Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 1. Definitions and Administration Procedures.

28-29-3. Definitions.

(a) "Active area" means any solid waste disposal area that has received solid waste and has fewer than 12 inches of soil cover.

(b) "Agricultural waste" means solid waste resulting from the production of farm or agricultural products.

(c) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(d) "Aquifer" means saturated soils and geologic materials that are capable of recharging a well within 24 hours and whose boundaries can be identified and mapped from hydrogeologic data. This term shall include all hydraulically connected aquifers.

(e) "Backyard composting" means a composting operation that does not distribute the finished compost for use off-site and that meets one of the following conditions:

(1) The materials are all compostable and are generated by no more than four single residences, or the equivalent of four single residences.

(2) The material being composted consists entirely of yard waste, and the volume of material being composted is less than 10 cubic yards.

(f) "Bulky waste" means items of refuse too large to be placed in refuse storage containers, including appliances, furniture, tires, large auto parts, motor vehicles, trees, branches, and stumps.

(g) "By-product" means a material produced without separate commercial intent during the manufacture or processing of other materials or mixtures.

(h) "Commercial waste" means all solid waste emanating from establishments engaged in business, including solid waste originating in stores, markets, office buildings, restaurants, shopping centers, and theaters.

(i) "Composting" means a controlled process of microbial degradation of organic material into a stable, nuisance-free, humus-like product. This term shall not include the following:

(1) Manure storage piles, whether turned to stabilize or not turned; and

(2) yard waste directly applied to agricultural land.

(j) "Composting area" means the area used for receiving, processing, curing, and storing compostable materials and compost.

(k) "Design period" means the period consisting of the operating life of the solid waste landfill facility and the postclosure care period.

(l) "Detection monitoring system" means a network of wells established to detect any releases of contaminants from a landfill unit.

(m) "Director" means the director of the division of environment, Kansas department of health and environment.

(n) "Discarded material" means one of the following:

(1) Material that has been abandoned or disposed of; or

(2) a by-product or residual, when it is either in treatment or in storage or when it is used in a manner that constitutes disposal.

(o) "Disease vector" means rodents, flies, mosquitos, or other pests capable of transmitting disease to humans.

(p) "Disturbed area" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

(q) "Existing unit" means a municipal solid waste disposal unit that is completely constructed and receiving waste before the appropriate date specified in K.A.R. 28-29-100.

(r) "Facility" means a site and all equipment and fixtures on a site used to process or dispose of solid waste. A facility consists of the entire solid waste processing or disposal operation. All structures used in connection with the waste processing or disposal

operation, including any structures used to facilitate the processing or disposal, shall be considered a part of the facility, including the following:

(1) Solid waste disposal units;

(2) buildings;

(3) treatment systems;

(4) processing and storage operations; and

(5) monitoring stations.

(s) "Garbage" means the animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking, or serving of meat, produce, or other foods and shall include unclean containers.

(t) "Gas collection system" means a system of wells, trenches, pipes, and other related ancillary structures, including manholes, compressor housings, and monitoring installations, that collect and transport the gas produced in a solid waste landfill to one or more gas processing points. The flow of gas through such a system can be produced by naturally occurring gas pressure gradients or can be aided by an induced draft generated by mechanical means.

(u) "Gas venting system" means a system of wells, trenches, pipes, and other related structures that vents the gas produced in a solid waste landfill to the atmosphere.

(v) "Geomembrane" means a membrane with a very low permeability, which means approximately 1×10^{-12} cm/sec, that is used with a foundation of soil, rock, earth, or any other geotechnical, engineering-related material as an integral part of a human-made structure or system designed to limit the movement of liquid or gas in the system.

(w) "Geotextile" means any permeable textile used with soil, rock, earth, or any other geotechnical, engineering-related material as an integral part of a human-made structure or system designed to perform functions including any of the following:

(1) Provide planar flow for drainage;

(2) filter particulates from a liquid; or

(3) serve as a cushion to protect geomembranes.

(x) "Groundwater" means that part of subsurface water in the ground that is in the zone of saturation.

(y) "Incineration" means the controlled process of burning solid, liquid, and gaseous combustible wastes for volume and weight reduction in facilities designed for that use.

