

Kansas Department of Health and Environment
Division of Environment
Regulatory Agenda
February 2016

Division Draft - the date the regulations are sent to External Review.

External Review - EPA, Department of Administration, Attorney General review.

Effective Date - the date the regulations become effective, usually 15 days after publication in the Kansas Register.

* Denotes projected date.

Program Area	Statutory Authority	Statute(s) Implemented	Regulation Description	Division Draft	External Review	Public Hearing	Effective Date
BUREAU OF AIR							
Air	65-3005	65-3008a	<i>[Am] 28-19-200 through 201</i> Updates definitions for all rules and HAP/VOCs.	On Hold	On Hold	On Hold	On Hold
Air	65-3005 65-3006 65-3010		<i>[Am] 28-19-11</i> Updates start up, shut down, and malfunction criteria to align with EPA SSM policy for approvable SIP.	*03/16	*03/16	*11/16	*12/16
Air	65-3005	65-3008 65-3010	<i>[Am] 28-19-720 (NSPS)</i> Updates performance standards through 6/30/14	*05/16	*08/16	*10/16	*12/16
Air	65-3005	65-3008 65-3010	<i>[Am] 28-19-750</i> MACT updates through 6/30/14, adoption by reference	*05/16	*08/16	*10/16	*12/16
Air	65-3005	65-3008 65-3010	<i>[Am] 28-19-750</i> MACT updates RICE engines only, adoption by reference	07/14	08/14	10/8/14	11/14/14
Air	65-3005	65-3008 65-3010	<i>[Am] 28-19-720</i> Updates NSPS through 6-30-10, updates RICE through 2013, adoption by reference	07/14	08/14	10/8/14	11/14/14
Air	65-3005	65-3005 65-3010	<i>[New] 28-19-274</i> Provides for allocations within Kansas TR NOx Annual Trading budget for Cross-State Rule	6/15	7/15	10/7/15	11/6/15

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Air	65-3005	65-3008	<i>[Am] 28-19-304</i> Update fee schedule to bring in sufficient revenue to adequately administer the Kansas Air Quality Act, specifically to adequately staff and administer the Kansas New Source Review (NSR) preconstruction permitting program.	*3/15	*03/16	*04/16	*05/16
Air	65-3005	65-3008	<i>[Am] 28-19-300</i> Streamlines permit and approval processes; creates registration process for small sources.	*03/16	*03/16	*04/16	*05/16
Air	65-3005	65-3008	<i>[Am] 28-19-500, 501, 502</i> <i>[Am]</i> <i>28-19-510, 511, 513, 514, 515, 518</i> <i>[New] 513a-e</i> <i>[Am]</i> <i>28-19-540-546</i> Clarifies and streamlines the operating permit and approval processes.	On Hold	On Hold	On Hold	On Hold
Air	65-3005	65-3006 65-3007 65-3009 65-3010	<i>[Am] 28-19-18 through 77</i> Clarifies, updates and removes burdensome requirements outdated by new control technologies and standards. (includes incinerators)	On Hold	On Hold	On Hold	On Hold
Air	65-3005	65-3008	<i>[New] 28-19-801</i> Update general and transportation conformity regulations to match federal requirements; essential component to assure transportation funds for the Kansas City area.	On Hold	On Hold	On Hold	On Hold
Air	65-3005	65-3008	<i>[Am] 28-19-275</i> <i>[New]</i> <i>28-19-276</i> Updates and adopts federal acid rain permit and nitrogen oxide reductions requirements.	On Hold	On Hold	On Hold	On Hold

