Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Emissions Guidelines for Existing Sources.

28-19-722. Existing municipal solid waste landfills; applicability, permits.

(a) Except as otherwise provided in subsection (b) of this regulation, the provisions of K.A.R. 28-19-721 through 28-19-727 apply to each existing municipal solid waste landfill that meets all of the following criteria.

(1) Construction, reconstruction, or modification of the MSW landfill commenced before May 30, 1991.

(2) The MSW landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

(3) The MSW landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters as determined using the methods provided in 40 CFR §60.754(a)(1), as in effect on July 1, 1996, which is adopted by reference for the purposes of K.A.R. 28-19-721 through 28-19-727.

(b) The provisions of K.A.R. 28-19-721 through 28-19-727 shall not apply to any existing MSW landfill that has accepted fewer than 20 tons of municipal solid waste per day and that has received certification of closure from the department before the effective date of this regulation.

(c) In applying the criteria of subsection (a) of this regulation, physical changes or operational changes made to an existing MSW landfill solely to comply with an emission guideline shall not be considered a modification or reconstruction and shall not subject an existing MSW landfill to the requirements of the new source performance standards for MSW landfills, 40 CFR part 60, subpart WWW, as adopted by K.A.R. 28-19-720.

(d) The owner or operator of each existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) shall be subject to the operating permit requirements at K.A.R. 28-19-510 et seq.

(Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

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