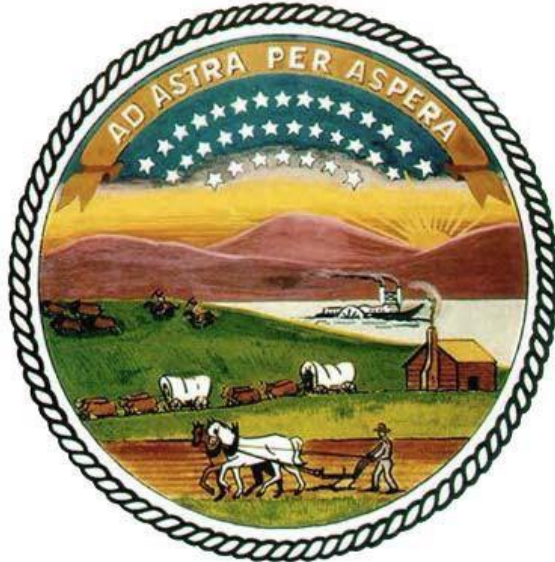


# KANSAS SPILL NOTIFICATION



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

October 15, 2024

[www.kdhe.ks.gov/420/Spill-Reporting](http://www.kdhe.ks.gov/420/Spill-Reporting)



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	10
DISCLAIMER	11

## **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 <https://www.epa.gov/epcra/consolidated-list-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 EMERGENCY 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 - 24Hr 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 Reg 7 Spill Line (913) 281-0991

### **Kansas Highway Patrol**

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

### **Kansas Bureau of Investigation**

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

## **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 (800) 222-1222  
TDD / TTY 711 or (800) 766-3777

## **WILDLIFE AND FISH KILLS**

**KDHE Fish Kill Notification in public waters** (see District List Page 6)  
(After Business Hours) (785) 296-1679

**Kansas Department of Wildlife, Parks & Tourism**  
Pratt – Operations Office (620) 672-5911  
Topeka – Administration Office (785) 296-2281  
Operation Game Thief (877) 426-3843

**U.S. Fish & Wildlife Service** (785) 539-3474

## **AGRICULTURAL RELATED SPILLS**

**Pesticides and Fertilizer Spills**  
Notify Spill Line (24 hours / 7 days a 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 (see District List Page 6)  
(After Business Hours) (785) 296-1679

