28-29-109. Special waste. "Special waste" shall have the meanings assigned to "nonhazardous special waste" in K.S.A. 65-3402, and amendments thereto, and to "special waste" in K.A.R. 28-29-3.

(a) Disposal of special waste. Any person may dispose of special waste~~, as defined in K.A.R. 28-29-3,~~ if ~~both~~ all of the following conditions are met.

(1) The person disposes of the special waste at a permitted municipal solid waste landfill (MSWLF).

(2) ~~The special waste has been issued~~ A special waste disposal authorization for the special waste has been issued by the department in accordance with subsections (b) and (c) ~~of this regulation and is disposed of in accordance with subsection (g) of this regulation~~.

(3) All the conditions of subsections (d) through (g) are met.

(b) Request for a special waste disposal authorization. Each person requesting a special waste disposal authorization shall provide the following information to the department:

(1) A description of the waste, including the following information:

(A) The type of waste;

(B) the process that produced the waste;

(C) the physical characteristics of the waste; ~~and~~

(D) the quantity of waste to be disposed of; and

(E) the location of the waste generation site, if different from the generator's address;

(2) the following information ~~concerning~~ for the generator of the waste:

(A) The contact person's name;

(B) the contact person's address;

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(C) the contact person's telephone number; ~~and~~

(D) the contact ~~person~~ person's electronic mail address, if there is one; and

(E) the name of the business, if the generator is a business;

(3) ~~the location of waste generation, if different from the generator address~~ the following information for the person requesting the special waste disposal authorization:

(A) The contact person's name;

(B) the contact person's address;

(C) the contact person's telephone number; and

(D) the contact person's electronic mail address, if there is one; and

(E) the name of the business, if the request is being made on behalf of a business;

(4) the name and address of each solid waste transfer station proposed for transfer of the waste;

(5) the name and address of the MSWLF proposed for disposal of the waste;

(6) a statement, signed by the generator of the waste or an agent of the generator, that the waste is not a listed hazardous waste and is not a waste that exhibits the characteristics of a hazardous waste specified in K.A.R. ~~28-31-3~~ 28-31-261, based on knowledge of the process generating the waste, laboratory analyses, or both; and

(7) each laboratory analysis that has been performed to determine if the waste is a listed hazardous waste or is a waste that exhibits the characteristics of a hazardous waste. The person requesting a special waste disposal authorization shall ensure that the following requirements are met:

(A) Each analysis shall be performed and reported by a laboratory that has departmental

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certification, if this certification is available, for that analysis.;

(B) each analytical laboratory report shall include the following:

(i) Each analysis required to make a determination of hazardous waste characteristics as specified in K.A.R. ~~28-31-3~~ 28-31-261;

(ii) all additional analyses specified by the department;

(iii) quality control data; and

(iv) a copy of the chain of custody.;

(C) the generator shall provide a signed statement for each analytical laboratory report stating that the analytical results are representative of the waste.; and

(D) if the waste is an unused or spilled product and the waste has not been combined with any substance other than an absorbent, the generator may submit a material safety data sheet for the waste in lieu of laboratory analyses.

(c) Issuance of special waste disposal authorizations.

(1) ~~No~~ Not later than 10 working days after the department receives a request for a special waste disposal authorization, the person making the request shall be notified by the department of one of the following determinations:

(A) The request for a special waste disposal authorization is not complete.

(B) The waste does not require a special waste disposal authorization for disposal in an MSWLF.

(C) The waste is a special waste, and the request for a special waste disposal authorization is approved.

(D) The waste is a ~~special~~ hazardous waste, and the request for a special waste disposal

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authorization is denied. The denial notification shall include the reason for denial.

(2) If a special waste is authorized for disposal, a written special waste disposal authorization stating the terms for transportation and disposal of the special waste shall be provided by the department to all of the following persons:

(A) The person requesting the special waste disposal authorization, the generator of the waste, or both;

(B) the owner or operator of each solid waste transfer station proposed for transfer of the solid waste; and

(C) the owner or operator of the MSWLF proposed for disposal of the special waste.

(3) A special waste disposal authorization shall not obligate the owner or operator of any MSWLF or solid waste transfer station ~~owner or operator~~ to accept the special waste.

(d) Petroleum-contaminated soil (PCS). Sampling and analysis requirements and procedures for soil ~~and~~ , which could contain debris, contaminated with petroleum products shall include the following:

(1) The generator of the PCS shall collect at least one representative sample ~~shall be collected~~ for analysis from the first 300 cubic yards of ~~soil and debris~~ PCS. If the analytical data from the first sample shows that the ~~waste~~ PCS is not hazardous, the generator shall collect one representative sample ~~shall be collected~~ for analysis from each 500 cubic yards of ~~soil and debris~~ PCS after that first sample.

(2) The generator may be required by the secretary to collect additional samples ~~may be required by the secretary~~.

(3) The ~~owner or operator~~ generator may deviate from the required frequency of sampling

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schedule with written approval from the secretary. The ~~owner or operator~~ generator shall submit a written sampling plan and an explanation for the deviation from the required sampling schedule to the secretary for review and approval.

(4) ~~To qualify for landfill disposal, the concentration of benzene and 1,2-dichloroethane in the soil and debris shall be less than one of the following:~~

~~(A) 10 mg/kg using a total analysis; or~~

~~(B) 0.5 mg/l using the toxicity characteristic leaching procedure analysis.~~

~~(5) A lead analysis may be required by the department. To qualify for landfill disposal, the concentration of lead in the soil shall be less than one of the following:~~

~~(A) 100 mg/kg using a total analysis; or~~

~~(B) 5 mg/l using the toxic characteristic leaching procedure analysis.~~ The generator shall have each sample analyzed for each the following constituents:

(A) 1,2-dichloroethane;

(B) benzene; and

(C) if required by the department, lead and any other constituent likely to be present in the PCS.

(e) Generator requirements for transfer of special wastes. Each generator of special waste or the agent of the generator shall, before transfer of the special waste, provide the transporter with a copy of the special waste disposal authorization for each load of special waste.

(f) Transporter requirements for transfer and disposal of special wastes. Before transfer or disposal of special waste, each transporter of special waste shall provide notification of each load of special waste to both of the following persons:

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(1) The owner or operator of each solid waste transfer station involved in the transport of the special waste; and

(2) the owner or operator of the MSWLF at which the special waste will be disposed.

(g) MSWLF requirements for acceptance and disposal of special wastes. The owner or operator of each MSWLF shall comply with each of the following requirements:

(1) If a load of special waste requires a special waste disposal authorization, check for compliance with the special waste disposal authorization;

(2) reject any special waste requiring a special waste disposal authorization if the special waste does not meet both of the following requirements:

(A) Has a special waste disposal authorization issued by the department; and

(B) meets the requirements of the special waste disposal authorization;

(3) notify the department in writing of each special waste load that is rejected at the MSWLF within one business day after the rejection;

(4) dispose of the special waste in the MSWLF only if ~~it~~ the special waste meets one of the following requirements:

(A) Is capable of passing the paint filter liquids test specified in K.A.R. 28-29-108; or

(B) is exempt from the liquids restriction as specified in K.A.R. 28-29-108; and

(5) maintain documentation in the operating record, as specified in K.A.R. 28-29-108, of each special waste disposed of at the MSWLF, until the MSWLF is certified for closure in accordance with K.A.R. 28-29-121. (Authorized by K.S.A. ~~2001 Supp.~~ 65-3406; implementing K.S.A. ~~2001 Supp.~~ 65-3401; effective July 10, 1998; amended May 30, 2003; amended P-_____.)

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