Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 9. Standards for the Management of Household Hazardous Waste.

28-29-1102. Household hazardous waste facility operations.

(a) Nonhazardous household waste.

(1) Each HHW facility operator shall store and manage all NHHW according to the facility's operating plan and the following requirements:

(A) Place the NHHW in the designated area, as described in the facility operating plan, within one week after it is received;

(B) ensure that each NHHW storage container or each NHHW storage area has a label or sign designating its contents;

(C) when NHHW is present, inspect all NHHW storage areas weekly to assess waste volume and container integrity, and document these inspections in a log that is dated and either signed or initialed by the person who conducted the inspection; and

(D) store NHHW to be distributed for use in a manufacturer's original container or, for latex paint, in a compatible container provided by the HHW facility. Each container that will be distributed for use shall be labeled, closed, and nonleaking.

(2) Each HHW facility operator shall distribute for use, recycling, or disposal all NHHW accepted by the facility according to all of the following requirements:

(A) NHHW may be distributed for use in a manner equivalent to its originally intended purpose.

(B) NHHW may be disposed of in a permitted municipal solid waste landfill. However, latex paint and all other liquids shall be disposed of in a permitted municipal solid waste landfill only if one of the following conditions is met:

(i) The paint or other liquid is solidified.

(ii) The paint or other liquid is in the original container, and the volume of the container is no greater than five gallons.

(C) NHHW may be disposed of in a sanitary sewer connected to a publicly owned treatment works with written authorization from the operators of the publicly owned treatment works.

(D) The HHW facility may choose to manage certain types of NHHW, as described in the facility's operating plan, according to the requirements in subsection (b) of this regulation.

(b) Household hazardous waste.

(1) Each HHW facility operator shall store and manage all HHW according to the facility's operating plan and all of the following requirements:

(A) Place the HHW in the designated area, as described in the facility operating plan, within one week after it is received. Sort and segregate all HHW, except HHW that will be distributed for use, by U.S. department of transportation hazard class or division;

(B) except for HHW that will be distributed for use, mark each HHW storage container or each segregated HHW storage area according to U.S. department of transportation hazard class or division;

(C) keep all storage containers that are in direct contact with HHW closed, except when adding or removing waste;

(D) when HHW is present, inspect all HHW storage areas weekly to assess waste volume and container integrity, and document these inspections in a log that is dated and either signed or initialed by the person who conducted the inspection; and

(E) store HHW that will be distributed for use in a manufacturer's original container. Each container that will be distributed for use shall be labeled, closed, and nonleaking.

(2) Each HHW facility operator shall distribute for use, recycling, or disposal all HHW accepted by the facility according to all of the following requirements:

(A) HHW may be distributed for use in a manner equivalent to its originally intended purpose.

(B) All HHW that is transferred for treatment, storage, or disposal shall be transferred to a permitted hazardous waste treatment, storage, or disposal facility by a registered hazardous waste transporter.

(C) All HHW that is transferred for treatment, storage, or disposal shall be manifested as hazardous waste as described in K.A.R. 28-31-4 (d), with the following changes:

(i) For the purposes of paragraph (b)(2)(C) of this regulation, "Kansas or EPA generator" shall be replaced with "HHW facility operator," and "hazardous waste" shall be replaced with "HHW" in K.A.R. 28-31-4 (d).

(ii) All applicable hazardous waste codes for each waste shall be listed on the manifest, using all available information. HHW facilities shall not be required to submit samples for laboratory testing in order to determine hazardous waste codes.

(D) All HHW that is transferred for treatment, storage, or disposal shall be subject to the hazardous waste land disposal requirements specified in K.A.R. 28-31-14.

(E) All HHW that is transferred for treatment, storage, or disposal shall be prepared for transportation off-site as specified in K.A.R. 28-31-4 (e). For the purposes of this paragraph, "Kansas or EPA generator" shall be replaced with "HHW facility operator," and "hazardous waste" shall be replaced with "HHW" in K.A.R. 28-31-4 (e).

(F) The requirements of paragraphs (b)(2)(B) through (b)(2)(E) of this regulation shall not apply to the following wastes:

(i) HHW that is transferred to a universal waste facility and packaged and labeled in accordance with K.A.R. 28-31-15;

(ii) antifreeze that is transferred to a commercial collector under the conditions of an agreement to recycle the antifreeze;

(iii) HHW that is disposed of in the sanitary sewer connected to a publicly owned treatment works with written authorization from the operators of the publicly owned treatment works. HHW shall not be discharged to storm sewers or septic systems;

(iv) containers that have been emptied to the fullest practical extent and are disposed of in a permitted municipal solid waste landfill;

(v) HHW that is transferred between HHW facilities; and

(vi) other waste, as approved by the department.

(c) Storage. Each HHW facility operator shall maintain the quantity of stored material at or below the facility's permitted storage capacity.

(d) Signs. Each HHW facility operator shall post a sign outside of the facility that includes the following information:

(1) The name of the facility;

(2) the hours and days of operation;

(3) the name of the permit holder;

(4) the telephone number of an emergency contact available during nonoperating hours; and

(5) the permit number.

(e) Training. All HHW facility managers, employees, and volunteers that are responsible for sorting, segregating, or processing HHW shall receive a minimum of 24 hours of classroom training related to the proper handling of hazardous materials and shall receive a minimum of eight hours of annual refresher training. Education or experience may be substituted for the required training, subject to departmental approval. No person shall sort, segregate, or process HHW without onsite supervision before receiving this training.

(Authorized by and implementing K.S.A. 1999 Supp. 65-3406 and 65-3460; effective June 16, 2000.)

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