

Winter/Spring
2009



Kansas Environmental News

Secretary's Corner

During the last few months of 2008 we entered some trying economic times across the nation and Kansas has not been exempt from these hardships. We ended 2008 knowing that reductions would be needed in the current State Fiscal Year (SFY) 2009 budget and that the projections for the SFY 2010 budget were even worse. There will be difficult decisions to make, as the services that KDHE programs provide are important to the citizens of Kansas and any reductions will have an effect on the people that we serve. By working together, we are hopeful that we can keep moving forward in our mission to protect and improve the public health and environment of Kansas.

As we enter a new year, I'd like to take the opportunity to reflect on several noteworthy accomplishments that KDHE made towards protecting our Kansas environment in 2008. We implemented ground-level ozone and ambient mercury deposition monitoring. We also provided grants to communities across Kansas to start e-waste recycling programs, and held an e-waste collection event in Hutchinson during this year's State Fair. Also, on October 16, the North American Hazardous Materials Management Association presented KDHE and EPA Region 7 with its Outstanding Product Award for the efforts of both agencies to help make the first Green Energy Gateway Fuel Station in the country a reality in Lawrence, Kansas.

In addition, we are reaching out to young people to help ensure that the mission of environmental stewardship carries forward into the future. The Kansas Green Schools Program, which offers grants, workshop

opportunities for teachers, and technical support to encourage environmental education and projects in school classrooms, awarded grants to 35 schools across the state. And, the new Green Ambassadors program was launched in December. This program now provides education to the public on proper waste management practices by enabling full-time Kansas college students to serve as messengers for environmental education. Lastly, 13 grade school and high school students from across Kansas were selected as winners in the 2009 Kansas Don't Spoil It! Calendar Contest. On Monday, November 17, the contest winners met Governor Kathleen Sebelius and received a copy of their artwork signed by the Governor as well as me.

With regard to public health issues, KDHE is supporting a health care reform package being brought before the Legislature by the Kansas Health Policy Authority. This forward-leaning proposal will include a statewide smoking ban; an increase in the tobacco products user fee; expansion of Medicaid coverage for parents and caretakers; assistance to small businesses and young adults to access affordable health insurance; implementation of a statewide community health record; expanded access to cancer screenings; improved access to tobacco cessation programs to Medicaid beneficiaries; and increased funding for the Coordinated School Health Program and Workplace Wellness grants for small businesses. If enacted, these measures will provide substantial long-term, cost-effective benefits that promote the health of all Kansans.

By working together, we can keep moving forward to protect and improve the public health and environment of Kansas.

Be well,

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Are You in Compliance with Area Source Rules?

by David Carter, K-State Pollution Prevention Institute

Under Clean Air Act (CAA) requirements, the U.S. Environmental Protection Agency (EPA) identified a total of 70 area source categories that represent 90 percent of the emissions of the 30 urban air toxics associated with these sources.¹ “Area” sources are those sources that emit less than 10 tons annually of a single hazardous air pollutant or less than 25 tons annually of a combination of hazardous air pollutants. Of the 70 area source categories identified by EPA, at least 46 had been regulated by the end of 2008. Seven new area source rules were promulgated in 2008 and the remaining area source standards are under development. A complete listing of all of the area source rules and their compliance and initial notification dates can be found on the EPA website at www.epa.gov/ttn/atw/area/compilation.html.

Industries whose operations generate, or have the potential to generate, hazardous air pollutants are required to determine whether they are an affected area source under these area source rules. Although each rule has its own specific requirements, there are some similarities. For instance, each rule requires affected sources to send an initial notification to EPA and KDHE, informing them of the source’s applicability under the rule. The specific notification date is written into the rule itself. For instance, May 9, 2008, was the initial notification date for affected sources under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Category: Gasoline Dispensing Facilities (Subpart CCCCCC). Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations, has an initial notification date of January 11, 2010, for existing affected sources.

Like the initial notification date, each rule has a specified date for affected sources to be in compliance with the rule. Using the previous examples of Gasoline Dispensing Facilities and Paint Stripping and Miscellaneous Surface Coating Operations, the compliance date for both is January 10, 2011, for existing affected sources.

