Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 8. Construction and Demolition Landfills.

28-29-308. Construction and demolition (C&D) landfill operations.

The owner or operator of each C&D landfill shall comply with the following requirements.

(a) Aesthetics. The operator shall control odors and particulates, including dust and litter, by the application of cover material, sight screening, or other means to prevent a nuisance or damage to human health or the environment.

(b) Air quality. The owner or operator shall conform to all applicable provisions of K.S.A. 65-3001 et seq., and amendments thereto, and all regulations adopted under those statutes.

(c) Fire protection.

(1) The owner or operator shall make arrangements for fire protection services if a fire protection district or other public fire protection service is available. If this service is not available, the owner or operator shall provide practical alternate arrangements.

(2) If there is a fire at the site, the operator shall perform all of the following:

(A) Initiate and continue the use of appropriate fire fighting methods until all smoldering, smoking, and burning cease;

(B) notify the department within one business day and submit a written report to the department within one week; and

(C) upon completion of fire fighting activities, cover and regrade each disruption of finished grades, covered surfaces, or completed surfaces.

(d) Water management.

(1) The owner or operator shall construct and maintain the storm water control systems according to the approved design and operating plans.

(2) The owner or operator shall manage all storm water that becomes commingled with C&D contact water as C&D contact water.

(3) The owner or operator shall manage all C&D contact water according to the approved design and operating plans. If the contact water control and management system fails, the owner or operator shall notify the department by the end of the next business day.

(4) The owner or operator shall not cause a discharge of pollutants into the waters of the state. If such a discharge occurs, the owner or operator shall immediately notify the department, as specified in K.A.R. 28-48-2.

(e) Access control.

(1) Access to each C&D landfill shall be limited to the hours when the owner or operator is at the site.

(2) The owner or operator shall keep all access-control gates locked when the owner or operator is not at the landfill.

(3) Access by unauthorized vehicles and pedestrians shall be prohibited.

(f) Waste screening. The owner or operator shall implement the waste screening program designated in the operating plan.

(1) The operator shall accept for disposal only "construction and demolition waste," as defined in K.S.A. 65-3402, and amendments thereto.

(2) The operator shall not accept for disposal any "liquid waste," as defined in K.A.R. 28-29-108.

(3) The operator may refuse to accept any material that has not been removed from the delivery vehicle. The operator may return non-C&D waste that has been removed from the delivery vehicle to the hauler. The operator shall document the refusal or return by recording the following information:

(A) The date and time of the refusal or return;

(B) the driver's name;

(C) the delivery vehicle's license plate number;

(D) the hauling company's name and address;

(E) the origin of the waste;

(F) the size of the rejected load or amount of returned waste;

(G) the reason for rejection or return; and

(H) the name of the person who inspected the waste.

(4) The operator shall remove from the landfill all non-C&D waste that has not been returned to the hauler, for disposal at a site permitted to accept the non-C&D waste. The operator shall store all non-C&D waste in a manner that does not result in a nuisance or environmental hazard.

(5) If a regulated hazardous waste, regulated polychlorinated biphenol (PCB) waste, or medical waste is brought to the facility, the owner or operator shall notify the department within one business day and shall meet the following requirements:

(A) The notification requirement shall apply to waste that has been accepted at the facility and waste that has been rejected.

(B) The notification shall include the type, amount, and source of the waste.

(C) The waste shall be managed in accordance with the hazardous waste, PCB, or medical waste regulations, as appropriate.

(6) The operator shall keep a record of each day that waste is screened at the landfill.

(7) The waste screening area shall be clearly delineated using flags, signs, or markers, and shall have an area compatible with the average daily volume of waste, as approved in the operating plan.

(8) The waste screening area shall be cleared of waste no more than 24 hours after the waste has been deposited.

(9) The operating plan may specify that waste screening may take place at the point of generation rather than at the landfill.

(g) Waste placement.

(1) At least once each day that waste has been received, the operator shall dispose of the C&D waste using the following method:

(A) Screen the waste at a location other than directly on the working face; and

(B) distribute the waste uniformly on the working face.

(2) The operator shall place the waste in a manner and at a rate that provide mass stability during all phases of operation.

(h) Waste compaction.

(1) The operator shall compact the waste daily, unless an alternate schedule has been designated in the operating plan.

(2) The operator shall compact the waste as densely as is practical.

(A) The degree of compaction may vary depending on the waste type, lift thickness, placement method, and equipment used.

