

# Aquaculture, Aquaponic & Hydroponic Licensing Guide

The Kansas Department of Agriculture (KDA) is devoted to the total support of agriculture in Kansas. While we must fulfill our statutory obligations, the department is dedicated to providing support and assistance to make Kansas farms, ranches and agribusinesses successful and help them grow if that is their desire. We also encourage more farms, ranches and other agriculture businesses to expand in or relocate to Kansas. This checklist will help guide you through various resources and requirements for opening and operating a typical Kansas aquaculture, aquaponic or hydroponic operation. In addition to license requirements by KDA, other Kansas agencies, as well as local or federal government agencies, may have regulatory requirements to follow. Contact your local planning authority to ensure you follow all local business development laws, rules, regulations and guidelines. This guide is designed to assist you as you work to build and operate a successful aquaculture, aquaponic or hydroponic operation in Kansas.

✓	Department	Description	Renewal
	Office of the Secretary of State <a href="https://sos.ks.gov/">https://sos.ks.gov/</a>	Complete the appropriate business entity <a href="#">filings and forms</a> required by the Kansas Secretary of State. Call (785) 296-4564 for more information.	Prior to starting
	Department of Revenue <a href="http://www.ksrevenue.gov">www.ksrevenue.gov</a>	Visit the Department of Revenue website to find important <a href="#">business tax information</a> . Call 785-368-8222 for more information.	Prior to starting
	Department of Agriculture — Food Safety and Lodging <a href="http://www.agriculture.ks.gov">www.agriculture.ks.gov</a>	No license is required if fish from the facility are sold whole and on ice. If the fish will be cleaned or processed on-site, complete the <a href="#">Food Processing or Storage Application</a> . If a food processing license is required, a Hazard Analysis must be conducted to determine if a HACCP plan is also required. Aggregating produce from other producers or processing produce beyond washing in potable water will require a Food Processing or Storage Application. These types of businesses may also be subject to the Food Safety Modernization Act- <a href="#">Produce Safety Rule</a> . For more information, contact the <a href="#">Food Safety and Lodging Program</a> at (785) 564-6767 or <a href="mailto:KDA.FSL@ks.gov">KDA.FSL@ks.gov</a> .	Prior to selling product,  Annual renewal March 31
	Department of Agriculture — Weights and Measures <a href="http://www.agriculture.ks.gov">www.agriculture.ks.gov</a>	No license is needed from Weights and Measures. Any business with a weighing or measuring device (e.g. scales, fertilizer meters, oil meters, measuring tapes, electric car chargers, taxi meters, etc.) must hire a <a href="#">licensed service company</a> to inspect and test devices once annually, and any time additional maintenance, repairs, adjustments and calibrations are made throughout the year if the devices are used to determine the cost of any transaction.  Examples include scales at grocery stores, yogurt shops, restaurants, hardware stores, nurseries, seed dealers, etc. Examples of meters include meters used at a car service center to add oil to your engine, fertilizer meters at agronomy centers, water meters in grocery stores for sale of bottled water, etc. For more information, visit the <a href="#">Weights and Measures Program</a> webpage or call (785) 564-6681.	Annual service
	Department of Agriculture — Plant Protection and Weed Control <a href="http://www.agriculture.ks.gov">www.agriculture.ks.gov</a>	Any entity or person that grows, buys or obtains live plants for sale or distribution, establishes or moves live plants within Kansas to establish such live plants for others for compensation (such as landscapers), or who gives live plants as a premium or for advertising purposes must complete the <a href="#">Kansas Live Plant Dealer License</a> application. Fruits and vegetables grown for food are exempt from the license requirement. Those who sell less than \$10,000 and are not involved in import or export of plants outside of Kansas may request a license exemption, but still must complete the Kansas Live Plant Dealer License application; they will remain subject to state inspection regardless of size or sales amount. For more information, visit the <a href="#">Live Plant Dealer</a> webpage or call (785) 564-6698.  To export live plants outside of Kansas, it will likely be necessary to obtain a Live Plant Certificate of Inspection or other certification. Complete a <a href="#">Request for Export Inspection</a> . For more information, consult the Licensing, Inspections and Certifications webpages or call (785) 564-6698. Renewal of the certificate of inspection is only required if exporting plants during the next certification period.	Prior to opening  —  Prior to exporting, October 1 renewal

