

Kansas Department of Health and Environment

## **Regulatory Impact Statement**

pursuant to K.S.A. 77-416

### **Proposed Amended Regulation**

#### **KAR 29-29-109**

July 2013

#### **Executive Summary of Proposed Amended Regulations**

**K.A.R. 28-29-109. Special waste.** Special waste is solid waste that presents management concerns and requires special standards for handling and disposal. Before this type of waste can be disposed of in a municipal solid waste landfill, the generator of the waste must obtain a disposal authorization from the Kansas Department of Health and Environment (KDHE).

The sentence regarding the location of waste generation was moved from paragraph (b)(3) to paragraph (b)(1)(E).

Paragraph (b)(3) has been modified to require contact information about the person requesting the disposal authorization in addition to contact information about the generator of the waste.

In paragraph (d)(4) the concentration limits and references to specific types of analyses for 1,2-dichloroethane, benzene, and lead have been removed. In addition to lead, KDHE may require analyses for other constituents if they are likely to be present in the soil.

Other non-substantive changes were made to improve the organization and clarity of this regulation and to correct obsolete references.

#### **Environmental Benefit Statement**

##### **1) Need for proposed amendments and environmental benefit likely to accrue.**

###### **a. Need.**

##### **K.A.R. 28-29-109. Special waste.**

The sentence regarding the location of waste generation was moved from paragraph (b)(3) to paragraph (b)(1)(E) to improve the organization of the regulation.

Paragraph (b)(3) has been modified to require contact information about the person requesting the disposal authorization because it is not always the same as the generator of the waste. This is already done in practice.

In paragraph (d)(4) the concentration limits and references to specific types of analyses for 1,2-dichloroethane, benzene, and lead have been removed. The concentrations and analytical tests do not need to be specified because the generator must comply with paragraph (b)(6) and certify that the waste is not a hazardous waste. The language regarding analyses for other constituents was added to reflect what is being done in practice, since the generator must certify that the waste is not a hazardous waste.

Other non-substantive changes were made to improve the organization and clarity of this regulation. Correcting obsolete references will allow proper interpretation of the solid waste regulations.

**b. Environmental benefit.**

These amendments provide no environmental benefit.

**2) When applicable, a summary of the research or data indicating the level of risk to the public health or the environment being removed or controlled by the proposed regulations or amendments.**

Not applicable.

**3) If specific contaminants are to be controlled by the proposed regulation or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.**

Not applicable.

**Economic Impact Statement**

**1) Are the proposed regulations or amendments mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?**

No.

**2) Do the proposed regulations or amendments exceed the requirements of applicable federal law?**

No.

**3) Description of costs to agencies, to the general public and to persons who are affected by, or are subject to, the regulations:**

**a. Capital and annual costs of compliance with the proposed regulations or amendments and the persons who will bear those costs.**

There will be no capital or annual costs to comply with these amendments.

**b. Initial and annual costs of implementing and enforcing the proposed regulations or amendments, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs.**

There will be no initial or annual costs to implement or enforce these amendments.

**c. Costs which would likely accrue if the proposed regulations or amendments are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the regulations.**

No costs would accrue if these amendments are not adopted, but the regulated community would have more difficulty in properly interpreting and complying with the affected regulations.

**d. A detailed statement of the data and methodology used in estimating the costs used in the statement.**

Not applicable.

**e. Description of any less costly or less intrusive methods that were considered by the agency and why such methods were rejected in favor of the proposed regulations.\**

There were no less intrusive or less costly methods available for consideration by KDHE to achieve the purposes of the proposed amendments.

**f. Consultation with League of Kansas Municipalities, Kansas Association of Counties, and Kansas Association of School Boards.**

Municipalities, counties, and school boards will not incur any costs as a result of the regulatory changes, however a copy of this Regulatory Impact Statement will be sent to each of these organizations at the start of the public comment period.

John Heim, Executive Director  
Kansas Association of School Boards  
1420 SW Arrowhead Road  
Topeka, KS 66604-4024

Randy Allen, Executive Director  
Kansas Association of Counties  
300 SW 8<sup>th</sup>, 3rd Floor  
Topeka, KS 66603

Don Moler, Executive Director  
League of Kansas Municipalities  
300 SW 8<sup>th</sup> Avenue  
Topeka, KS 66603