(B) The method of compaction shall include at least two passes of compaction equipment over the waste at the time it is placed on the working face or, at a minimum, by the end of the day that the waste is placed on the working face.

(i) Record of waste disposed. The operator shall record and maintain the following information for each load of C&D waste placed in the landfill:

(1) The tons or volume of C&D waste;

(2) the state in which the waste was generated; and

(3) if the waste is exempt from the state solid waste tonnage fee, as specified in K.S.A. 65-3415b and amendments thereto, the reason for the exemption.

(j) Record of waste recycled. The operator shall record and maintain the following information for all waste diverted by the landfill for recycling:

(1) The type of waste, if any waste other than C&D waste is diverted for recycling;

(2) the number of tons or the volume of each type of waste;

(3) the state in which the waste was generated; and

(4) the name and address of the facility to which the waste was sent for recycling.

(k) Cover requirements.

(1) The operator shall apply cover material over every 2,000 tons of waste disposed, with the following exceptions:

(A) Cover shall be applied at least once every 120 days.

(B) No facility shall be required under these regulations to apply cover more often than once a week.

(2) The cover shall consist of a minimum of one foot of soil and shall meet the following requirements:

(A) Limit air intrusion to control the risk of fire;

(B) control litter; and

(C) limit vector harborage.

(3) Alternative material, if approved by the secretary, may be used for cover. The alternative material shall consist of material acceptable for disposal in the C&D landfill

and shall meet the requirements specified in paragraphs (k)(2)(A) through (k)(2)(C) of this regulation.

(4) The operator of the facility shall maintain a log of the dates on which cover is applied.

(l) Salvaging.

(1) The operator shall permit salvaging or reclamation of materials only if working space specifically designed for salvaging C&D wastes is provided.

(2) The salvage operation and salvaged materials shall be controlled to prevent interference with the prompt disposal of C&D wastes.

(3) All salvage operations shall be conducted in a manner that does not create a nuisance.

(m) Scavenging. The operator shall not permit any scavenging at the C&D landfill.

(n) Communication. The owner or operator shall provide two-way communications accessible to the operator working at the disposal unit.

(o) Safety. The owner or operator shall provide an operational safety program for each employee at the C&D landfill.

(p) Recordkeeping.

(1) Long-term retention of permits and plans. The owner or operator shall retain all documents concerning the landfill permit and landfill construction for a minimum of five years after the completion of the postclosure care period. The documents shall be stored in a location designated in the facility operations plan and shall be readily accessible to the department. The documents concerning the landfill permit and landfill construction shall include the following:

(A) The permit application and all supporting documents;

(B) all renewal documents;

(C) the construction quality assurance (CQA) plans and reports;

(D) additional information as required by the conditions of the permit; and

(E) the following documents, which shall be stored at the facility while the facility is active:

(i) The current permit;

(ii) the permit conditions;

(iii) the design plans;

(iv) the operations plan;

(v) a contingency plan;

(vi) the closure plan; and

(vii) the postclosure plan.

(2) Short-term retention of operating records. The owner or operator shall retain all documents concerning operations at the landfill for a minimum of five years after the event occurs. The documents shall be stored at the facility, or at another site designated in the operating plan, and shall be readily accessible to the department. The documents concerning operations at the landfill shall include the following:

(A) The waste screening records;

(B) the records of refused and returned waste;

(C) the records of all waste disposed of, whether on-site or offsite;

(D) the records of waste recycled;

(E) employee training records;

(F) gas monitoring results, if applicable;

(G) groundwater monitoring results, if applicable;

(H) documentation of postclosure inspections; and

(I) additional information as required by the conditions of the permit.

(q) Reporting. The owner or operator shall report the following information to the department on forms provided by the department:

(1) Disposal information, including the following:

(A) The number of tons or the volume of the C&D waste; and

(B) the state in which the C&D waste was generated;

(2) recycling information, including all of the following:

(A) The type of waste, if any waste other than C&D waste was diverted for recycling;

(B) the number of tons or the volume of each type of waste;

(C) the state in which the waste was generated; and

(D) the name and address of the facility to which the waste was sent for recycling;

(3) information required for permit renewal; and

(4) additional information as required by the conditions of the permit.

This regulation shall take effect 90 days after publication in the Kansas register. (Authorized by and implementing K.S.A. 65-3406; effective March 17, 2004.)

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