

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-268. Land disposal restrictions; adoption and modification of federal regulations.

(a) Adoption. The provisions of 40 CFR part 268, including appendices III, IV, VI through VIII, and XI, 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 part 268 shall be excluded from adoption:

- (1) All comments and all notes;
- (2) 40 CFR 268.13; and
- (3) 40 CFR 268.44(o).

(c) Modifications. The following modifications shall be made to 40 CFR part 268:

(1) Each occurrence of the following phrases shall be deleted:

- (A) "(incorporated by reference, see § 260.11 of this chapter)";
- (B) "as incorporated by reference in § 260.11";
- (C) "as incorporated by reference in § 260.11 of this chapter";
- (D) "as incorporated by reference in 40 CFR 260.11"; and
- (E) "as referenced in § 260.11 of this chapter."

(2) Paragraph 40 CFR 268.1(e)(1) shall be replaced with "Waste generated by conditionally exempt small quantity generators or Kansas small quantity generators (KSQGs), except KSQGs shall comply with 40 CFR 268.7(a)(5) and (10)."

(3) In 40 CFR 268.3(a), the phrase "RCRA section 3004" shall be replaced with "40 CFR part 268."

(4) In 40 CFR 268.7(a)(9)(iii), the phrase "except for D009" shall be added to the end of the sentence.

(5) In 40 CFR 268.7(a)(10), the phrase "and Kansas small quantity generators" shall be inserted after the term "Small quantity generators."

(6) In 40 CFR 268.7(d), the phrase "§ 261.3(e)" shall be replaced with "§ 261.3(f)."

(7) 40 CFR 268.7(d)(1) shall be replaced with the following: "A one-time notification, including the following information, shall be submitted to the department:".

(8) In 40 CFR 268.14(b) and (c), the phrase "section 3001" shall be replaced with "40 CFR part 261."

(9) In 40 CFR 268.44(i), the phrase "in § 260.20(b)(1)-(4)" shall be replaced with "required by EPA's rulemaking petition program."

(10) In 40 CFR 268.50(a), the phrase "of RCRA section 3004" shall be deleted.

(11) In 40 CFR 268.50(e), the phrase "or RCRA section 3004" shall be deleted.

(Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011; amended May 10, 2013.)

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