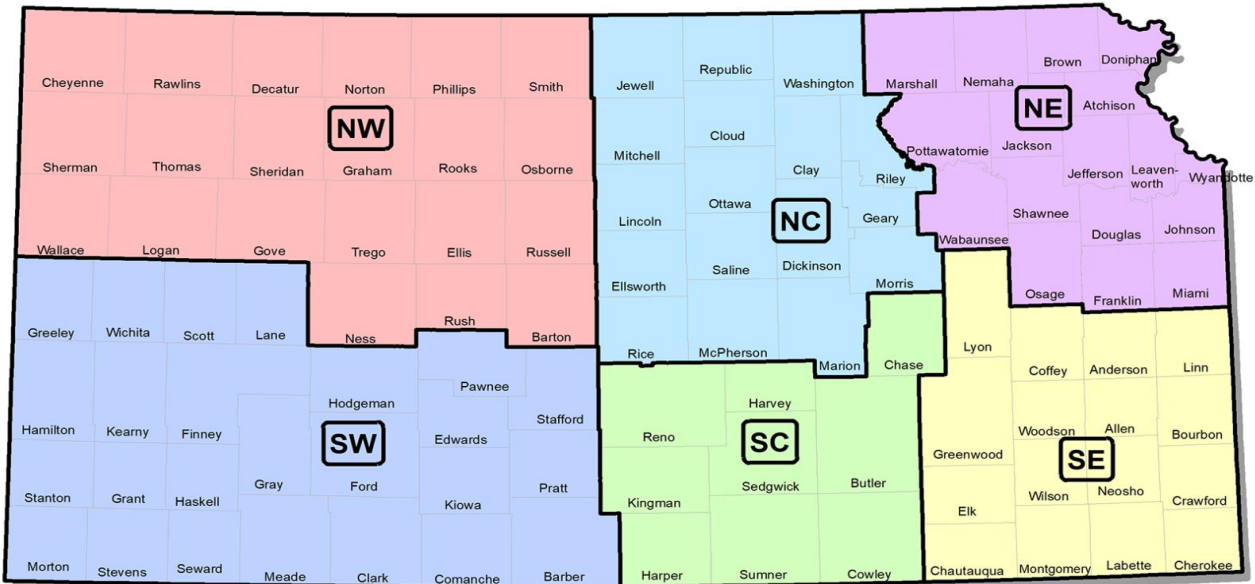
## **FOOD SAFETY**

**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 (800) 915-6163  
(press “1” during the message when calling the emergency number)

## **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



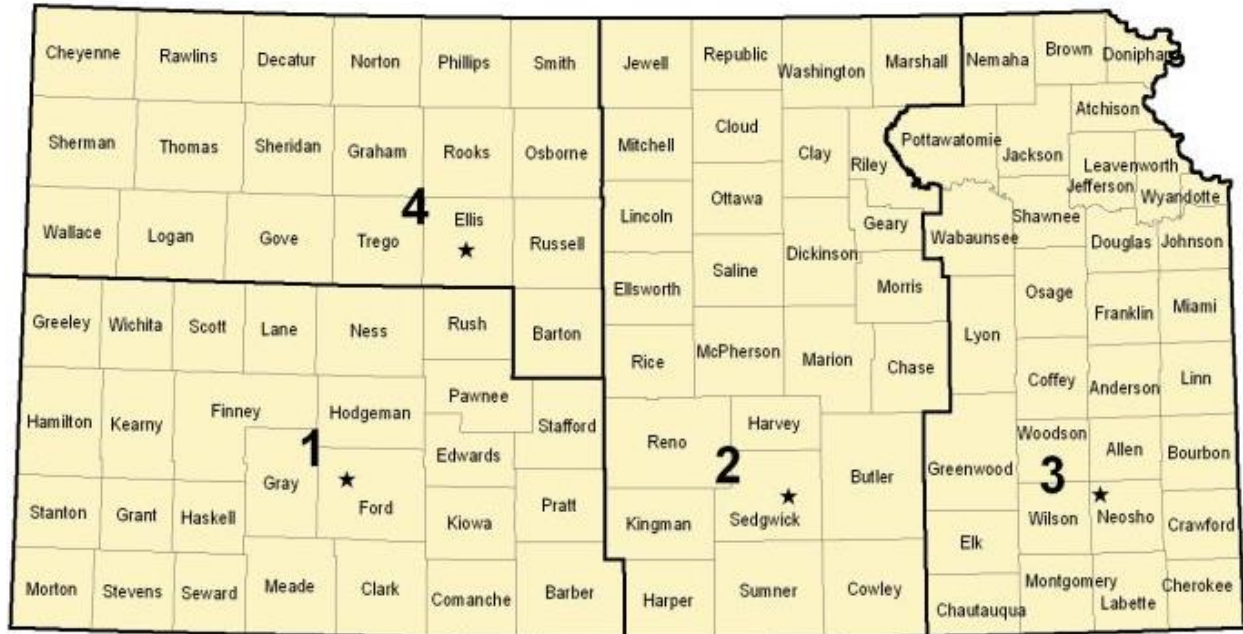
### District Office Contacts - <https://www.kdhe.ks.gov/288/District-Offices>