Finally, each rule has specific requirements or best management practices intended to reduce the amount of hazardous air pollutants released to the environment. The affected source is required to review and comply with each of these requirements by the compliance date that is written into the rule. Obviously, this article cannot delve into the numerous requirements specified in each rule, but there are resources available to help businesses covered by these new rules. The Kansas Small Business Environmental Assistance Program (SBEAP) provides free environmental assistance to small businesses in the state of Kansas. SBEAP hosted webinars for the CCCCCC and HHHHHH area source rules in January and February 2009. Go to www.sbeap.org under past workshops to view archived files of these webinars or call the SBEAP environmental hotline at 800-578-8898 for individual assistance.

The EPA has information and implementation tools (e.g., sample initial notification and compliance forms, and brochures) on the new area source rules on the EPA website shown below, and personnel with the Bureau of Air and Radiation (BAR) within the Kansas Department of Health and Environment (KDHE) can also provide technical assistance. Visit the KDHE website at www.kdheks.gov/bar for information on air regulations in the state of Kansas or contact the SBEAP environmental hotline at 800-578-8898.

(Endnotes)

¹ The U.S. Environmental Protection Agency, Technology Transfer Network, Air Toxics website, <http://www.epa.gov/ttn/atw/area/arearules.html>.



Emission Inventory Due Dates

KDHE’s Bureau of Air and Radiation would like to remind you of the following due dates for submittal of emission inventories:

<i>Class II</i>	<i>Due April 1</i>
<i>Class I</i>	<i>Due June 1</i>
<i>Class II 50% Rule</i>	<i>Due date was Feb. 15</i>

KDHE is encouraging sources to take advantage of the online Kansas Emission Inventory Submittal System.

If you are interested in using the web-based submittal system for this year’s inventory, please contact one of the staff listed below.

Staff Contacts:

Will Stone (785) 296-6427
Barb Bangert (785) 296-1582
Cathy Watson (785) 296-1947
Andy Hawkins (785) 296-6429

KDHE Regulations in Process

The following table depicts the KDHE regulations that are in the process of being developed, amended or revoked. If you have questions on any of the regulations, contact Cathy Colglazier at (800) 357-6087.

Regulation	Division Draft ¹	External Review ²	Public Hearing	Effective ³
<u>Waste Management</u>				
Definitions (A)	8/08	*02/09	*5/09	*7/09
Hazardous Waste Update (A)	*1/09	*2/09	*5/09	*7/09
Solid Waste Gas Mitigation & Monitoring at C/D Landfills (N)	*2/09	*4/09	*7/09	*9/09
<u>Air and Radiation</u>				
KC Ozone (RACT) & Idling (N)	11/08	*1/09	*3/09	*5/09
PSD Update (A)	12/08	*2/09	*4/09	*6/09
NSPS & MACT Update (A) (N)	*1/09	*3/09	*5/09	*7/09
Definitions and Permitting Rules (A) (N)	*2/09	*4/09	*6/09	*8/09
Transportation Conformity (A)	*4/09	*6/09	*8/09	*10/09
Acid Rain Nox and Permits (A)	*5/09	*7/09	*9/09	*11/09
Clarification and Consolidation (A)	*7/09	*9/09	*11/09	*1/10
Radiation Updates (A)	*1/09	*4/09	*8/09	*11/09
<u>Water</u>				
PWS Groundwater Rule	*1/09	*3/09	*9/09	*Late 2009
WQS Clarification & Update	*6/09	*8/09	*9/09	*12/09
<u>Environmental Field Services</u>				
Surface WQS/Register Annual Update	12/08	1/09	*4/09	*5/09
<u>Environmental Remediation</u>				
Environmental Use Control Update (A)	8/08	8/08	11/08	*2/09
<p>¹ The Division Draft date is the date the regulations are sent to External Review. ² External Review includes reviews by EPA (if applicable), Department of Administration, & Attorney General ³ Effective Date is the date the regulations become effective.</p> <p>New (N), Amended (A), Revoked (R) * Denotes projected date.</p> <p style="text-align: right;">Updated 1/09</p>				

