

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-100r. Substitution of state terms for federal terms; RCRA.

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) General references to the RCRA program and subtitle C.

(1) The following terms shall be replaced with "Kansas hazardous waste program" or "the Kansas hazardous waste program" except as noted in paragraphs (2) and (3) and subsections (o) through (q):

- (A) "RCRA";
- (B) "RCRA hazardous waste";
- (C) "RCRA hazardous waste management";
- (D) "RCRA program";
- (E) "RCRA subtitle C";
- (F) "[r]esource Conservation and Recovery Act";
- (G) "[r]esource Conservation and Recovery Act as amended (RCRA)";
- (H) "[r]esource Conservation and Recovery Act of 1976 as amended";
- (I) "[s]ubtitle C";
- (J) "subtitle C of RCRA"; and
- (K) "subtitle C of the Resource Conservation and Recovery Act (RCRA)."

(2) The term "RCRA" shall not be replaced with "Kansas hazardous waste program" when used in the following terms, in the singular or plural:

- (A) "RCRA facility ID number";
- (B) "RCRA hazardous waste code";
- (C) "RCRA ID number";

- (D) "RCRA identification number";
- (E) "non-RCRA tank";
- (F) "RCRA/Superfund Hotline";
- (G) "RCRA waste code"; and
- (H) "RCRA Subtitle D."

(3) The terms listed in paragraph (1) of this subsection shall not be replaced with "Kansas hazardous waste program" when used in the following locations:

- (A) The parenthetical authority cited at the end of a section;
- (B) 40 CFR 260.10, in the definition of " 'act' or 'RCRA' ";
- (C) 40 CFR part 261, in the following locations:

- (i) 40 CFR 261.4(e)(2)(iv); and
- (ii) 40 CFR 261.38(c)(1)(ii);

(D) 40 CFR part 262, in the following locations:

- (i) Subpart H; and
- (ii) the appendix;

(E) 40 CFR part 266, in the following locations:

- (i) 40 CFR 266.202(d); and
- (ii) 40 CFR 266.210 and 266.240, where "RCRA hazardous waste" shall be replaced with "hazardous waste"; and

(F) 40 CFR 270.2, in the definition of "RCRA."

(b) References to specific sections, subsections, or paragraphs of RCRA.

(1) Section 3010. The following phrases shall be replaced with "K.A.R. 28-31-4":

- (A) "RCRA section 3010";
- (B) "section 3010 of RCRA";
- (C) "section 3010 of the Act"; and
- (D) "section 3010(a) of RCRA."

(2) Section 7003. The following terms shall be replaced with "K.S.A. 65-3443 and 65-3445":

- (A) "[S]ection 7003"; and
- (B) "section 7003 of RCRA."

(c) References to RCRA and subtitle C facilities and disposal units.

(1) The term "RCRA hazardous waste land disposal unit" shall be replaced with "Kansas hazardous waste land disposal unit."

(2) The term "RCRA hazardous waste management facility" shall be replaced with "Kansas hazardous waste management facility."

(3) The term "Subtitle C landfill cell" shall be replaced with "Kansas hazardous waste landfill cell."

(4) The term "Subtitle C monofill" shall be replaced with "Kansas hazardous waste monofill."

(d) References to permits. The following substitutions shall apply in the singular and plural:

(1) The following phrases shall be replaced with "Kansas hazardous waste facility permit" except as noted in paragraph (d)(2):

(A) "Permit issued under section 3005 of this act";

(B) "permit under RCRA 3005(c)";

(C) "permit under RCRA section 3005(c)";

(D) "permit under section 3005 of this act";

(E) "RCRA hazardous waste permit";

(F) "RCRA operating permit";

(G) "RCRA permit";

(H) "RCRA permit under RCRA section 3005(c)";

(I) "RCRA, UIC, or NPDES permit";

(J) "RCRA, UIC, PSD, or NPDES permit"; and

(K) "[s]tate RCRA permit."

(2) In 40 CFR 270.51(d), the first occurrence of the phrase "RCRA permit" shall not be replaced with "Kansas hazardous waste facility permit."

(3) The phrase "RCRA-permitted" shall be replaced with "Kansas-permitted."

(4) The following phrases shall be replaced with "Kansas hazardous waste facility standardized permit":

(A) "RCRA standardized permit"; and

(B) "RCRA standardized permit (RCRA)."

(5) The phrase "a final permit under RCRA section 3005" shall be replaced with "a final permit issued by EPA under RCRA section 3005 or a Kansas hazardous waste facility permit" in the following locations:

(A) 40 CFR 264.1030(c);

(B) 40 CFR 264.1050(c);

(C) 40 CFR 264.1080(c); and

(D) 40 CFR 265.1080(c).

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

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