

Kansas Administrative Regulations

Department of Health and Environment

Article 65.—Emergency Planning and Right-to-Know

28-65-1. General provisions.

(a) The provisions of 40 C.F.R. Parts 350, 355, 370, and 372, dated July 1, 2018, including any notes and appendices, unless otherwise specifically stated in this article of the department's regulations, are hereby adopted by reference. If the same term is defined both in the Kansas statutes or this article of the department's regulations and in any federal regulation adopted by reference in this article of the department's regulations and the term is defined differently, the definition prescribed in the Kansas statutes or this article of the department's regulations shall control.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1) "The United States" shall be replaced with "the state of Kansas."

(2) "Environmental protection agency," "EPA," and "agency" shall be replaced with "Kansas department of health and environment," "KDHE," and "department," respectively, unless the term is used in reference to the EPA web site.

(3) "Administrator" and "regional administrator" shall be replaced with "secretary of the department of health and environment."

(4) "Federal register" shall be replaced with "Kansas register."

(5) "40 C.F.R. 350.16" shall be replaced with "K.A.R. 28-65-3(f)."

(6) "This chapter" and "this section" shall be replaced by "these regulations."

(7) "5 U.S.C. 552(b)(4)" shall be replaced by "K.S.A. 65-3015, and amendments thereto."

(8) "18 U.S.C. 1905" shall be replaced by "K.S.A. 45-215 et seq., and amendments thereto."

(9) "The Office of General Counsel, U.S. Environmental Protection Agency, Mailcode 2310A, 1200 Pennsylvania Avenue, NW, Washington DC 20460" shall be replaced by

"the Office of General Counsel, Kansas Department of Health and Environment, 1000 SW Jackson Street, Topeka, Kansas 66612."

(c) The following sections shall be deleted:

(1) 40 C.F.R. 350.3(c); and

(2) 40 C.F.R. 350.16.

(Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993; amended June 4, 1999; amended March 26, 2021.)

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