Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 2. Standards for Management of Solid Wastes/Composting.

28-29-23. Standards for solid waste processing facilities and disposal areas.

All solid waste disposal areas and solid waste processing facilities shall be located, designed, operated, and maintained in conformity with the following standards: (a) *Acceptable methods of disposal.* Nonhazardous solid wastes, industrial solid wastes, and residues from solid waste processing facilities shall be disposed of in a sanitary landfill. Nonputrescible rubble and demolition waste material, such as brick, mortar, broken concrete, and similar materials produced in connection with the construction or demolition of buildings or other structures, may be disposed of at a construction and demolition landfill.

(b) *Acceptable methods for processing.* Combustible solid wastes may be burned in incinerators that conform with the provisions of the air quality control act, K.S.A. 65-3001 *et seq.* and the regulations adopted under those statutes. Solid wastes may be shredded, separated, and consolidated at shredding, separation, and transfer stations for which a permit has been issued by the secretary. Animal manures, sludges, and solid wastes with high organic content may be processed into compost at an approved composting plant for which a permit has been issued by the secretary.

(c) *Planning and design.* Planning, design, and operation of any solid waste processing facility or disposal area, including, but not limited to, sanitary landfills, incinerators, compost plants, transfer stations, and other solid waste disposal areas or processing facilities, shall conform with appropriate design and operation standards of the department.

(d) *Location.* Location of all solid waste disposal areas and solid waste processing facilities shall conform to applicable state laws, and county or city zoning regulations and ordinances. All locations for solid waste disposal areas and processing facilities shall be reviewed and approved by the department before any site development is

started. Solid waste disposal areas or processing facilities shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of any endangered or threatened species as defined by K.S.A. 35-501 *et seq.* and K.A.R. 23-17-2. Sites disposing of putrescible wastes shall not be located in areas where the attraction of birds can cause a significant bird hazard to low flying aircraft. A minimum separation of twenty-five (25) feet shall be maintained between a disposal operation and any pipeline, underground utility, or electrical transmission line easement. Sanitary landfills shall not be located within the one hundred (100) year frequency floodplain unless protected by flood control levees and other appurtenances designed to prevent washout of solid waste from the site.

(e) *Access roads.* Access roads to the disposal area or processing facility shall be of all-weather construction and negotiable at all times by trucks and other vehicles. Load limits on bridges and access roads shall be sufficient to support all traffic loads which will be generated by use of the area or facility.

(f) *Reports required.* Operators of all solid waste disposal areas and processing facilities shall maintain suitable records of volumes or tonnage of solid wastes received, land area used, population served, area served, and any other information required by the conditions of the permit. All information shall be summarized and reported to the department on forms furnished by the department.

(g) *Air quality.* The operator of every solid waste disposal area or solid waste processing facility shall conform to all applicable provisions of K.S.A. 65-3001 *et seq.*, any regulations adopted under those statutes, and any local regulations pertaining to air quality.

(h) *Communication.* Two-way communications shall be available to all solid waste processing facilities or disposal areas.

(i) *Fire protection.* Arrangements shall be made for fire protection services when a fire protection district or other public fire protection service is available. When this service is not available, practical alternate arrangements shall be provided at all sites. In case of accidental fires at the site, the operator shall be responsible for initiating and continuing appropriate fire fighting methods until all smoldering, smoking, and burning

ceases. All disruption of finished grades, or covered or completed surfaces, shall be covered and regraded upon completion of fire fighting activities.

(j) *Limited access.* Access to a solid waste disposal area or processing facility shall be limited to hours when an attendant or operating personnel are at the site. A gate or barrier and fencing approved by the department shall be erected to prevent access to the solid waste disposal area or processing facility during hours when the area or facility is closed. Access by unauthorized vehicles or pedestrians shall be prohibited.

(k) *Hours of operation.* Hours of operation and other limitations shall be prominently posted at the entrance of the disposal area or processing facility.

