

# Hazardous Waste Connection

Compliance Information for Generators in Kansas

Winter 2011

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## New Hazardous Waste Regulations Now in Effect

by Jim Rudeen, Bureau of Waste Management

The new Kansas hazardous waste regulations are in effect. Hazardous waste generators need to be aware of the new regulations to avoid potential future violations. For Large Quantity Generators, it is pretty much business as usual. The changes have not really affected their operations.

All generators are now required to update their Notification form within 60 days of any change of information on the form. Several major changes will affect Small Quantity (SQG) and Kansas Small Quantity (KSQG) Generators. One such change is the requirement that hazardous waste must be shipped every 180 days (or 270 days if shipping over 200 miles). Under the old regulations as long as a generator did not exceed 2,200 pounds of hazardous waste on site, they did not have a timeframe to ship their waste.

Another major change is that SQGs may now store up to 13,200 pounds of hazardous waste on site, but as discussed above, it must be shipped every 180 (or 270) days.

For additional information on the new regulations, contact Jim Rudeen at (785) 296-1603 or [jrudeen@kdheks.gov](mailto:jrudeen@kdheks.gov), or visit [www.kdheks.gov/waste/p\\_regsandstatutes.html](http://www.kdheks.gov/waste/p_regsandstatutes.html).

### Hazardous Waste Connection

Kansas Department of Health & Environment



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*KDHE Mission  
To protect the health and environment  
of all Kansans by promoting  
responsible choices*

## Compliance Assistance Visits Needed!

by Jim Rudeen, Bureau of Waste Management

If your business has not inquired about a Compliance Assistance Visit (CAV), it's time to check into it. CAVs are a great way to ensure your facility stays in compliance with Kansas hazardous waste regulations. Areas of concern are addressed without the usual violations associated with them and except in the case of very serious violations (such as dumping hazardous waste out the back door) enforcement action will not be taken on your facility. Not all facilities will qualify for a CAV. For more information, call or e-mail Jim Rudeen at (785) 296-1603 or [jrudeen@kdheks.gov](mailto:jrudeen@kdheks.gov).

**Take advantage of this voluntary technical assistance program and put your hazardous waste compliance concerns to rest!**

.....  
: A recent Compliance Assistance Visit :  
: (CAV) at a Kansas business revealed :  
: several issues that were corrected :  
: without the hassle of a violation or a :  
: possible fine from KDHE. :  
: :  
: In one issue, the facility had been :  
: operating under two separate EPA ID :  
: numbers due to a plant expansion and :  
: acquisition several years ago. Two :  
: ID numbers for the same facility :  
: operating under the same ownership and :  
: processes is against EPA regulations. :  
: The two ID numbers were consolidated :  
: into one which streamlined operations :  
: for the facility and also negated a :  
: potential future violation for the facility. :  
: :  
: Another issue, again corrected :  
: without violations, involved making :  
: adequate waste determinations and :  
: container management. If you feel :  
: your facility qualifies for a CAV, it is :  
: definitely worth your time to find out :  
: more about the process. Contact Jim :  
: Rudeen at (785) 296-1603 or e-mail at :  
: [jrudeen@kdheks.gov](mailto:jrudeen@kdheks.gov). :  
: :  
: .....

## Director's Comments

by Bill Bider, Director, Bureau of Waste Management

If you are a generator or a TSD facility, you may have been expecting an increase in your hazardous waste monitoring fee. KDHE had proposed a change to the fees in late summer 2011 in order to sustain the state program, but the fee increases have been delayed until July 1, 2012. Even with the elimination of four staff positions, a fee increase was necessary to support all program expenses. KDHE is moving forward with the proposed regulation that will adjust fees upward for generators and TSDs and downward for transporters in accordance with actual program costs to oversee these varying types of operations. However, the new fees will not be effective until the next round of payments due in late 2012 or early 2013.

About a dozen years ago, the Legislature determined that the KDHE Hazardous Waste Program should be entirely funded by a federal RCRA grant and state fees. No state general funds are allocated to support this program. The federal grant has remained constant for over 15 years, so any increases in program costs due to inflation, rent, or employee medical insurance have had to be covered by higher fees or through program shrinkage. With the staff reductions made over the past nine months, further shrinkage is not possible without impacting KDHE's ability to perform all needed work.