BUREAU OF ENVIRONMENTAL REMEDIATION

Program Area	Statutory Authority	Statute(s) Implemented	Regulation Description	Division Draft	External Review	Public Hearing	Effective Date
Surface Mining <i>Staff Contact: Murray Balk</i>	K.S.A. 49-404, 49-405, 49-408, 49-409, 49-410, 49-411, 49-413, 49-415, 49-427, 49-429	K.S.A. 49-405, 49-406, 49-407, 49-408, 49-410, 49-410, 49-427, 49-428	K.A.R. 47-2-75, 47-3-2, 47-3-42, 47-6-1, 47-6-2, 47-6-3, 47-6-4, 47-6-6, 47-6-8, 47-6-9, 47-6-10, 47-6-11, 47-16-9, 47-16-10, and 47-16-12 will be changed to bring them into compliance with the Federal regulations concerning Ownership and Control of a Coal Mine.				
Surface Mining	K.S.A. 49-405	K.S.A. 49-405, 49-405c, 49-416a	K.A.R. 47-5-5a will be changed to bring the regulations dealing with alternative enforcement actions into compliance with the Federal regulations				
Surface Mining	K.S.A. 49-404, 49-405	K.S.A. 49-404, 49-405, 49-405a, 49-405b, 49-406, 49-407, 49-408, 49-409, 49-411, 49-413, 49-415, 49-422a, 49-426, 49-427, 49-429	K.A.R. 47-7-2, 47-8-9, 47-9-1, 47-9-4, 47-10-1, 47-11-8, 47-12-4, 47-13-4, and 47-14-7 will have their adoption by reference updated to July 1, 2012, bringing all the regulations into line with the same adoption date.				

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Surface Mining	K.S.A. 49-405	K.S.A. 49-404, 49-405, 49-405c, 49-405d, 49-406, 49-416, 49-416a, 49-427	K.A.R. 47-15-1a will be amended to bring the regulations governing Cessation Orders into compliance with the Federal regulations.				
Risk Management Program <i>Staff Contact:</i> <i>Chris Carey</i>	65-34, 176	65-34, 176	28-74-1 through 4 New regulations for implementing the Risk Management Program for low-risk contaminated sites.	10/15	1/14/16	4/616	*6/16
Environmental Use Controls <i>Staff Contact:</i> <i>Chris Carey</i>			No regulations pending.				
Voluntary Cleanup Program <i>Staff Contact:</i> <i>Bob Jurgens</i>	65-34, 163	65-34, 161 to 65-34, 169; 65-34, 171 to 65-34, 174	(AM) 28-71-1 through 12 Updates definitions, clarifies eligibility and responsibilities, revises fees/billing and NFA categories and allows for risk based decision-making within the voluntary cleanup program.	*02/16	*04/16	*07/16	*09/16
Storage Tanks <i>Staff Contact:</i> <i>Randy Carlson</i>	65-34, 105	65-34, 102 and 105	KAR 28-44-1 to 28-44-29 will be changed to bring them into compliance with the Federal regulations concerning underground storage tanks.				
HEALTH AND ENVIRONMENTAL LABORATORIES							
Breath Alcohol <i>Staff Contact:</i> <i>Myron Gunsalas, Jr.</i>	KSA 2011 Supp 65-1,107	65-1, 107	KAR 28-32-13 Remove the requirement to send quarterly reports to the department inspectors.	09/27/12	10/17/12	1/24/13	3/8/13
BUREAU OF WASTE MANAGEMENT							