'Green Ambassadors' Encourage Good Waste Management Practices

by Rodney Ferguson, KDHE Bureau of Waste Management

The Kansas Department of Health and Environment (KDHE) Bureau of Waste Management is announcing a new education and outreach program called 'Green Ambassadors.' The Green Ambassador program will provide education to the public on proper waste management practices by enabling full-time Kansas college students to serve as messengers for environmental education. Key waste management practices include composting, recycling and taking advantage of local household hazardous waste collection centers.

"Green Ambassadors will take our message of environmental stewardship to groups throughout Kansas, emphasizing good personal decision making and habits regarding waste management," said Bill Bider, Director of Waste Management for KDHE. "They will also be discussing other issues related to environmental protection and natural resource conservation."

The inaugural class of Green Ambassadors comes from eight Kansas college campuses:

- Allen County Community College – Alisha Shipley
- Emporia State University – Jennifer Rae Groves, Harrison George
- Ft. Hays State University – Jonathan R. Iman
- Kansas State University – Angela Tran, Jacob Gouldie, Jon-Edward Thorsell
- Sterling College – David Roe
- University of Kansas – Annette Conrad, Lydia Gibson
- Washburn University – Danielle Van Layes, Cari Powell
- Wichita State University – Melissa Davison

Green Ambassadors are available to speak to interested parties such as social and philanthropic clubs and groups as well as schools within their area. To find out more, or to check into the possibility of scheduling a Green Ambassador to speak to your group or organization, contact Rodney Ferguson at 785-291-3746.



Green Ambassadors

Back row left to right: Jennifer Groves, Annette Conrad, David Roe, Harrison George, Jacob Gouldie, Jon-Edward Thorsell
Front row left to right: Cari Powell, Alisha Shipley, Melissa Davison, Jonathan Iman, Angela Tran, Danielle Van Layes, Lydia Gibson

Kansas Industries Save Using K-State Interns

by Nancy Larson, K-State Pollution Prevention Institute

For the past three years, Kansas industries have worked with the K-State Pollution Prevention Institute partnering to host engineering students who work on dedicated pollution prevention projects. The interns are trained by K-State, then work at the host industry site for about 10 weeks researching project feasibilities and determining environmental and cost benefits. Via Christi Health System is a non-profit Catholic health organization that provides health services in the state of Kansas with their main campus, St. Francis, in Wichita. Via Christi recognizes the benefits from energy conservation and has hosted a K-State pollution prevention hospital intern during the past two summers. Via Christi realizes if it spends less on energy, it can redirect those dollars to patient care while reducing its environmental footprint.

Using the recommendations and data provided by the 2007 and 2008 interns, Via Christi secured top management support to implement program recommendations immediately and continue the program improvements over the next several years. The project, formally named the "Building Automation Project," has set a goal to save more than \$6.5 million by 2013 through energy conservation projects, and estimates energy reductions of more than 3 million KWh and 110 therms annually. Via Christi will accomplish this by spending \$1.5 million over the first three years on energy conservation techniques. The intern also estimated related annual greenhouse gas reductions of 3,810 standard tons of carbon dioxide (CO₂), 14.58 standard tons of sulfur dioxide (SO₂), and 8.5 standard tons of nitrogen oxide (NOX).

The project began with the 2007 intern gathering all energy use data, then benchmarking the hospital's energy use as part of an industry-specific Energy Star portfolio. The intern then started identifying high-energy-use areas, using the equipment available through the P2 intern program to do a lighting audit and analyzing other energy loss through steam traps. Based on these recommendations

and further work by a 2008 summer intern, Via Christi has completed such tasks as eliminating some lamps in hallways, installing timers, and replacing steam traps. An effort to install power management features on every hospital computer is in process.

