

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-260a. General provisions and definitions; additional state definitions.

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) State definitions. The following definitions shall apply to K.A.R. 28-31-4 through 28-31-279:

(1) "Conditionally exempt small quantity generator" means a generator who meets both of the following criteria:

(A) Generates less than 25 kilograms (55 pounds) of hazardous waste in any single calendar month; and

(B) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e).

(2) "HSWA drip pad" means a drip pad associated with the handling of waste designated as F032 waste in 40 CFR 261.31.

(3) "HSWA tank" means any of the following tanks:

(A) A tank owned or operated by a generator of less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month;

(B) a new underground tank; or

(C) an existing underground tank that cannot be entered for inspection.

(4) "Kansas hazardous waste facility permit" means a permit issued under the Kansas hazardous waste program.

(5) "Kansas hazardous waste program" means the hazardous waste management program operated by the state of Kansas in lieu of the U.S. environmental protection agency, authorized by and implementing K.S.A. 65-3430 et seq. and amendments thereto.

(6) "Kansas licensed geologist" means a person who has a current license to practice geology from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(7) "Kansas professional engineer" means a person who has a current license to practice engineering from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(8) "Kansas small quantity generator" means a generator that meets all of the following criteria:

(A) Generates 25 kilograms (55 pounds) or more of hazardous waste in any single calendar month;

(B) generates no more than 100 kilograms (220 pounds) of hazardous waste in any single calendar month; and

(C) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e).

(9) "Large quantity generator" means a generator who meets either or both of the following criteria:

(A) Generates 1,000 kilograms (2,200 pounds) or more of hazardous waste in any single calendar month; or

(B) generates or accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities equal to or greater than the generation limits listed in 40 CFR 261.5(e).

(10) "Non-HSWA drip pad" means a drip pad for handling wastes designated as F034 and F035 wastes in 40 CFR 261.31.

(11) "Non-HSWA tank" means any tank except the following tanks:

(A) Tanks owned or operated by a generator of less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month;

(B) new underground tanks; and

(C) existing underground tanks that cannot be entered for inspection.

(b) Differences between state and federal definitions. If the same term is defined differently both in K.S.A. 65-3430 et seq. and amendments thereto or this article and in

any federal regulation adopted by reference in this article, the definition prescribed in the Kansas statutes or regulations shall control, except for the term "solid waste."

(Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

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