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	Department of Agriculture — Pesticide and Fertilizer  <a href="http://www.agriculture.ks.gov">www.agriculture.ks.gov</a>	Any person or business that applies restricted use pesticides or applies pesticides on the property of another person is required to become licensed as a pesticide business by completing the <a href="#">Pesticide Business License</a> application.  For more information, contact the <a href="#">Pesticide and Fertilizer Program</a> webpage or call (785) 564-6688.	Prior to applying pesticide
	Department of Agriculture — Division of Water Resources  <a href="http://www.agriculture.ks.gov">www.agriculture.ks.gov</a>	The state of Kansas requires a permit to appropriate water if used for industrial water purposes, including aquaculture, aquaponic and hydroponic operations, unless water is obtained from a rural or municipal water source. Review the <a href="#">Kansas Water Law Basics</a> .  Complete the appropriate <a href="#">Water Appropriation Forms</a> . For more information on water use, visit the <a href="#">Division of Water Resources</a> webpage or call (785) 564-6640.	Yearly report of water use, March 1
	Department of Health and Environment — Bureau of Waste Management  <a href="http://www.kdheks.gov">www.kdheks.gov</a>	Facilities producing specialized organic waste may compost or apply this material to the land. Composting facilities less than one-half acre must <a href="#">register</a> with the Kansas Department of Health and Environment (KDHE) and facilities greater than one-half acre must obtain a <a href="#">permit</a> . An <a href="#">application for approval</a> must also be obtained to apply organic waste to land. For more information, review the <a href="#">KDHE Solid Waste</a> webpage or call (785) 296-2751.	Prior to composting or land application
	Department of Health and Environment — Bureau of Water, Industrial Program Section  <a href="http://www.kdheks.gov">www.kdheks.gov</a>	An <a href="#">NPDES Construction Stormwater Permit</a> is required only if one or more acres are disturbed during construction. The permit is required prior to the start of soil disturbing activities (construction). For more information, visit the <a href="#">KDHE Industrial Programs</a> website or call (785) 296-5549 for more information.	Prior to construction
	Department of Health and Environment — Bureau of Water, Municipal Program Section  <a href="http://www.kdheks.gov">www.kdheks.gov</a> <a href="http://kslepp.org">kslepp.org</a>	If the facility will employ an on-site wastewater treatment system for human wastewater rather than utilize a municipal sanitary sewer for handling and disposal of sewage from the facility, contact the <a href="#">KDHE Municipal Program Section</a> at (785) 296-5527 for construction and permitting requirements.	Prior to construction
	Department of Health and Environment — Bureau of Water, Public Water Supply and Geology & Well Technology Section  <a href="http://www.kdheks.gov">www.kdheks.gov</a>	If the facility will not utilize a municipal public water supply or rural water supply as the source of drinking water and the facility will serve 25 people or more per day, 60 or more days per year, it will be considered a public water supply subject to state/federal drinking water requirements. Contact the <a href="#">KDHE Public Water Supply Section</a> at (785) 296-5514.  Water wells shall be constructed by Kansas-licensed water well contractors. There are special construction requirements for water wells serving public water supplies. For more information, contact the <a href="#">KDHE Geology &amp; Well Technology Section</a> at (785) 296-3565.	Prior to construction
	Department of Health and Environment, Bureau of Environmental Remediation, Storage Tank Section  <a href="http://www.kdheks.gov">www.kdheks.gov</a>	Entities operating their own fuel tanks may be required to register with the Kansas Department of Health and Environment (KDHE). Review information about aboveground storage tanks (AST) and underground storage tanks (UST). Review the <a href="#">KDHE Storage Tank Section</a> website for further information, or call (785) 296-1678 for permitting information. The <a href="#">Kansas Small Business Environmental Assistance Program</a> (SBEAP) has AST program highlights and registration requirements in addition to assistance with UST inventory control.	Prior to installing tanks,  Annual renewal August 1

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	Kansas Department of Wildlife and Parks (KDWP) <a href="http://www.ksoutdoors.com">www.ksoutdoors.com</a>	Aquaculture and aquaponics operations should be aware of the <a href="#">prohibited species list</a> . Aquaculture facilities planning on selling bait fish must apply to become a <a href="#">certified bait dealer</a> and comply with bait fish import regulations. For more information, contact KDWP's aquatic nuisance species coordinator at <a href="tel:(620)342-0658">(620) 342-0658</a>	Prior to obtaining fish
	Department of Health and Environment — Bureau of Air <a href="http://www.kdheks.gov">www.kdheks.gov</a>	<a href="#">Gasoline dispensing facilities</a> are subject to federal air regulation. A <a href="#">guidance document</a> is available to assist in determining regulatory requirements. Refer to the <a href="#">Standard Construction Permit/Approval for Gasoline Dispensing Facilities</a> if applicable. For more information, review the <a href="#">KDHE Bureau of Air</a> website or call (785) 296-6024.	Prior to dispensing fuel
	Office of the State Fire Marshal (OSFM) <a href="mailto:prevention@ks.gov">prevention@ks.gov</a> <a href="http://firemarshal.ks.gov">firemarshal.ks.gov</a>	The <a href="#">Office of the State Fire Marshal</a> may need to approve the building for Life Safety Compliance. To determine all requirements, call (785) 296-3401 and ask for the Prevention Division. Located at any community college, area vocational school, vocational- technical school, technical college, or any institution under the governance of the state board of regents	Prior to starting

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Website: <http://agriculture.ks.gov>

*This guide is for informational purposes only. It is not intended to be an exhaustive list of requirements for operating a Kansas agribusiness entity. Please contact the appropriate agencies or organizations for specific requirements applicable to your business.*