-4330</p>	<p>3040 Enterprise Dr., Salina, KS 67401</p>
<p>6 <u>NORTHWEST DISTRICT OFFICE</u> DAN WELLS, Administrator BILL HEIMANN, Prof. Geologist</p>	<p>NWDO <u>(785) 261-6100</u> FAX (785) 625-4005</p>	<p>2301 East 13th, Hays, KS 67601</p>
<p><u>SURFACE MINING SECTION</u> MARLENE SPENCE</p>	<p>SMS <u>(620) 231-8540</u> FAX (620) 231-0753</p>	<p>4033 Parkview Drive, Frontenac, KS 66763</p>

KANSAS CORPORATION COMMISSION DISTRICT OFFICES



District # 1 (620) 682-7399
 210 E. Frontview, Ste A
 Dodge City, KS 67801

District # 2 (316) 337-7400
 3450 N. Rock Rd, Bldg 600, Ste 601
 Wichita, KS 67226

Fax (316) 630-4005

District # 3 (620) 902-6450
 137 E. 21st Street
 Chanute, KS 66720

District # 4 (785) 261-6250
 2301 E. 13th Street
 Hays, KS 67601

Fax (785) 625-0564

Conservation Office (316) 337-6200
 266 N. Main St, Ste 220
 Wichita, KS 67202

Fax (316) 337-6211

K. A. R. 28-48. – SPILL REPORTING

28-48-1. **Definitions.** The following words and phrases when used in these regulations have the meanings respectively ascribed to them in this section.

(a) "Owner" means individual, partnership, firm, trust, company, association, corporation, institution, political subdivision or agency which is financially responsible for the material or facility.

(b) "Person responsible" means person or organization which has been placed in control of the material or facility by the owner.

(c) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)

28-48-2. **Action required.** All sewage, substances, materials, or wastes, as set forth in 65-171d, regardless of phase or physical state, which are, or threaten to contaminate or alter any of the properties of the waters of the state or pollute the soil in a detrimental, harmful, or injurious manner or create a nuisance, shall be reported in the following manner:

(a) The owner or person responsible for the discharge or escape of materials detrimental to the quality of waters of the state or pollution of the soil under conditions other than provided by a valid permit issued by the secretary of health and environment, shall report the discharge or escape to the Kansas department of health and environment.

(b) Emergency or accidental discharge of materials which are detrimental to the quality of waters of the state or tend to cause pollution of the soil shall be immediately reported to the Kansas department of health and environment by the owner, owner's representatives, or person responsible. In the event the pollution causing material is in transit or in storage within the state, the owner, carrier, or person responsible for storage shall be responsible for immediate notification to the Kansas department of health and environment that the pollutant will gain admittance to the waters of the state or the soil. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)

K. S. A. 65-171v – CLEANUP OPERATIONS

Chapter 65. --PUBLIC HEALTH

Article 1. --SECRETARY OF HEALTH AND ENVIRONMENT, ACTIVITIES

65-171v. Cleanup operations for water or soil pollutants; duties of secretary; recovery of costs by attorney general and disposition thereof.

(a) As used in this section:

- (1) "Cleanup" means all actions necessary to contain, collect, control, identify, analyze, treat, disperse, remove or dispose of a pollutant necessary to restore the environment to the extent practicable and minimize the harmful effects from the release;
- (2) "cleanup costs" means all costs incurred by the state during a cleanup of a release of a pollutant, including costs necessary for regulator oversight of the cleanup;
- (3) "emergency" means any release that poses an imminent risk to public health or the environment;
- (4) "person" means any individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency;
- (5) "pollutant" means any substance that alters the natural physical, chemical or biological properties of any waters or soils of the state so as to render such waters or soils harmful, detrimental or injurious to public health, or to the plant, animal or aquatic life of the state or to other designated uses. "Pollutant" does not include any animal or crop waste or manure on an agricultural operation or in an agricultural facility; and
- (6) "release" means any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, escape or dumping of a pollutant into or onto the waters or soil of the state, except when done in compliance with the conditions of a federal or state permit or in accordance with the product label or as part of normal agricultural activities.

(b) For the purpose of preventing water and soil pollution detrimental to public health or the environment, the secretary of health and environment shall:

- (1) Adopt rules and regulations that, in the secretary's judgment, are necessary to respond to and report the release of a pollutant;
- (2) designate a 24-hour statewide telephone number whereby the notice of any release of a pollutant may be made;
- (3) provide minimum reportable quantities;
- (4) order a person responsible for the release of a pollutant to perform a cleanup of the release; and
- (5) take necessary action to perform a cleanup of a release if the person responsible for the release cannot be identified within a reasonable period of time.

(c) The secretary may:

- (1) Provide technical guidance, oversight and assistance to other state agencies, political subdivisions of the state and other persons for the cleanup of and response to the release of a pollutant;
- (2) take necessary action to perform a cleanup of a release of a pollutant if a person responsible for the release fails to take reasonable actions required by the secretary to perform a cleanup of the release; and
- (3) perform a cleanup of a release of a pollutant if the release poses an emergency.

(d) (1) Whenever a pollutant is released intentionally, accidentally or inadvertently, the person responsible for the release shall be responsible for the cleanup of the release.

(2) The person responsible for the release of any pollutant, regardless of phase or physical state, shall give notice to the department of health and environment when the release exceeds reportable quantities.

(3) The person responsible for the release shall be responsible for repayment of the cleanup costs incurred by the department upon reasonably detailed notice by the secretary or the secretary's designee. If the responsible party fails to submit payment for costs of the cleanup operations promptly after giving notice, repayment costs shall be recoverable in an action brought by the attorney general in the district court of the county where such costs were incurred.

(e) (1) Upon a finding that a person has violated any provision of this section or rules and regulations or orders adopted hereunder, the secretary may impose a penalty not to exceed \$5,000. In the case of a continuing violation, the maximum penalty shall not exceed \$15,000.

(2) Any moneys recovered under this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency response activities account in the natural resources damages trust fund established pursuant to K.S.A. 75-5672(f), and amendments thereto.

(3) No penalty shall be imposed except after notice of the violation and an opportunity for a hearing upon the written order of the secretary issued to the person who committed the violation. The order shall state the violation, the penalty to be imposed and the right to request a hearing. The request for a hearing shall be in writing, directed to the secretary and filed with the secretary within 15 calendar days after service of such order. Hearings under this subsection shall be conducted in accordance with the Kansas administrative procedure act.

History: L. 1979, ch. 269, § 2; L. 2001, ch. 5, § 213; July 1; L. 2021, ch. 32, § 1; July 1.

DISCLAIMER

The above regulations represent an electronic facsimile of Kansas Administrative Regulations, promulgated by the Kansas Department of Health and Environment and published by the Kansas Secretary of State. These rules are taken from electronic copies of the printed state regulations that serve as the agency's official rules and regulations. The excerpt portion of KSA 65-171D has been included in this document for informational purposes. This statute provides the basis for the regulations. The printed regulations represent the final word in matters of interpretation.

The KDHE Office of Public Information has appended copies of the *Kansas State Register* publication of new or amended, permanent KDHE regulations to the appropriate chapter. Those amendments are noted on the cover sheet for each chapter. In the interest of saving space, some chapters have been grouped together. Nothing contained herein should be construed as legal advice by KDHE. If you are not an attorney, you should secure competent counsel to interpret the regulations and advise you.

While every effort has been made to assure the accuracy, these electronic copies do not represent the official regulations of the state. The official regulations are the bound copies printed by the Secretary of State