Kansas Administrative Regulations

Department of Health and Environment

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

28-29-325. Construction and demolition (C&D) landfill permits.

(a) Permit application. Each person that plans to establish a C&D landfill shall submit a permit application to the secretary on forms furnished by the department. The permit application shall include the following items:

(1) Design plans. The C&D landfill design plan shall include the following items:

(A) A plan showing the section, township, range, and site boundaries;

(B) a description of all adjacent properties, including the land use and the names and addresses of property owners. If the proposed site is adjacent to a public road or street, the property across the street or road shall also be described;

(C) a topographic map of the existing site with a contour interval of two feet or less;

(D) a minimum of three cross sections of the proposed C&D waste disposal units, with the water table shown;

(E) a plan showing the following information:

(i) The size and location of all pertinent humanmade and natural features of the site, including roads, fire lanes, ditches, berms, culverts, structures, wetlands, floodways, and surface waters;

(ii) the projected site utilization with all site structures, including buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs; and

(iii) the location of all water supplies;

(F) a series of phasing plans showing landfill development over the life of the landfill. Each plan shall indicate the location of all peripheral features, including support buildings, access roads, drainage ditches, sedimentation basins, all other storm water management features, and screening berms;

(G) an erosion control plan outlining management practices to control erosion from disturbed areas;

(H) a storm water control plan that includes an implementation schedule and copies of the notice of intent submitted to the department's bureau of water;

(I) a C&D contact water management plan that includes an implementation schedule; and

(J) if the landfill is located in an unstable area according to the criteria specified in K.A.R. 28-29-302, a description of the engineering measures incorporated into the landfill's design to ensure that the integrity of the structural components of the C&D landfill will not be disrupted.

(2) Maps. The applicant shall submit the following maps:

(A) A 7.5-minute series map of the area, as typically available from the U.S. geological survey, indicating the property boundary;

(B) a soil map of the area, as typically available from the U.S. department of agriculture natural resources conservation services; and

(C) a 100-year floodplain map of the area, if one has been developed for the area by the federal emergency management agency (FEMA). If a FEMA map is not available, the applicant shall submit a map showing the estimated location of the 100-year floodplain based on historical or hydrogeologic data.

(3) Operating plan. The written operating plan shall include the following information:

(A) The proposed operating hours of the facility;

(B) the origin and composition of the waste;

(C) the expected daily volume of all C&D waste to be accepted at the facility;

(D) the procedures for screening incoming waste for non-C&D waste;

(E) the procedures for storing and removing all non-C&D waste from the site for recycling or for disposal at a site permitted to accept the non-C&D waste;

(F) a description of all salvaging operations onsite;

(G) the procedures for handling appliances that will be disposed of;

(H) the procedure for handling nonfriable asbestos;

(I) the procedures for placing and compacting the waste;

(J) the safety procedures for personnel and public on-site;

(K) the cover application rate, including the thickness and frequency of application;

(L) the procedures for dust suppression and fugitive emission control at the disposal unit and on haul roads;

(M) a description of storm water control measures to be implemented during operation of the facility;

(N) a description of the facility's water supply system, including the source and intended uses;

(O) a description of all machinery and equipment to be used, including the design capacity;

(P) a contingency plan for the following:

(i) Emergencies, including fires and spills; and

(ii) any other unexpected suspension of operations, including equipment breakdown and personnel emergencies;

(Q) a description of when and why the operator would suspend receipt of waste at the facility, including the following:

(i) Temporary situations;

(ii) final closure due to conditions of the permit; and

(iii) attainment of final elevations;

(R) a drawing that delineates and numerates phases in the landfill development sequence, along with a written description of the facility development approach and the waste placement progression in individual units;

(S) the proposed capacity of the facility; and

(T) the expected life of the facility.

(4) Closure plan drawings. The closure plan drawings shall include the following items:

(A) Surface drawings of the site showing the following information:

(i) Access control;

(ii) final contours, with a contour interval of two feet or less;

(iii) seeding specifications;

(iv) landscaping;

(v) erosion control devices;

(vi) final surface water drainage patterns and runoff retention basins; and

(vii) waste disposal locations; and

(B) cross sections of the site that depict the following:

(i) The disposal or storage locations of wastes;

(ii) the type and depth of cover material;

(iii) the C&D contact water collection systems, if present; and

(iv) any other pertinent features.