Program Area	Statutory Authority	Statute(s) Implemented	Regulation Description	Division Draft	External Review	Public Hearing	Effective Date
Solid Waste <i>Staff Contact: Christine Mennicke</i>	65-3406	65-3406	<i>[Am] 28-29-109 and [New] 28-29-600 et seq</i> Allow and regulate disposal of naturally occurring radioactive material in solid waste landfills. Will be promulgated concurrently with Radiation regulations.	*8/16	*11/16	*2/17	*4/17
Solid Waste	65-3406	65-3407	<i>[New] 28-29-257</i> Adopt federal regulations concerning the management and disposal of coal combustion residuals in landfills and surface impoundments.	*7/16	*10/16	*1/17	*3/17
Solid Waste	65-3406	65-3407	<i>[Rev] 28-29-84 [New] 28-29-2001 et seq, 28-29-3001</i> Clarify permit renewal fees for industrial landfills and closed landfills with operating monitoring systems.	*10/16	*1/17	*4/17	*6/17
Solid Waste	65-3406	65-3401 3406	<i>[Am] 28-29-121, 28-29-304, 28-29-308 [New] 28-29-122, 28-29-130, 28-29-308a.</i> Allow more flexibility in cover requirements for C&D and MSW landfills. Specify criteria and requirements for reduction and/or termination of postclosure care.	*10/16	*1/17	*4/17	*6/17
PCB	repealed	repealed	<i>[Revoke] 28-55-1 through-5</i> Authorizing statutes were repealed.	*10/16	*1/17	*4/17	*6/17
Solid Waste	65-3406	65-3406	<i>[Am] 28-29-27</i> Medical Services Waste. Update existing regulation and address highly infectious waste.	*2017	*2017	*2017	*2017
Solid & Hazardous Waste	65-3406, 3460 3431	65-3406, 3431, 3451	<i>[Am] 28-29-1100 through -1107, 28-31-263a.</i> Allow satellite Household Hazardous Waste facilities to accept some business-generated waste. Provide more specifics concerning operating requirements.	*2017	*2017	*2017	*2017
BUREAU OF WATER							
Watershed Planning <i>Staff Contact: Trevor Flynn</i>	65-171d 65-171m	65-171d 65-171m	<i>[Am] 28-16-28b through 28g.</i> Updates and clarifies water quality standards.	10/12	6/13	11/14	3/15

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Watershed Planning <i>Staff Contact:</i> <i>Trevor Flynn</i> <i>Julia Young</i>	65-171d 65-171m	65-171d 65-171m	<i>[Am] 28-16-28b and 28f. New regulation 28-16-28h</i> Updates and clarifies water quality standard Variances. Creates new reg for Kansas variance register.	4/2016	12/2016	2017	2017
Geology <i>Staff Contact:</i> <i>Mike Cochran</i>	55-1.117	55-1.117	<i>[Am] Articles 45, 45a & 45b.</i> Underground Hydrocarbon storage. Financial assurance, clarifications.	Conducting outreach.			
Public Water Supply <i>Staff Contacts:</i> <i>Andrew Hare, Cathy Tucker-Vogel</i>	65-171m	65-171m	<i>[New] K.A.R. 28-15a-600, K.A.R. 28-15a-620.</i> Part 2, Disinfection By-Products. Adopts new state regulations to conform to federal regulations.	4/2014	Unknown	Unknown	Unknown
Public Water Supply	65-171m	65-171m	<i>K.A.R. 28-15a-700.</i> Part 2, Long Term Surface Water Treatment Rules. Adopts new state regulations to conform to federal regulations.	9/2014	Unknown	Unknown	Unknown
Public Water Supply	65-171m	65-171m	<i>[New] K.A.R. 28-15a-400</i> Groundwater Rule. Adopts new state regulations to conform to federal regulations.	*12/31/2015	Unknown	Unknown	Unknown
Public Water Supply	65-171m	65-171m	<i>[Am] K.A.R. 28-15a-80</i> Lead and Copper Short-Term Revision. Adopts new state regulations.	04/2014	Unknown	Unknown	Unknown
Public Water Supply	65-171m	65-171m	<i>[New] K.A.R. 28-15a-851</i> Revised Total Coliform Rule. Adopts new state regulations to conform to federal regulations.	*12/31/2015	Unknown	Unknown	Unknown
Public Water Supply	65-171m	65-171m	<i>[New] K.A.R. 28-15a-32</i> Electronic Reporting Requirements. Requires PWSS to report all monitoring and compliance data in a format approved by the Department.	*12/31/2015	Unknown	Unknown	Unknown
Livestock <i>Staff Contact:</i> <i>Tara Mahin</i>	65-171d	65-164 65-165 65-166 65-166a 65-1,182	<i>[Am] 28-18-11, 28-18a-11.</i> <i>Updates references to federal rules.</i>	1/31/2016	6/1/2016	1/1/2017	6/1/2017

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Industrial <i>Staff Contact:</i> <i>Don Carlson</i>			No regulations pending.				