

Kansas Administrative Regulations

Department of Health and Environment

Article 65.—Emergency Planning and Right-to-Know

28-65-2. Definitions.

As used in this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Commission" has the meaning specified in K.S.A. 65-5702, and amendments thereto.

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

(c) "Extremely hazardous substance" means a substance listed in the appendices to 40 C.F.R. Part 355, emergency planning and notification, dated July 1, 2018 or on the list of Kansas reportable chemicals authorized by K.S.A. 65-5704, and amendments thereto.

(d) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person, or by any person who controls, is controlled by, or is under common control with, that person. For purposes of emergency release notification, the term shall include motor vehicles, rolling stock, and aircraft. For the purposes of toxic release reporting, any facility may contain more than one establishment, as defined in 40 C.F.R. 372.3, which is adopted in K.A.R. 28-65-1.

(e) "Federal act" has the meaning specified in K.S.A. 65-5702, and amendments thereto.

(f) "Kansas tier II form" and "tier II form" mean the hazardous chemical inventory form developed by the department.

(g) "Kansas tier II software" means the computer software developed for the department to allow an owner or operator of a facility to file the Kansas tier II form by electronic submission.

(h) "Material safety data sheets," "MSDS," "safety data sheets," and "SDS" mean reporting sheets required under the occupational safety and health act, 29 U.S.C. 651 et seq., as amended, and 29 C.F.R. 1910.1200.

(i) "Operator" means the owner or owner's designee who is director of a business, service, or industrial concern and conducts the affairs or manages an activity.

(j) "Owner" means proprietor or the person in whom is vested ownership, dominion, possession, or title of property.

(Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993; amended Nov. 28, 1994; amended June 4, 1999; amended March 26, 2021.)

***** Authenticated Kansas Administrative Regulation *****