(z) "Incinerator" means any device or structure used for the destruction or volume reduction of solid waste by combustion pursuant to disposal or salvaging operations.

(aa) "Land surveyor" means a person who has received a license to practice land surveying from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(bb) "Leachate" means liquid that has been or is in direct contact with solid waste or the active area of a solid waste disposal unit.

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

(dd) "Lift" means an accumulation of waste that is compacted into a unit and over which daily cover material is normally placed.

(ee) "Long-term care" means the maintenance of all appurtenances and systems installed or used in the containment of solid wastes and the maintenance of the effective performance of leachate or gas collection, treatment, and disposal systems installed for use during the postclosure care period at a solid waste disposal area or a solid waste processing facility.

(ff) "Mixed refuse" means a mixture of solid wastes containing both putrescible and nonputrescible materials.

(gg) "Monofill" means a landfill in which 90 percent or more of the waste disposed is restricted to one specified waste.

(1) All other waste disposed of in a monofill shall meet both of the following requirements:

(A) The waste shall be associated with the process that produced the specified waste.

(B) The waste shall have characteristics similar to those of the specified waste and shall have similar and limited potential hazards to human health and the environment.

(2) Clean rubble, as defined in K.S.A. 65-3402 and amendments thereto, may be disposed of in any monofill and shall not be considered in calculating the percentage of specified waste in the monofill.

(hh) "National pollutant discharge elimination system" and "NPDES" shall have the meaning specified in K.A.R. 28-16-58.

(ii) "New facility" and "new unit" mean a municipal solid waste landfill (MSWLF), as defined in K.S.A. 65-3402 and amendments thereto, or a unit at a facility for which either of the following conditions applies:

(1) The MSWLF or unit is a permitted or unpermitted MSWLF or unit that has not accepted any waste before October 9, 1993.

(2) The MSWLF or unit is an existing MSWLF or unit whose lateral boundaries are increased after the effective date specified in K.A.R. 28-29-100.

(jj) "Nuisance" means either of the following situations, if caused by or a result of the management of solid wastes in violation of the solid waste statutes in chapter 65, article 34, or the solid waste regulations in article 29 of these regulations:

(1) A situation that is injurious to health or offensive to the senses or that obstructs the free use of property in a manner that interferes with the comfortable enjoyment of life or property; or

(2) a situation that adversely affects the entire community or neighborhood, or any substantial number of persons, even though the extent of the annoyance or damage inflicted on individuals is unequal.

(kk) "Official plan" means a comprehensive plan submitted to and approved by the secretary as provided in K.S.A. 65-3405, and amendments thereto.

(ll) "100-year, 24-hour storm" means a precipitation event of 24-hour duration with a one percent probability of occurring in any given year.

(mm) "On-site" means on the premises where solid waste generation occurs, including two or more pieces of property that are divided only by public or private rights-of-way and that are otherwise contiguous.

(nn) "Open burning" means the burning of any materials without all of the following characteristics:

(1) Control of combustion air to maintain adequate temperature for efficient combustion;

(2) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(3) control of emission of the gaseous combustion products.

(oo) "Operating record" means a compilation of reports, plans, specifications, monitoring data, and other information concerning facility operations. The operating record shall be kept on-site or at an alternate, secure location specified in the operating plan, in accordance with these regulations.

(pp) "Operator" means the person or persons responsible for the operation and maintenance of a facility or part of a facility.

(qq) "Owner" means the person or persons who own a facility or part of a facility.

(rr) "Permit" means a written permit issued by the secretary that by its conditions may authorize the permittee to construct, install, modify, or operate a specified solid waste disposal area or solid waste processing facility.

(ss) "Permit area" and "permitted area" mean the entire approved horizontal and vertical area occupied by a permitted solid waste processing or disposal facility.

(tt) "Point of compliance" means a specified horizontal distance from the edge of a disposal unit's planned design. The point of compliance shall be the point at which an owner or operator demonstrates compliance with the liner performance standard, if applicable, and with the groundwater protection standard.

(uu) "Processing of wastes" means the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal.

(vv) "Professional engineer" means a person who has registered with and obtained a license to practice engineering from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(ww) "Publicly owned treatment works (POTW)" means a treatment works that is owned by the United States of America, the state of Kansas, or a unit of local government. This definition shall include any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. The

definition shall include sewers, pipes, and other conveyances only if they convey wastewater to a POTW.