The interns also helped develop and implement an employee energy awareness program. New employees are now trained on energy reduction during orientation, and any employee can make requests to have energy-saving projects such as occupancy sensors, timers, or lamp removal completed in their offices or work areas. Via Christi has now formed a Green Team to help continue and extend energy conservation efforts. The hospital also hired its K-State intern to stay on and assist with continuation of these energy conservation projects.

To learn more about this Via Christi project, including project abstracts complete with project lists and costs, go to www.sbeap.org/internships.php?reports=hospital. If you would like to learn more about the K-State intern program, simply go to www.sbeap.org/index.php. The K-State intern program is made possible by a grant from EPA Region 7 in partnership with the Kansas Department of Health and Environment.

2009 Pollution Prevention Awards

The 2009 P2 Award application is available at www.kdheks.gov/sbcs/p2_pollution_prevention_awards.html. KDHE presents the annual awards to individuals, communities or community groups, businesses and industries who have made a significant impact in protecting our environment by preventing pollution.

Applications will be accepted for the following award categories: Pollution Prevention; Energy Efficiency; Technology Innovation; Environmental Management System; Recycling; and Education and Outreach.

Don't miss this opportunity to obtain recognition for all of your hard work! Applications are due Friday, June 5, 2009. Contact Cathy Colglazier at (800) 357-6087 if you have any questions on the awards program.



Are you a small business that has questions regarding compliance with environmental regulations or permits? Don't hesitate to call Kansas State University's Small Business Environmental Assistance Program for free, confidential, technical assistance! Simply call (800) 578-8898.

EPA's Performance Track Program Welcomes New Kansas Member

The Robert J. Dole VA Medical & Regional Office Center in Wichita is among 42 new Performance Track members welcomed into the national program, which now includes more than 500 member organizations. Other Kansas Performance Track members include Rockwell Collins, Wichita; Goodyear Tire and Rubber, Topeka; and the City of Lawrence Wastewater Utility.

The EPA Performance Track program recognizes and drives environmental excellence by encouraging facilities with strong environmental records to go above and beyond their legal requirements. Members typically set four public, measurable goals to improve the quality of our nation's air, water and land. Members

include major corporations, small businesses, and public facilities that are steering a course toward environmental excellence.

"Membership in Performance Track is good for organizations, their employees, their communities, and for the environment," said EPA Region 7 Administrator John B. Askew. "These members have chosen to lead the way for a cleaner, healthier world."

Applications for Performance Track are accepted twice a year: April 1 - May 31, and September 1 - October 31. For more information on Performance Track, please visit www.epa.gov/performance-track.

KDHE Offers Green Schools Grant Program

by Maureen Ruhlman, KDHE Bureau of Waste Management

The Bureau of Waste Management (BWM) is pleased to announce Round #2 of the Green Schools Grant program. Please mark your calendars as applications can be submitted beginning January 15 through April 15. Grant awards will be announced on May 15 and the funding will be released in August (in time for the new school year). The first round of Green School Grants was unveiled in August 2008, and BWM received almost \$100,000 of application requests. The bureau is hoping to double the amount of grant requests for Round #2, so please share this information with any schools that may be interested. Schools may apply for grants up to \$4,500 and any K-12 school is eligible.

"These grants will allow schools to more readily undertake environmental projects, such as composting and recycling," stated John Mitchell, Director of the Division of Environment. "Engaging in projects to teach

kids about the value of 'green' activities can help make a difference for our environment, and for our future."

Grant opportunities are not limited to those offered by the Bureau of Waste Management, as air and water quality project grants are also options. Check out kansasgreenschools.org for additional information on applying for grants and joining the Kansas Green Schools Network. Kansas Green Schools is a new initiative offered through the Kansas Department of Health and Environment (KDHE) in partnership with the Kansas Association for Conservation and Environmental Education (KACEE).

For additional information on Round #2 of the solid waste Green Schools Grant, please contact Maureen Ruhlman at mruhlman@kdhe.state.ks.us or (785) 296-6596.

As the state's environmental protection and public health agency, KDHE promotes responsible choices to protect the health and environment for all Kansans.

