

Kansas Administrative Regulations

Department of Health and Environment

Article 31.—Hazardous Waste Management Standards and Regulations

28-31-260. General provisions and definitions; adoption and modification of federal regulations.

(a) Adoption. The provisions of 40 CFR part 260, 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 260 shall be excluded from adoption:

- (1) All comments and all notes;
- (2) 40 CFR 260.1;
- (3) in 40 CFR 260.10, the definition of "performance track member facility";
- (4) 40 CFR 260.11;
- (5) 40 CFR 260.20 through 260.23;
- (6) 40 CFR 260.40 and 260.41; and
- (7) appendix I.

(c) Modifications. The following modifications shall be made to 40 CFR part 260:

(1) The text of 40 CFR 260.2 shall be replaced with the following: "The Kansas open records act and K.S.A. 65-3447 shall apply to all information provided to the department."

(2) The following definitions in 40 CFR 260.10 shall be modified as follows:

(A) The definition of "existing tank system or existing component" shall be modified by replacing "on or prior to July 14, 1986" with "on or before July 14, 1986 for HSWA tanks and on or before May 1, 1987 for non-HSWA tanks."

(B) The definition of "facility" shall be modified by deleting the phrase "under RCRA Section 3008(h)."

(C) The definition of "new tank system or new tank component" shall be modified by replacing both occurrences of "July 14, 1986" with "July 14, 1986 for HSWA tanks and May 1, 1987 for non-HSWA tanks."

(D) The definition of "qualified ground-water scientist" shall be replaced with the following definition: " 'qualified ground-water scientist' means a licensed geologist or professional engineer who has sufficient training and experience in groundwater hydrology and related fields. Sufficient training may be demonstrated by a professional certification or by the completion of an accredited university program that enables the individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action."

(E) The definition of "small quantity generator" shall be replaced by the following definition: " 'Small quantity generator' means a generator who meets all of the following criteria:

"(i) Generates more than 100 kilograms (220 pounds) of hazardous waste in any single calendar month;

"(ii) generates less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month; and

"(iii) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e)."

(d) Differences between state and federal definitions. If the same term is defined differently both in K.S.A. 65-3430 et seq. and amendments thereto or this article and in any federal regulation adopted by reference in this article, the definition prescribed in the Kansas statutes or regulations shall control, except for the term "solid waste."

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

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