(xx) "Putrescible wastes" means solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food for birds and disease vectors.

(yy) "Qualified groundwater scientist" means a licensed geologist or professional engineer who has sufficient training and experience in groundwater hydrology and related fields. Sufficient training may be demonstrated by a professional certification or by the completion of an accredited university program that enables the individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

(zz) "Resource recovery" means the recovery of material or energy from solid waste.

(aaa) "Run-off" means water resulting from precipitation that flows overland from any part of a facility, except active areas, before the water enters a defined stream channel, and any portion of the overland flow that infiltrates into the ground before the water reaches the stream channel.

(bbb) "Run-on" means any rainwater or surface water that flows onto any part of a facility.

(ccc) "Salvaging" means the controlled removal of reusable materials from solid waste.

(ddd) "Sanitary landfill" means a method of disposing of solid wastes on land without creating nuisances or hazards to the public health or safety or the environment at a permitted solid waste disposal area that meets the standards specified in K.A.R. 28-29-23.

(eee) "Scavenging" means the removal of materials from a facility or unit that is not salvaging.

(fff) "Significant modifications" means substantial alterations, changes, additions, or deletions to a facility, facility operations, facility ownership, or facility financial status that occur after permit issuance.

(ggg) "Small landfill" and "small arid landfill" mean a municipal solid waste landfill that has been granted an exemption from the design requirements in K.A.R. 28-29-104, in accordance with K.A.R. 28-29-103.

(hhh) "Source-separated organic waste" means organic material that has been separated from noncompostable material at the point of generation and shall include the following wastes:

(1) Vegetative food waste;

(2) soiled or unrecyclable paper;

(3) sewage sludge;

(4) other wastes with similar properties, as determined by the department; and

(5) yard waste in combination with these materials.

(iii) "Special waste" means any solid waste that, because of physical, chemical, or biological characteristics, requires special management standards due to concerns for owner or operator safety regarding handling, management, or disposal.

(jjj) "Static safety factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that can cause a massive slope failure.

(kkk) "Storage" means the containment of solid wastes in a manner that shall not constitute disposal or processing, under one of the following conditions:

(1) Precollection. Storage by the generator, on or adjacent to the premises, before initial collection. Under these regulations, precollection storage shall not require a processing facility permit.

(2) Postcollection. Storage by the processor or a collector, while the waste is awaiting processing or transfer to a disposal or recovery facility. Under these regulations, postcollection storage shall require a processing facility permit.

(lll) "Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, including liquid wastes and wastes containing free liquids, are placed. For the purposes of these solid waste regulations, a surface impoundment shall not be considered a landfill.

(mmm) "25-year, 24-hour storm" means a precipitation event of 24-hour duration with a four percent probability of occurring in any given year. (nnn) "Unit" and "disposal

unit" mean a discrete area at a permitted landfill that is used for the final disposal of solid waste. These terms shall include the following means of disposal:

(1) Trench;

(2) area fill; and

(3) cut and cover.

(ooo) "Uppermost aquifer" means the first aquifer likely to be impacted by contamination from the facility. This term shall include the migration pathway to the aquifer and shall extend to the first demonstrated aquiclude. This term shall also include perched water tables, which are locally elevated water tables above a discontinuous low-permeability layer that is within a relatively higher-permeability layer.

(ppp) "Vegetative food waste" means food waste and food processing waste from materials including fruits, vegetables, and grains. Vegetative food waste shall not refer to animal products or by-products, including dairy products, animal fat, bones, and meat.

(qqq) "Vertical expansion" means an increase in the design capacity of an existing unit by increasing the final elevation limit of the unit.

(rrr) "Water pollution" means contamination or alteration of the physical, chemical, or biological properties of any waters of the state that creates a nuisance or that renders these waters harmful to public health, safety, or welfare; harmful to the plant, animal, or aquatic life of the state; or unsuitable for beneficial uses.

(sss) "Working face" means any part of a solid waste disposal area where waste is being disposed of.

(ttt) "Yard waste" means vegetative waste generated from ordinary yard maintenance, including grass clippings, leaves, branches less than 0.5 inches in diameter, wood chips and ground wood less than 0.5 inches in diameter, and garden wastes.

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