(l) *Salvage.* Salvage or reclamation of materials shall be permitted only when facilities specifically designed for salvaging or processing solid wastes are provided, and when the salvage materials are controlled to prevent interference with prompt, sanitary disposal of solid wastes. All salvage operations shall be conducted in a manner that will not create a nuisance.

(m) *Safety.* An operational safety program approved by the department shall be provided for employees at solid waste processing facilities and disposal areas.

(n) *Disease vector control.* Solid waste processing facilities and disposal areas shall be operated in a manner which will prevent the harborage or breeding of insects or rodents. Whenever supplemental disease vector control measures are necessary, these measures shall be promptly carried out.

(o) *Aesthetics.* Odors and particulates, including dust and litter, shall be controlled by daily application of cover material, sight screening or other means to prevent damage or nuisance. Construction and demolition landfills or other solid waste disposal areas receiving only nonputrescible waste materials may apply cover material at a less frequent rate if approved by the department.

(p) *Gas control.* The concentration of explosive gasses generated by the decomposition of solid waste disposed of on the site shall not exceed 25 percent of the lower explosive limit in on site structures (excluding gas control or recovery system components) or at facility property line. As used in this section "lower explosive limit" means the lowest percent by volume of a mixture of methane which will propogate a flame in air at 25° C and atmospheric pressure. Toxic or asphyxiating gases in

concentrations harmful to humans, animals, or plant life shall not be allowed to migrate off site or accumulate in facility structures.

(q) *Water pollution.* Solid waste processing facilities and disposal areas, which include a point source of discharge of pollutants or solid wastes to off-site surface waters, shall comply with the terms of a permit issued under K.S.A. 65-164 *et seq.* Facilities shall be designed to prevent nonpoint source pollution discharges violating applicable legal requirements implementing the Kansas statewide water quality management plan in effect on November 1, 1981 approved under section 208 of Public Law 92-500 (the Clean Water Act) as amended. Solid waste disposal areas and processing facilities shall be designed and operated so as to prevent a discharge of dredge or fill material that is in violation of section 404 of PL 92-500 (the clean water act), as in effect on November 1, 1981. Solid waste shall not be placed in unconfined waters which are subject to free movement on the surface, in the ground or within a larger body of water. If ground water which passes beneath a disposal facility is currently used as a public drinking water supply or is designated by the state of Kansas for future use as a drinking water supply, the naturally occurring ground water quality beyond the disposal site property boundary shall not be degraded. If ground water which passes beneath a disposal area or processing facility is currently used or designated by the state for purposes other than as a drinking water supply, the ground water beyond the disposal area property boundary shall be maintained at a quality as specified in the disposal area permit.

(r) *Maps required.* The operator shall maintain a log of commercial or industrial solid wastes received including sludges, liquids, or barreled wastes. The log shall indicate the source and quantity of waste and the disposal location. The areas used for disposal of these wastes and other large quantities of bulk wastes shall be clearly shown on a map and referenced to the boundaries of the tract or other permanent markings.

(s) *Disposal of sewage and industrial liquids or sludges.* Sewage or industrial solid waste liquids or sludges shall not be disposed in a sanitary landfill designed for the disposal of mixed refuse until the department has been notified and specific arrangements for handling the wastes have been approved by the department.

(t) *Disposal of hazardous waste.* Hazardous waste shall not be disposed of in a sanitary landfill. For the purposes of this subsection, "hazardous waste" means any waste determined by the secretary, under section 1 of chapter 251 of the 1981 session laws of Kansas, to be a hazardous waste and listed by the secretary as a hazardous waste in K.A.R. 28-31-3.

(u) The provisions of 40 Code of Federal Regulations Part 257.3-5 (application to land used for food chain crops), as in effect on September 23, 1981, and part 257.3-6 (disease), as in effect on September 23, 1981, are incorporated by reference.

(Authorized by and implementing K.S.A. 1981 Supp. 65-3406; effective, E-79-22, Sept. 1, 1978; effective May 1, 1979; amended, E-82-8, April 10, 1981; amended May 1, 1982.)

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