(5) Closure plan text. The closure plan text shall include the following information:

(A) An estimate of the largest area of the C&D waste disposal unit requiring final cover at any time during the active life of the facility;

(B) a description of the steps necessary to close each C&D waste disposal unit at any point during its active life in accordance with the cover design requirements;

(C) a schedule for completing all closure activities; and

(D) an estimate of the final volume of wastes disposed of at the C&D landfill facility.

(6) Postclosure plan. The postclosure plan shall include the following:

(A) A description of the planned uses of the property during the postclosure period. The postclosure use of the property shall not disturb the integrity of the final cover or any other components of the containment system unless either of the following conditions applies:

(i) The disturbance is necessary to comply with the requirements in this regulation; or

(ii) the owner or operator submits justification that disturbance of the final cover or other components of the containment system, including removal of waste, will not increase the potential threat to public health, safety, or the environment; and

(B) a schedule of proposed maintenance activities for the postclosure care period, including the following:

(i) Postclosure operation and maintenance of cover material, runoff controls, retention basins, landscaping, and access control and, if present at the facility, the C&D contact water collection system;

(ii) the inspections during postclosure; and

(iii) the name, address, and telephone number of the person or office to contact about the facility during the postclosure period.

(7) Restrictive covenant. Each applicant shall file a restrictive covenant or notice of restrictions with the county register of deeds in the county in which the landfill will be located. The restrictive covenant or notice of restrictions shall meet the requirements of K.A.R. 28-29-20.

(8) Financial information.

(A) The applicant shall submit the following items on forms provided by the department:

(i) A closure cost estimate for third-party costs;

(ii) a postclosure estimate for third-party costs, unless exempted by K.A.R. 28-29-2101;

(iii) documentation of financial assurance; and

(iv) a business concern disclosure statement or public entity disclosure statement.

(B) The applicant shall also submit proof of liability insurance.

(9) Construction quality assurance (CQA) plan.

(A) The CQA plan shall include a detailed description of all CQA activities that will be used during construction to manage the installed quality of the facility, including the following items:

(i) Storm water management structures;

(ii) C&D contact water management systems;

(iii) base elevations;

(iv) final cover; and

(v) any other components of the waste containment and management system.

(B) The CQA plan shall be tailored to the specific facility to be constructed and shall be completely integrated into the project's plans and specifications.

(C) The CQA plan shall include the responsibilities and qualifications of the CQA personnel.

(D) The CQA personnel and the CQA certifying professional engineer shall not be required to be employed by an organization that operates independently of the landfill contractor, owner, or permit holder.

(10) Additional items. Each applicant shall submit to the secretary the following items:

(A) All demonstrations, approvals, and exemptions required by K.A.R. 28-29-302;

(B) all information required by K.A.R. 28-29-304; and

(C) the permit application fee, unless exempted by K.S.A. 65-3407 and amendments thereto.

(b) Permit modifications.

(1) Each owner or operator shall notify the secretary, in writing, of all modifications to the approved plans. The owner or operator shall implement each modification only after the secretary has provided written approval of the modification.

(2) Each facility that has a permit issued before the effective date of this regulation shall comply with the following within no more than 90 days after the effective date of this regulation:

(A) If the facility does not have an operating plan, submit an operating plan to the department;

(B) if the facility has an operating plan that does not meet the requirements of subsection (a) of this regulation, submit an amended operating plan;

(C) if the facility does not have a design plan, submit a design plan to the department; and

(D) if the facility has a design plan that does not meet the requirements of subsection (a) of this regulation, submit an amended design plan.

(c) Engineer's seal. The following documents, if submitted as part of a permit application, as part of a permit modification, or a requirement of subsection (b) of this regulation, shall be prepared and sealed by a professional engineer licensed to practice in Kansas:

(1) Plans;

(2) specifications;

(3) addendums;

(4) as-built drawings; and

(5) any other documents required for a permit application or permit modification that describe the design, construction, or closure of a C&D landfill, except financial documents.

(d) Permit renewal. The owner or operator of each active C&D landfill shall renew the permit annually by submitting the following information to the secretary at least 30 days before the permit renewal date:

(1) An updated map of the land area used for past and present waste disposal;

(2) updated third-party closure cost estimates;

(3) updated third-party postclosure cost estimates, unless exempted by K.A.R. 28-29-2101;

(4) documentation of updated financial assurance;

(5) a current certificate of liability insurance; and

(6) the renewal fee, unless exempted by K.S.A. 65-3407 and amendments thereto. (Authorized by and implementing K.S.A. 65-3406; effective Jan. 2, 2004.)

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