Through education, direct services and the assessment of data and trends, coupled with policy development and enforcement, KDHE will improve health and quality of life. We prevent illness, injuries and foster a safe and sustainable environment for the people of Kansas.

Hazardous Waste Questions & Answers

from the KDHE Bureau of Waste Management (BWM)

Managing Containers

How do I handle empty containers of paint waste?

Can I crush these containers?

Do I have to dry the paint waste first?

Any empty container, as defined in 40 CFR 261.7, can be disposed or recycled like other solid wastes. Unfortunately, this easy answer doesn't typically satisfy most of you because in reality, when the "empty" containers sit in the dumpster or are crushed, the residuals tend to spill out and create a mess. Drying the residuals in the "empty" container is not the best option either, because that raises questions about treatment. The best option is to add an absorbent to the container before placing it in the dumpster for recycling or disposal. If you are crushing the containers, make sure that there is some sort of containment for the residuals that are forced out of the cans as they are crushed. Any hazardous waste generated from that process must be collected and properly managed and disposed.

Is a funnel with a lid sufficient to close a container?

This will depend on the container, the funnel, and the type of waste. Please refer to KDHE BWM Technical Guidance Document HW 97-03 "Closed Containers" at www.kdheks.gov/waste/bwm_tech_guide.html. If you are dealing with a liquid hazardous waste, then the funnel will have to be secured to the container (such as screwing it into the bung on a closed-head drum), and the funnel will have to have a lid that closes securely and will not open if the drum is tipped (latched or otherwise secured). If the drum is secured to the wall or a post, then the funnel can simply have a lid that seals shut to prevent vapors from escaping.

Solvent Contaminated Wipes

I have my solvent rags laundered so they are exempt, but what do I do about solvent accumulating in the bottom of the rag collection container?

If your rags are laundered at a place that discharges to a Publicly Owned Treatment Works (POTW) (sanitary sewer), then they are exempt from the solid waste regulations, and therefore the hazardous waste regulations. Any solvent accumulating at the bottom of the container would be hazardous waste and must be appropriately managed and disposed. Care should be taken to ensure that the rags are not dripping when put into the container if at all possible, to prevent solvent from accumulating in the

bottom of the containers. If significant amounts of solvent are accumulating in the bottom of your rag collection containers, then you may have to begin managing the containers as hazardous waste containers. You should also remember that the exemption is only for solvent that is on the rags when they are used. You cannot pour free (liquid) solvent into your rag collection container as a means of disposal. This would be considered illegal disposal of a hazardous waste.

Storage and Weekly Inspections

What is a weekly inspection?

What is required to be documented in a weekly inspection?

If I don't have any waste on-site, do I still have to do a weekly inspection?

Are weekly inspections required once every 7 days or once per week?

What is considered adequate aisle space?

A weekly inspection must be conducted on all hazardous waste storage areas. KAR 28-31-4(k) requires that these inspections be documented and that they include documentation of the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions. Weekly inspections must be conducted once per week. We recommend that they be conducted every seven days (every Monday or every Friday, etc.), but once within a calendar week is sufficient. Please note that a minimum of 52 weekly inspections should be conducted within a calendar year (therefore going 13 days between each inspection would be unacceptable). If no waste is present in the hazardous waste storage area, then no inspection is required. A notation or other documentation should be available to document that no waste was in storage and therefore no inspection was required. Please be aware that a weekly inspection is required anytime there is waste in storage. This includes times of plant shutdowns for holidays or maintenance.

The 40 CFR 265.35 requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

For additional information, contact Rebecca Wenner at (785) 296-1604.

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Upcoming Events

Reducing Solvent Emissions Workshop

Green practices to improve air quality

Tuesday, March 10

Wichita, KS

www.sbeap.org

2009 Works! Conference on Recycling, Composting, and Household Hazardous Waste

March 24 - 26

Lindsborg, KS

<http://www.kdheks.gov/waste/>

Kansas Environmental Conference

August 18 - 20

Hyatt Regency, Wichita

www.kdheks.gov/sbcs/environment_conf.html

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