

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

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

#### **28-31-266. Specific hazardous wastes and specific types of hazardous waste management facilities; adoption and modification of federal regulations.**

(a) Adoption. The provisions of 40 CFR part 266, including appendices I through IX and XI through XIII, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

- (1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;
- (2) the exclusions from adoption listed in subsection (b); and
- (3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 266 shall be excluded from adoption:

- (1) All notes, except in appendix IX;
- (2) 40 CFR 266.103;
- (3) in 40 CFR 266.210, the definition of "we or us"; and
- (4) subpart O.

(c) Modifications. The following modifications shall be made to 40 CFR part 266:

(1) Each occurrence of the following phrases shall be deleted:

- (A) "(incorporated by reference, see § 260.11)";
- (B) "(incorporated by reference, in § 260.11)";
- (C) "(incorporated by reference in § 260.11)";
- (D) ", as incorporated by reference in § 260.11 of this chapter"; and
- (E) ", incorporated by reference in §260.11,".

(2) In 40 CFR 266.23(a), the phrase "subparts A through N of parts 124, 264, 265, 268, and 270 of this chapter" shall be replaced with "subparts A through N of 40 CFR parts 264 and 265, 40 CFR parts 268 and 270, K.A.R. 28-31-124 through 124e,".

(3) In 40 CFR 266.202(d), the following modifications shall be made:

(A) The phrase "For the purposes of RCRA section 1004(27)," shall be deleted.

(B) The text "or imminent and substantial endangerment authorities under section 7003" shall be replaced with "and the Kansas enforcement authorities at K.S.A. 65-3441(b) and (c), 65-3443, and 65-3445."

(4) In 40 CFR 266.210 in the definition of "naturally occurring and/or accelerator-produced radioactive material (NARM)," the phrase "by the States" shall be replaced with "by the state of Kansas."

(5) In 40 CFR part 266, subpart N, the following replacements shall be made:

(A) The term "us" shall be replaced with "the department."

(B) The term "we" shall be replaced with "the secretary."

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

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