

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-100e. Substitution of state terms for federal terms; engineer, environmental appeals board, EPA.

When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) Engineer. The following terms shall be replaced with "Kansas professional engineer":

- (1) "[G]eotechnical engineer";
- (2) "PE";
- (3) "professional engineer";
- (4) "qualified engineer";
- (5) "qualified Professional Engineer";
- (6) "qualified registered professional engineer";
- (7) "qualified, registered professional engineer"; and
- (8) "registered professional engineer."

(b) Environmental appeals board.

(1) The term "Environmental Appeals Board" shall be replaced with "secretary."

(2) The term "EPA's Environmental Appeals Board" shall be replaced with "the secretary."

(c) Environmental protection agency.

(1) The following terms shall be replaced with "department" or "the department" except as noted in paragraphs (2) through (6) of this subsection:

- (A) "Agency";
- (B) "applicable EPA Regional Office, Hazardous Waste Division";

- (C) "appropriate regional EPA office";
- (D) "[e]nvironmental Protection Agency";
- (E) "[e]nvironmental Protection Agency (EPA)";
- (F) "EPA";
- (G) "EPA Headquarters";
- (H) "EPA region";
- (I) "EPA region or authorized state";
- (J) "EPA regional office";
- (K) "regulatory agency";
- (L) "United States Environmental Protection Agency";
- (M) "United States Environmental Protection Agency (EPA)";
- (N) "U.S. Environmental Protection Agency"; and
- (O) "U.S. Environmental Protection Agency (EPA)."

(2) The terms listed in paragraph (1) of this subsection shall not be replaced with "the department" in the following instances:

- (A) Where the term is used in an address; and
- (B) where the term is part of an EPA document name or number.

(3) The term "Agency" shall not be replaced with "the department" when used as part of the following terms in the singular or plural:

- (A) "Agency of the Federal government";
- (B) "agency of the Federal or State government";
- (C) "[f]ederal Agency";
- (D) "oversight agency"; and
- (E) "[s]tate agency."

(4) The term "Environmental Protection Agency" shall not be replaced with "the department" when used as part of the term "Environmental Protection Agency identification number."

(5) The term "EPA" shall not be replaced with "the department" when used as part of the following terms in the singular or plural:

- (A) "EPA Acknowledgment of Consent";
- (B) "EPA Director of the Office of Solid Waste";

- (C) "EPA facility ID number";
- (D) "EPA Form";
- (E) "EPA guidance";
- (F) "EPA Hazardous Waste";
- (G) "EPA Hazardous Waste Code";
- (H) "EPA Hazardous Waste No.";
- (I) "EPA Hazardous Waste Number";
- (J) "EPA identification number";
- (K) "EPA Manual";
- (L) "EPA Publication";
- (M) "EPA Protocol";
- (N) "EPA standard method";
- (O) "EPA test method";
- (P) "EPA waste code"; and
- (Q) "U.S. EPA Identification Number."

(6) The terms listed in paragraph (c)(1) shall not be replaced with "the department" in the following locations:

- (A) 40 CFR part 124, in the following locations:
 - (i) 124.200; and
 - (ii) 124.207;
- (B) 40 CFR 260.10, in the following definitions:
 - (i) "Administrator";
 - (ii) "EPA hazardous waste number";
 - (iii) "EPA identification number";
 - (iv) "EPA region";
 - (v) "federal agency";
 - (vi) "regional administrator"; and
 - (vii) "replacement unit";
- (C) 40 CFR part 261, appendix I;
- (D) 40 CFR part 262, in the following locations:
 - (i) 40 CFR 262.21;

- (ii) 40 CFR 262.32(b); and
- (iii) 40 CFR part 262, subparts E, F, and H and the appendix;
- (E) 40 CFR part 264, in the following locations:
 - (i) In 40 CFR 264.151, where only the term "agency" shall not be replaced; and
 - (ii) in 40 CFR 264.1082(c)(4)(ii), the second occurrence of "EPA";
 - (F) in 40 CFR 265.1083(c)(4)(ii), the second occurrence of "EPA";
 - (G) 40 CFR part 266, appendix IX, sections 4 through 9, except that the first occurrence of the term "EPA" in section 8.0 shall be replaced with "the department";
 - (H) 40 CFR 267.143;
 - (I) 40 CFR part 268, in the following locations:
 - (i) 40 CFR 268.1(e)(3);
 - (ii) 40 CFR 268.2(j);
 - (iii) 40 CFR 268.5;
 - (iv) 40 CFR 268.7(e); and (v) 40 CFR 268.44;
 - (J) 40 CFR part 270, in the following locations:
 - (i) 40 CFR 270.2, in the definitions of "administrator," "application," "approved program or approved state," "director," "environmental protection agency (EPA)," "EPA," "final authorization," "interim authorization," "permit," "regional administrator," and "state/EPA agreement";
 - (ii) 40 CFR 270.5;
 - (iii) 40 CFR 270.10(e)(2);
 - (iv) 40 CFR 270.11(a)(3);
 - (v) 40 CFR 270.51(d);
 - (vi) 40 CFR 270.72(a)(5) and (b)(5); and
 - (vii) 40 CFR 270.225; and
 - (K) 40 CFR part 273, in the following locations: (i) 40 CFR 273.32(a)(3); and
 - (ii) 40 CFR 273.52.
- (d) EPA form 8700-12. The term "EPA Form 8700-12" shall be replaced with "KDHE form 8700-12."
- (e) EPA form 8700-13B. The term "EPA form 8700-13B" shall be replaced with "KDHE form 8700-13b."

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

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