

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-6. Registration and insurance requirements for transporters of hazardous waste and used oil.

Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Applicability. This regulation shall apply to the following:

(1) Each person that transports hazardous waste and is subject to the requirements of K.A.R. 28-31-263a; and

(2) each person that transports used oil and is subject to the requirements of 40 CFR part 279, subpart E.

(b) Registration. Each transporter shall register with the secretary according to the following requirements:

(1) The transporter shall submit the registration application on forms provided by the department.

(2) The transporter shall obtain written acknowledgment from the secretary that registration is complete before transporting hazardous waste or used oil within, into, out of, or through Kansas.

(3) The transporter shall carry a copy of the written acknowledgment in all vehicles transporting hazardous waste or used oil and shall provide the written acknowledgment for review upon request.

(4) The transporter shall update the registration information if there is a change in that information. The transporter shall submit these changes on forms provided by the department within 60 days of the date of the change.

(c) Insurance requirements. Each transporter shall secure and maintain liability insurance on each of the transporter's vehicles transporting hazardous waste or used oil in Kansas.

(1) The limits of insurance shall not be less than \$1 million per person and \$1 million per occurrence for bodily injury or death and \$1 million for all damage to the property of others. When combined bodily injury or death and property damage coverage are provided, the total limits shall not be less than \$1 million.

(2) If any coverage is reduced or canceled, the transporter shall notify the secretary in writing at least 35 days before the effective date of the reduction or cancellation.

(3) The transporter shall, before the expiration date of the insurance policy, provide the secretary with proof of periodic renewal in the form of a certificate of insurance showing the monetary coverage and the expiration date.

(d) Denial or suspension of registration.

(1) Any application may be denied and any transporter's registration may be suspended if the secretary determines that one or more of the following apply:

(A) The transporter failed or continues to fail to comply with any of the following:

(i) Provisions of the air, water, or waste statutes relating to environmental protection or to the protection of public health or safety, including regulations issued by Kansas or by the federal government; or

(ii) any condition of any permit or order issued to the transporter by the secretary.

(B) Any state or territory or the District of Columbia has found that the applicant or transporter has violated that government's hazardous waste or used oil transporter laws or regulations.

(C) One or more of the following is a principal of another corporation that would not be eligible for registration:

(i) The transporter;

(ii) a person who holds an interest in the transporter;

(iii) a person who exercises total or partial control of the transporter; or

(iv) a person who is a principal of the parent corporation.

(2) Each notice of denial or suspension shall be issued in writing by the secretary and shall inform the applicant or transporter of the procedures for requesting a hearing pursuant to K.S.A. 65-3456a and amendments thereto.

(Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984;

amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987;
amended May 1, 1988; amended Feb.5, 1990; amended April 25, 1994; amended June
4, 1999; amended Sept. 20, 2002; amended April 29, 2011.)

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