## Top Ten Kansas Quantities of Waste Generated in 2009, by NAICS Code

#	NAICS	Description	Tons
1	3251	Basic Chemical Manufacturing	116,027
2	5622	Waste Treatment & Disposal	81,668
3	3241	Petroleum & Coal Products Manufacturing	8,048
4	3364	Aerospace Product and Parts Manufacturing	5,189
5	3255	Paint, Coating, and Adhesive Manufacturing	2,655
6	4931	Warehousing and Storage	2,154
7	3315	Foundries	780
8	3328	Coating, Engraving, Heat Treating, and Allied Activities	686
9	3231	Printing and Related Support Activities	679
10	3361	Motor Vehicle Manufacturing	560
		<b>Total</b>	<b>218,445</b>

## 2012 Biennial Report Due March 1, 2012

by Jim Rudeen, Bureau of Waste Management

Section 3002(a)(6) of the Resource Conservation and Recovery Act (RCRA) requires EPA to develop a program for hazardous waste generators to report the nature, quantities, and disposition of hazardous waste generated at least once every two years. In addition, section 3004(a)(2) of RCRA requires treatment, storage and disposal facilities (TSDFs) to submit a report on the wastes that they receive from off-site. The biennial Hazardous Waste Report (also known as the "Biennial Report") was implemented in 1985 to comply with these requirements. The Biennial Report form (8700-13A/B) must be submitted to the authorized state agency or the EPA Regional Office by March 1st of every even-numbered year. The form includes information such as the facility's EPA ID number, the name and address of the facility, the quantity of hazardous waste sent to each TSDF in the U.S. and the manner in which the waste was treated during the previous year. KDHE will be mailing out this years Biennial Report to over 200 Large Quantity Generators/TSDFs in Kansas beginning January 1. For additional information on the process please contact Jim Rudeen at (785) 296-1603, or Sarah Fulton at (785) 296-0005.

# Case Studies - Training Violations

by Jim Rudeen, Bureau of Waste Management

Large Quantity Generators (LQGs) are required to implement and maintain a training program in accordance with the personnel training requirements of 40 CFR § 265.16 (K.A.R. 28-31-262/40 CFR § 262.34(a)(4)). Maintaining compliance with these requirements is important in achieving compliance with all hazardous waste regulations.

A Kansas Department of Health and Environment (KDHE) inspector recently conducted a Resource Conservation and Recovery Act (RCRA) compliance inspection at a facility that was a LQG. During the inspection, the inspector determined that the facility lacked any type of personnel training program. In addition to the training violation, the inspector documented 12 other hazardous waste violations, including unlawful disposal of hazardous waste and failure to separate hazardous waste containers from other containers that contained incompatible waste and/or material. These two violations have the potential to adversely impact human health and/or the environment. Unlawful disposal of hazardous waste may contaminate the environment, such as the soil, groundwater, or surface water. Failure to separate incompatible wastes and/or materials may result in a chemical reaction that might cause an explosion or release a toxic gas, either of which may harm human health and/or the environment.

This facility was assessed an administrative penalty for the hazardous waste violations. This case demonstrates the importance of having and maintaining a good hazardous waste personnel training program. Good personnel training could have helped this facility maintain compliance with the regulations and avoid penalties. Maintaining compliance may increase a company's standing in the community as a responsible steward of the environment.



## New Hazardous Waste Monitoring Fees

KDHE will finalize the adoption of new hazardous waste monitoring fee regulations in the winter of 2012. The effective date of the new fees is July 1. New fees have been established for all hazardous waste generators, transporters, and treatment/storage/disposal facilities (TSDFs). Owners or operators of TSDFs and transporters pay monitoring fees on or before January 1 of each year; generators pay their fees prior to March 1 of each year. This fee increase is being combined with a 12 percent reduction in staff to yield a sustainable state hazardous waste regulatory program. The old and new fees for each type of facility are shown in the table to the right.

Facility Type	Old Fee	New Fee
<b>Treatment, Storage, and Disposal Facility</b>		
On-site storage facility	\$ 7,500	\$10,000
Off-site storage facility	\$ 8,000	\$10,000
On-site non-thermal treatment facility	\$ 7,500	\$10,000
Off-site non-thermal treatment facility	\$ 8,000	\$12,000
On-site thermal treatment facility	\$ 8,000	\$12,000
Off-site thermal treatment facility	\$12,000	\$18,000
On-site underground injection well	\$10,000	\$14,000
Off-site underground injection well	\$15,000	\$18,000
Facilities subject to post-closure care	\$10,000	\$14,000
<b>Generators</b>		
LQG: 5 tons or less	\$ 250	\$ 300
LQG: 5 to 50 tons	\$ 750	\$ 900
LQG: 50 to 500 tons	\$ 2,500	\$ 2,800
LQG: more than 500 tons	\$ 7,500	\$ 8,000
SQG & KSQG	\$ 100	\$ 150
<b>Transporters</b>	\$ 300	\$ 200



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