

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-124. Procedures for permitting; adoption and modification of federal regulations.

(a) Adoption. The provisions of 40 CFR 124.10 through 124.17 and 40 CFR part 124, subparts B and G, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

- (1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;
- (2) the exclusions from adoption listed in subsection (b); and
- (3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR 124.12 through 124.17 and 40 CFR part 124, subpart G shall be excluded from adoption:

- (1) 40 CFR 124.12(b);
- (2) 40 CFR 124.16(b)(2);
- (3) 40 CFR 124.17(b);
- (4) 40 CFR 124.204(d)(1), (4) through (7), and (9); and
- (5) 40 CFR 124.205(a), (c), and (i) through (l).

(c) Modifications. The following modifications shall be made to 40 CFR 124.11 through 124.17 and 40 CFR part 124, subparts B and G:

- (1) Each occurrence of the term "decision-making" shall be replaced with "permitting."
- (2) Each parenthetical statement starting with "Applicable to State programs" shall be deleted.
- (3) In 40 CFR 124.11, the text "or the permit application for 404 permits when no draft permit is required (see § 233.39)" shall be deleted.
- (4) In 40 CFR 124.12(a)(3), the phrase "For RCRA permits only," shall be deleted.

(5) In 40 CFR 124.13, the term "EPA documents" shall be replaced with "EPA or department documents."

(6) The first sentence of 40 CFR 124.14(a)(4) shall be deleted.

(7) In 40 CFR 124.14(b)(2), the phrase "a revised statement of basis under § 124.7," shall be deleted.

(8) The following text shall be added to the end of 40 CFR 124.15(b)(2): "by a person who filed comments on the draft permit or participated in the public hearing through written or oral comments. Stays of contested permit conditions are subject to § 124.16."

(9) In 40 CFR 124.16(a)(1), the following text shall be deleted:

(A) "(No stay of a PSD permit is available under this section.);";

(B) "or new injection well, new source, new discharger or a recommencing discharger"; and

(C) ", injection well, source or discharger pending final agency action. See also § 124.60."

(10) In 40 CFR 124.16(a)(2)(i), the following text shall be deleted:

(A) ", injection wells, and sources"; and

(B) ", injection well, or source."

(11) In 40 CFR 124.16(a)(2)(ii), the following text shall be deleted:

(A) "[R]eceiving notification from the EAB of";

(B) "the EAB,"; and

(C) "[f]or NPDES permits only, the notice shall comply with the requirements of § 124.60(b)."

(12) In 40 CFR 124.16(b), the text "and he or she has accepted each appeal" shall be deleted.

(13) In 40 CFR 124.17(a), the text "States are" shall be replaced with "The department is."

(14) In 40 CFR 124.17(a)(2), the phrase "or the permit application (for section 404 permits only)" shall be deleted.

(15) In 40 CFR 124.31(a), 124.32(a), and 124.33(a), the following sentence shall be deleted: "For the purposes of this section only, 'hazardous waste management units

over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271."

(16) In 40 CFR 124.204(d)(3), the sentence shall be replaced with "All subsections shall apply."

(17) In 40 CFR 124.205(d), the text "(b)," shall be deleted.

(18) In 40 CFR 124.208(e), the phrase "§ 124.12(b), (c), and (d)" shall be replaced with "§ 124.12(c) and (d)."

(Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3440; effective April 29, 2011.)

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