

# Hazardous Waste Connection

*Compliance Information for Generators in Kansas*

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## New Hazardous Waste Regulations are Coming

by Rebecca Wenner, Bureau of Waste Management

If you have been managing hazardous waste in Kansas in the last three years, then you know that we are working on revising our hazardous waste regulations. The revised regulations are in the final review stages within KDHE and will soon be submitted to the Department of Administration and the Attorney General's offices for review. That process could take several months. When that process is complete, there will be a two-month public comment period and a public hearing. We will post the regulations on our website as soon as they are available for public comment.

Following are a few highlights of the revised regulations:

- Adopting through 2006 CFRs
- Adding a fourth generator class (splitting the Kansas generator class)
- Changing the hazardous waste generator classification names as follows:
  - < 25 kg = Conditionally Exempt Small Quantity Generator
  - 25-100 kg = Kansas Small Quantity Generator
  - 100-1000 kg = Small Quantity Generator
  - > 1000 kg = Large Quantity Generator
- Increasing the amounts of waste that some generator classifications can accumulate on-site (to be similar to EPA)

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### Hazardous Waste Connection

Kansas Department of Health & Environment



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Bureau of Waste Management

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#### KDHE Mission

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

## Compliance Assistance Visits New Opportunity for Hazardous Waste Generators

by Jim Rudeen, Bureau of Waste Management



- Are you unsure about whether you are managing your hazardous waste properly?
- Are you a new manager or owner of a facility who would like an expert determination as to whether your company is properly handling hazardous wastes?
- Have your facility environmental compliance responsibilities recently been assigned to a person with limited experience?

If you answered yes to any of these questions you may want to participate in a new compliance assistance initiative being implemented by the KDHE Bureau of Waste Management designed to 1) improve compliance with hazardous waste rules, and 2) reduce hazardous waste generator liabilities.

Hazardous waste generators in Kansas that satisfy the following criteria can apply for a KDHE Compliance Assistance Visit (CAV) by submitting a signed and completed copy of the Hazardous Waste Compliance Assistance Visit Agreement.

- No state or federal hazardous waste inspections have been conducted at the facility within the past 5 years unless the facility can demonstrate that they have had a change in management or environmental compliance staff since the time of the last inspection.

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## Director's Comments

by Bill Bider, Director, Bureau of Waste Management

KDHE's most important responsibility is the enforcement of state laws and regulations related to the protection of human health and the environment. This mission applies to the work of every single bureau and program including the hazardous waste regulatory program. The Bureau of Waste Management and the "waste" inspectors in our district office routinely work together to evaluate hazardous waste management practices by businesses, government units, and institutions to determine compliance with applicable state and federal laws and regulations. This has primarily been done through standardized inspections and the review of various required reports submitted to the bureau.

While inspections and reporting will always be part of the hazardous waste regulatory program, technical assistance is another way to achieve the overall goal of compliance and protection of human health and the environment. KDHE intends to shift some staff time away from traditional inspections to compliance assistance activities. We are beginning to develop plans for enhancing efforts related to technical assistance. One way will be for facilities to invite KDHE to come and evaluate their practices with some degree of protection against any associated enforcement for identified violations. This kind of visit could be especially valuable for businesses that may have lost their "environmental experts" and are now using an inexperienced person to oversee compliance requirements. Please see the information in this newsletter to sign up for a compliance assistance visit and look for more technical training opportunities which will be announced in coming months.

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## Hazardous Waste Container Management Poster Available



The Bureau of Waste Management has recently developed two hazardous waste posters designed to help facilities in their management of hazardous waste storage containers. Container management violations are one of the most common violations cited at generator facilities. The posters remind workers about the basic management requirements for hazardous waste satellite and storage containers. The posters are available free of charge to generators while supplies last. To obtain your copy, please contact the Bureau of Waste Management by e-mail at [bwm\\_web@kdheks.gov](mailto:bwm_web@kdheks.gov) or call 785-296-1600.

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## Operation of a Hazardous Waste Facility Without a Permit in Violation of K.S.A. 65-3441(a)(2)

by Stephanie Fackrell, Bureau of Waste Management

A Kansas Department of Health and Environment (KDHE) inspector recently conducted a Resource Conservation and Recovery Act (RCRA) compliance inspection at a facility. The facility viewed itself as a Kansas Generator, based on monthly hazardous waste generation rates of 55 or more pounds, but less than 2,200 pounds. However, during the inspection it was determined that the facility was actually classified as an EPA Generator, due to the onsite accumulation of 2,200 or more pounds of hazardous waste.