<b>Northcentral District</b> 3040 Enterprise Dr Salina, KS 67401	(785) 827-9639 (785) 559-4330 Fax	KDHE.NCDORemediation@ks.gov
<b>Northeast District</b> 800 W 24 <sup>th</sup> St Lawrence, KS 66046	(785) 842-4600 (785) 842-3537 Fax	KDHE.NEDORemediation@ks.gov
<b>Northwest District</b> 2301 East 13 <sup>th</sup> St Hays, KS 67601	(785) 261-6100 (785) 625-4005 Fax	KDHE.NWDORemediation@ks.gov
<b>Southcentral District</b> 300 W Douglas, Suite 700 Wichita, KS 67202	(316) 337-6020 (316) 337-6055 Fax	KDHE.SCDORemediation@ks.gov
<b>Southeast District</b> 308 W 14 <sup>th</sup> St Chanute, KS 66720	(620) 431-2390 (620) 431-1211 Fax	KDHE.SEDORemediation@ks.gov
<b>Southwest District</b> 302 W McArtor Rd Dodge City, KS 67801	(620) 682-7940 (620) 225-3731 Fax	KDHE.SWDORemediation@ks.gov

### Surface Mining Contacts - <https://www.kdhe.ks.gov/directory.aspx?did=84>

<b>Surface Mining Section</b> 4033 Parkview Dr Frontenac, KS 66763	(620) 231-8540 (620) 231-0753 Fax	KDHE.BER.SMU@ks.gov
--------------------------------------------------------------------------	--------------------------------------	---------------------

## KANSAS CORPORTION COMMISSION DISTRICT OFFICES



District #1	210 E Frontview Rd Ste A Dodge City, KS 67801	(620) 682-7399
District #2	3450 N Rock Rd Bldg 600 Ste 601 Wichita, KS 67226	(316) 337-7400 (316) 630-4005 Fax
District #3	137 E 21 <sup>st</sup> St Chanute, KS 66720	(620) 902 6450
District #4	2301 E 13 <sup>th</sup> St Hays, KS 67601	(785) 261-6250 (785) 625-0564 Fax
Conservation Office	266 N Main, Ste 220 Wichita, KS 67202	(316) 337-6200 (316) 337-6211 Fax

**K.A.R. 28-48-1. Definitions.** In addition to the terms defined in K.S.A. 65-171v and amendments thereto, each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Department" means Kansas department of health and environment.

(b) "Discovery" means the act of finding a release or acquiring knowledge that a release has occurred.

(c) "Person responsible for the release" means either or both of the following:

(1) The person producing, handling, storing, transporting, refining, disposing of, or otherwise in control of a pollutant when the release of that pollutant occurred; or

(2) the person who owns or owned the property upon which the release occurred at the time the release occurred, if that person leased the property to the person meeting the criteria of paragraph (c)(1) at the time of the release.

(d) "Secretary" means secretary of the Kansas department of health and environment.

(e) "24-hour spill reporting telephone number" means the telephone number, designated by the department pursuant to K.S.A. 65-171v and amendments thereto, to call to notify the department of a release.

(f) "Waters of the state" has the meaning specified in K.S.A. 65-161, and amendments thereto. (Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective May 1, 1986; amended April 5, 2024.)

**28-48-2. Action required.** (a) For each release that is required to be reported as specified in K.A.R. 28-48-3, unless the discovery occurs as the result of an environmental investigation, the person responsible for the release shall conduct the following:

(1) Immediate action. As soon as the discovery occurs, the person responsible for the release shall:

(A) Take immediate action to accomplish the following:

(i) Protect human life and public safety;

(ii) notify local emergency responders;

(iii) stop and contain the release; and

(iv) prevent any additional release; and

(B) cooperate fully with representatives of the department and local emergency responders during the release response.

(2) Reporting and notifications. The person responsible for the release shall conduct the following:

(A) As soon as practicable after the discovery of the release, after the actions specified in paragraph (a)(1)(A) have been initiated, report the release to the department by calling the 24-hour spill reporting telephone number or by using another method specified by the department.

(B) Not later than five days after the discovery of the release, make reasonable attempts to ensure that the following are notified of the release:

(i) The owner and each tenant of the property upon which the release occurred; and

(ii) the owner and each tenant of each property onto which the release migrated.

(3) Clean up and restoration. The person responsible for the release shall conduct the following:

(A) Perform a cleanup that is determined by the secretary to be protective of human health and safety and the environment; and

(B) restore each property onto which the release migrated to a condition that is determined by the secretary to be as close as reasonably possible to the condition of the property before the release.

