

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-100a. Substitution of state terms for federal terms; administrator.

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) The following terms and phrases shall be replaced with "secretary," except as noted in subsection (b):

- (1) "Administrator";
- (2) "[a]dministrator or State Director";
- (3) "applicable EPA Regional Administrator";
- (4) "appropriate Regional Administrator or state Director";
- (5) "[a]ssistant Administrator";
- (6) "[a]ssistant Administrator for Solid Waste and Emergency Response";
- (7) "EPA Regional Administrator";
- (8) "EPA Regional Administrator(s)";
- (9) "EPA Regional Administrator (or his designated representative) or State authorized to implement part 268 requirements";
- (10) "EPA Regional Administrator for the Region in which the generator is located";
- (11) "EPA Regional Administrator(s) for the Region(s) in which the facility(ies) is(are) located";
- (12) "EPA Regional Administrator(s) of the EPA Region(s) in which the bonded facility(ies) is (are) located";
- (13) "EPA Regional Administrators of the Regions in which the facilities are located, or their designees";
- (14) "[r]egional Administrator";

(15) "[r]egional Administrator(s)";

(16) "[r]egional Administrator of every Region in which facilities for which financial responsibility is to be demonstrated through the financial test are located";

(17) "[r]egional Administrator or state Director";

(18) "[r]egional Administrator, or State Director, as the context requires, or an authorized representative ('director' as defined in 40 CFR 270.2)";

(19) "[r]egional Administrator, or State Director (if located in an authorized state)";

(20) "[r]egional Administrator(s) of the EPA Region(s) in which the facility(ies) is(are) located"; and

(21) "USEPA Regional Administrator for Region [Region #]."

(b) The terms listed in subsection (a) shall not be replaced with "secretary" in the following federal regulations:

(1) 40 CFR 260.10, in the following definitions:

(A) "Administrator";

(B) "equivalent method";

(C) "hazardous waste constituent";

(D) "industrial furnace"; and

(E) "regional administrator";

(2) 40 CFR part 261, in the following locations:

(A) 40 CFR 261.10;

(B) 40 CFR 261.11; and

(C) 40 CFR 261.21;

(3) 40 CFR part 262, subparts E and H and the appendix;

(4) 40 CFR part 264, in the following locations:

(A) 40 CFR 264.12(a);

(B) 40 CFR 264.151(b), in the first paragraph of the financial guarantee bond;

(C) 40 CFR 264.151(c), in the first paragraph of the performance bond; and

(D) 40 CFR 265.12(a);

(5) 40 CFR part 268, in the following locations:

(A) 40 CFR 268.5;

(B) 40 CFR 268.6;

- (C) 40 CFR 268.40(b);
- (D) 40 CFR 268.42(b); and
- (E) 40 CFR 268.44; and
- (6) 40 CFR part 270, in the following locations:
 - (A) 40 CFR 270.2, in the following definitions:
 - (i) "Administrator";
 - (ii) "corrective action management unit or CAMU";
 - (iii) "director";
 - (iv) "major facility";
 - (v) "regional administrator"; and
 - (vi) "state/EPA agreement";
 - (B) 270.5;
 - (C) 270.10(e)(2) and (3);
 - (D) 270.10(f)(3); and
 - (E) 270.11(a)(3).

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

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