

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

### **Article 31.—Hazardous Waste Management Standards and Regulations**

#### **28-31-124c. Procedures for permitting; draft permits.**

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) Each permit application shall be reviewed by the secretary to determine compliance with the requirements of the hazardous waste regulations.

(b) If the permit application does not meet the requirements of this article, the application shall be denied by the secretary.

(c) If the application meets the requirements of this article, a draft permit shall be prepared by the secretary according to the following criteria:

(1) The draft permit shall contain the following information:

(A) All conditions specified in 40 CFR 270.30 and 270.32;

(B) all compliance schedules specified in 40 CFR 270.33;

(C) all monitoring requirements specified in 40 CFR 270.31; and

(D) standards for treatment, storage, or disposal, or any combination of these activities, and other permit conditions under 40 CFR 270.30.

(2) The draft permit shall be accompanied by a fact sheet that meets the requirements of K.A.R. 28-31-124d.

(3) Public notice shall be given as specified in K.A.R. 28-31-124e.

(4) The draft permit shall be made available for public comment as specified in 40 CFR 124.11.

(5) Notice of opportunity for a public hearing shall be given as specified in 40 CFR 124.12.

(d) A final decision to issue the permit shall be issued by the secretary if the findings of fact show that the facility or activity will be protective of human health and safety and the environment. A final decision to deny the permit shall be issued by the secretary if

the findings of fact show that the facility or activity will not be protective of human health and safety and the environment.

(e) A response to comments shall be issued by the secretary in accordance with 40 CFR 124.17.

(f) Any person may appeal the decision in accordance with K.S.A. 65-3440 and K.S.A. 65-3456a(b), and amendments thereto.

(Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431, 65-3433, 65-3437, and 65-3439; effective April 29, 2011.)

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