(b) If the discovery occurs as the result of an environmental investigation of a property, the person who owns the property at the time of the discovery shall:

(1) Not later than fourteen days after the discovery, make reasonable attempts to ensure that each tenant of the property upon which the release occurred is notified of the release; and

(2) report the discovery to the department in writing within 30 days of the discovery.

(c) Any person with knowledge of a release not specifically provided for in this regulation may report the release to the department by calling the 24-hour spill reporting telephone number or



by using another method specified by the department. (Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective May 1, 1986; amended April 5, 2024.)

**28-48-3. Reportable quantities.** Each release shall be reported to the department, as specified in K.A.R. 28-48-2 in accordance with the following criteria:

(a) The person responsible for the release shall report the release to the department if any of the following conditions are met:

(1) The release, regardless of quantity, occurred in any waters of the state;

(2) the release occurred on soil and the quantity of released pollutant meets or exceeds any of the following reportable quantities:

(A) Any quantity identified in either table 302.4 or appendix B of 40 C.F.R. 302.4, as adopted by reference in K.A.R. 28-48-4. The reporting requirement shall be determined in accordance with the criteria specified in 40 C.F.R. 302.6(b) through (d), as adopted by reference in K.A.R. 28-48-4;

(B) 100 pounds of a pollutant that meets all of the following criteria:

(i) The pollutant is not identified in table 302.4 or appendix B of 40 C.F.R. 302.4;

(ii) the pollutant is a hazardous waste as specified in 40 C.F.R. 261, as adopted by reference in K.A.R. 28-31-261. For the purposes of this regulation, a released pollutant is considered a waste, regardless of any potential for beneficial use; and

(iii) the pollutant exhibits the characteristic of ignitability, corrosivity, reactivity, or toxicity, or any combination of these characteristics, according to the criteria specified in 40 C.F.R. 261.21 through 261.24;

(C) **25 gallons of oil**, unless the oil was released during the exploration and production of petroleum and is required to be reported to the Kansas corporation commission, as specified in K.A.R. 82-3-603 through K.A.R. 82-3-608. For the purposes of this regulation, “oil” shall mean a nonpolar chemical substance that is hydrophobic and lipophilic, including the following:

(i) Naturally formed petroleum hydrocarbons, regardless of specific gravity;

(ii) refined petroleum products, including fuel;

(iii) mineral oil;

(iv) electrical insulating oil;

(v) animal fat; and

(vi) vegetable oil, including oil derived from plant seeds, nuts, kernels or fruits.

(D) **420 gallons of brine**. For the purposes of this regulation, “brine” shall mean a solution of water and dissolved solids with a concentration of chlorides or sulfates of 3,000 parts per million or more;

(E) **1,000 pounds of dry fertilizer**, as defined in K.A.R. 4-4-900; or

(F) **100 gallons of liquid fertilizer**, as defined in K.A.R. 4-4-900; or

(3) two or more releases that occur on the same property within 90 calendar days and the cumulative amount of the pollutant released meets or exceeds any of the reportable quantities specified in paragraph (a)(2).

(b) If the discovery of one or more pollutants, in any quantity, occurs as the result of an environmental investigation of a property, the person who owns the property at the time of the discovery shall report the release to the department. (Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective April 5, 2024.)

**28-48-4. Adoption of certain reportable quantities.** For the purposes of K.A.R. 28-48-3, the following are hereby adopted by reference:

(a) The following portions of 40 C.F.R. 302.4, as in effect on July 1, 2021, and as amended by 87 fed. reg. 20725-20761 (2022):

(1) Table 302.4; and

(2) appendix B.

(b) 40 C.F.R. 302.6(b) through (d), as in effect on July 1, 2021. (Authorized by and implementing K.S.A. 2023 Supp. 65-171v; effective April 5, 2024.)

**65-171v. Responsibility of cleanup operations for water or soil pollutants; definitions; duties of secretary; recovery of costs by attorney general and disposition thereof; penalties.** (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; 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.