EPA Generators may accumulate hazardous waste onsite for no more than 90 days without a permit, providing the generator complies with EPA Generator requirements. If the accumulation time will exceed 90 days, an EPA Generator must obtain a permit or other written approval from KDHE.

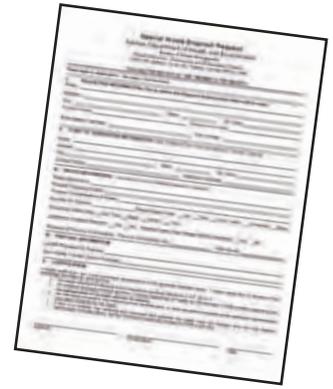
During the inspection, the KDHE inspector documented

that 11, 55-gallon containers of hazardous waste (3,390 pounds) had been in storage more than 90 days. The facility did not have a permit to store the hazardous waste, or have other written approval from KDHE. As a result, the facility was operating as an unpermitted hazardous waste facility and a violation was cited. The facility corrected the violation by shipping the 11 hazardous waste storage containers to a permitted hazardous waste facility (i.e., treatment, storage, or disposal facility).

This facility was assessed an administrative penalty for operation of a hazardous waste facility without a permit, due to the unpermitted storage of hazardous waste for more than 90 days. This case demonstrates the importance of accurately determining the generator classification in order to maintain compliance with the applicable generator regulations.

# What is a Special Waste?

by Tony Guy, Bureau of Waste Management



A business may sometimes generate a waste which does not meet the definition of a hazardous waste, but yet exhibits characteristics which may make it dangerous for regular landfill disposal. Such wastes are known as special wastes. A special waste is defined by Kansas regulation KAR 28-29-3 (iii) as “Any solid waste that, because of physical, chemical, or biological characteristics, requires special management standards due to concerns for owner or operator safety regarding handling, management, or disposal”. Such wastes are required to have a special waste disposal authorization (SWDA) for proper disposal into a municipal solid waste (MSW) landfill. KAR 28-29-109 covers specific disposal conditions, requests, issuance of authorizations as well as MSW landfill requirements for accepting special waste.

Several of the most common types of special wastes are:

- petroleum contaminated soil (PCS) including non-hazardous PCB impacted soil
- asbestos containing material (ACM)
- medical services waste
- industrial manufacturing waste
- off-spec material and products
- paint waste
- sand blasting media
- oil field gun barrels, and
- waste water treatment plant sludge

KDHE does not charge a fee for the special waste request or the SWDA. Most landfills do have additional charges to handle special wastes. KDHE processes around 1400 SWDA per year. For additional information on the special waste disposal authorization process, contact Tony Guy at [tguy@kdheks.gov](mailto:tguy@kdheks.gov) or 786-296-0681.

## Compliance Assistance Visits

(continued from Page 1)

- The facility has not had previous enforcement actions with the Bureau of Waste Management for at least 10 years unless the facility can demonstrate that it has had a change in management or environmental compliance staff after that enforcement action.
- A CAV may not have been previously conducted at this facility or any other facility owned or operated by the same company in Kansas.

**Note: KDHE agrees to not proceed with any enforcement actions based upon findings during the CAV (except for certain serious violations) and the facility must agree in advance to correct identified deficiencies. KDHE also agrees that any facility with no violations or only minor violations will not be inspected for a period of least two years.**

KDHE’s ability to perform requested CAVs depends upon the number requested and the availability of staff to perform this work. 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!**

## New HW Regulations

(continued from Page 1)

- Decreasing the frequency of hazardous waste storage area inspections for the smallest two classes of generators from weekly to monthly
- Changing the entire Kansas regulatory numbering system so that it is similar to EPA to make it easier to cross reference requirements
- Adding an accumulation time limit for generators of between 100 and 1,000 kg of hazardous waste

The new regulations will look very different from the current regulations, but many of the generator requirements will be the same. We will hold workshops around the state to explain the changes to the regulations. These workshops will be scheduled as soon as the regulations are submitted to the Department of Administration for review, and will be scheduled about 6 months in advance. All dates, times, and locations will be available on our website and registration may be required to ensure adequate seating.

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**ADDRESS SERVICE REQUESTED**



## Contacts

### Hazardous waste generator issues

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### Special waste disposal

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### Hazardous waste transporter registration

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### Hazardous waste permitting

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Southeast District - Chanute	620-431-2390
Southwest District - Dodge City	620-225-0596
Satellite Office - Ulysses	620-356-1075



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## Upcoming Events

**Hazardous Waste Workshops will be coming Fall 2010.**

Check our website for more information. [www.kdheks.gov/waste](http://www.kdheks.gov/waste)