

Kansas Administrative Regulations

Department of Health and Environment

Article 68.—Kansas Drycleaner Environmental Response Act

28-68-3. Performance standards.

(a) Storage and disposal of dry-cleaning wastes.

(1) Each owner or operator of a dry-cleaning facility that generates hazardous waste shall comply with the provisions specified in K.A.R. 28-31-1 through K.A.R. 28-31-4, with the following changes:

(A) Except as provided in paragraph (a)(2), the owner or operator of each dry-cleaning facility that is a small quantity generator as specified in K.A.R. 28-31-2(e), and that accumulates up to 25 kilograms of hazardous waste, shall treat the waste as follows:

(i) Either treat or dispose of the hazardous waste in an acceptable on-site facility, or ensure delivery to an off-site hazardous waste treatment, storage, or disposal facility, or to some other waste management facility approved by the department;

(ii) comply with 40 C.F.R. part 265, subpart I, as in effect on July 1, 1999 and hereby adopted by reference, except 265.176 and 265.178;

(iii) label or clearly mark each container and each tank in which hazardous waste is accumulated or stored with the words "Hazardous Waste"; and

(iv) clearly mark each container and each tank in which hazardous waste will be accumulated and stored for more than 72 hours with the date on which each period of accumulation begins. The date marking shall be in a place visible for inspection.

(B) Dry-cleaning wastewater shall not be stored at a dry-cleaning facility for more than 60 days.

(2) Each owner or operator of an existing dry-cleaning facility that is a small quantity generator and accumulates up to 25 kilograms of hazardous waste shall comply with paragraphs (a)(1)(A)(ii) through (a)(1)(A)(iv) of this regulation.

(b) Prohibition of the discharge of dry-cleaning solvents and waste.

(1) The owner or operator of a dry-cleaning facility shall not discharge dry-cleaning solvents, dry-cleaning wastewater, or both, either directly or indirectly, into any sanitary sewer, storm sewer, or septic tank, or to the soil or waters of the state. The owner or operator of a dry-cleaning facility shall not discharge dry-cleaning waste into any underground tank.

(2) The owner or operator of a dry-cleaning facility shall not locate floor drains within any secondary containment structure required by paragraph (e)(1) of this regulation.

(c) The owner or operator of a dry-cleaning facility may evaporate dry-cleaning wastewater at the dry-cleaning facility at which it was generated if both of the following conditions are met:

(1) The evaporation unit is a heated unit or a nonthermal unit utilizing air atomization or misting, made of materials compatible with and impervious to the dry-cleaning wastewater being evaporated; and

(2) the dry-cleaning wastewater contains no free-phase dry-cleaning solvent. For the purposes of this paragraph, "free-phase dry-cleaning solvent" means dry-cleaning solvent that is not suspended or dissolved in the dry-cleaning wastewater.

(d) Air emission standards. Each owner or operator of a dry-cleaning facility using chlorinated dry-cleaning solvents shall comply with the provisions specified in K.A.R. 28-19-720, and K.A.R. 28-19-750 through K.A.R. 28-19-753.

(e) Dikes and secondary containment structures.

(1) Installation. Each owner or operator of a dry-cleaning facility shall install a dike or other secondary containment structure around each dry-cleaning unit and around each storage area for dry-cleaning solvent, dry-cleaning waste, or both. Each secondary containment structure shall be maintained in good condition.

(2) Construction materials.

(A) The materials used to construct each secondary containment structure shall be impervious to and compatible with the dry-cleaning solvents and dry-cleaning wastes used or stored within the secondary containment structure.

(B) For any dry-cleaning unit using chlorinated dry-cleaning solvents, and any storage area for chlorinated dry-cleaning solvents, chlorinated solvent dry-cleaning wastes, or both, materials other than epoxy or steel may be used for the construction of

the secondary containment structure only upon approval by the department.

Departmental approval for the use of a material other than epoxy or steel shall be granted upon demonstration to the department that the material is as compatible with and impervious to dry-cleaning solvent as epoxy or steel.

(C) For any dry-cleaning unit using petroleum dry-cleaning solvents, and any storage area for petroleum dry-cleaning solvents, petroleum dry-cleaning solvent wastes, or both, materials other than epoxy, steel, or concrete may be used for the construction of the secondary containment structure only upon approval by the department.

Departmental approval for the use of a material other than epoxy, steel, or concrete shall be granted upon demonstration to the department that the material is as compatible with and impervious to dry-cleaning solvent as epoxy, steel, or concrete.

(D) All sealant and all caulk used on each secondary containment structure shall be impervious to and compatible with the dry-cleaning solvent and dry-cleaning waste used or stored within the secondary containment structure.

(3) Storage capacity. Each secondary containment structure shall be capable of containing any leak, spill, or release of dry-cleaning solvents, dry-cleaning wastes, or both.

(4) Inspections. The owner or operator of each dry-cleaning facility shall inspect each secondary containment structure weekly.

(A) The owner or operator of each dry-cleaning facility shall repair each deficiency detected during an inspection not later than five calendar days after the deficiency is detected. The owner or operator may request an extension of this five-day time limit from the department.

(B) The owner or operator of each dry-cleaning facility shall keep a log of the following information and provide it to the department upon request:

- (i) The dates of inspection for each secondary containment structure;
- (ii) a brief description of each deficiency that is detected;
- (iii) the date of repair of each deficiency; and
- (iv) a brief description of each repair.

(C) Each inspection and repair log shall be kept at the dry-cleaning facility for not less than five years after the log has been completed.

(f) Delivery of solvents.

(1) Chlorinated dry-cleaning solvents. All chlorinated dry-cleaning solvents shall be delivered to dry-cleaning units and solvent storage containers by means of either of the following:

(A) A closed, direct-coupled delivery system; or

(B) a technology determined by the department to provide protection of human health and the environment equivalent to or greater than that provided by direct-coupled delivery systems.

(2) Petroleum-based solvent. All petroleum-based solvents shall be delivered to dry-cleaning units and solvent storage containers according to the requirements of K.A.R. 22-7-9.

(g) Each owner or operator of a new dry-cleaning facility shall comply with this regulation at the time operations begin and thereafter.

(Authorized by and implementing K.S.A. 1999 Supp. 65-34,143; effective Jan. 3, 1997; amended May 8, 1998; amended Dec. 22, 2000.)

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