28-31-260b. General provisions and definitions; adoption of technical documents. Each reference in K.A.R. 28-31-260 through 28-31-279 to any of the following documents shall mean that document as hereby adopted by reference:

(a) ASTM. The following documents published by the American society for testing and materials:

(1) ANSI/ASTM D 93-79, "standard test methods for flash point by Pensky-Martens closed tester," published October 1979;

(2) D 93-80, "standard test methods for flash point by Pensky-Martens closed tester," published October 1980 and updated July 1981;

(3) D 1946-82, "standard method for analysis of reformed gas by gas chromatography," published August 1982;

(4) D 2267-88, "standard test method for aromatics in light naphthas and aviation gasolines by gas chromatography," published December 1988;

(5) D 2382-83, "standard test method for heat of combustion of hydrocarbon fuels by bomb calorimeter (high-precision method)," published January 1984;

(6) D 2879-92, "standard test method for vapor pressure-temperature relationship and initial decomposition temperature of liquids by isoteniscope," published December 1992;

(7) ASTM D 3278-78, "standard test methods for flash point of liquids by setaflash closed tester," published March 1979;

(8) E 168-88, "standard practices for general techniques of infrared quantitative analysis," published July 1988;

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(9) E 169-87, "standard practices for general techniques of ultraviolet-visible quantitative analysis," published April 1987;

(10) E 260-85, "standard practice for packed column gas chromatography," published November 1985; and

(11) in E 926-88, "standard test methods of preparing refuse-derived fuel (RDF) samples for analyses of metals," published May 1988, "test method C – bomb, acid digestion method" on pages 3 and 4;

(b) EPA. The following documents published by the United States environmental protection agency (EPA):

(1) EPA 450/2-81-005, APTI course 415, "control of gaseous emissions: student manual," published December 1981, except pages ii and I-4;

(2) EPA 454/R-92-019, previously designated as EPA 450/R-92-019, "screening procedures for estimating the air quality impact of stationary sources, revised," published October 1992, except the preface on page iii, the acknowledgments on page iv, and the references in section 5; and

(3) the following methods published in the following updates to EPA publication SW-846, "test methods for evaluating solid waste," third edition, published November 1986:

(A) In "update III," dated December 1996, the following:

(i) Method 0011, "sampling for selected aldehyde and ketone emissions from stationary sources," dated December 1996;

(ii) method 0023A, "sampling method for polychlorinated dibenzo-*p*-dioxins and polychlorinated dibenzofuran emissions from stationary sources," dated December 1996;

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(iii) method 0050, "isokinetic HCl/Cl_2 emission sampling train," dated December 1996;

(iv) method 0051, "midget impinger HCl/Cl_2 emission sampling train," dated December 1996;

(v) method 0060, "determination of metals in stack emissions," dated December 1996; and

(vi) method 0061, "determination of hexavalent chromium emissions from stationary sources," dated December 1996; and

(B) in "final update for IIIB to the SW-846: test methods for evaluating solid waste physical/chemical methods," published February 2007, the following:

(i) Method 1110A, "corrosivity toward steel," dated November 2004;

(ii) method 1310B, "extraction procedure (EP) toxicity test method and structural integrity test," dated November 2004;

(iii) method 1311, "toxicity characteristic leaching procedure," dated July 1992;

(iv) method 9010C, "total and amenable cyanide: distillation," dated November 2004;

(v) method 9012B, "total and amenable cyanide (automated colorimetric, with off-line distillation)," dated November 2004;

(vi) method 9040C, "pH electronic measurement," dated November 2004;

(vii) method 9060A, "total organic carbon," dated November 2004; and

(viii) method 9095B, "paint filter liquids test," dated November 2004;

(c) NFPA. Tables 2-1 through 2-6 in chapter 2 in the following documents published by the national fire protection association (NFPA):

(1) NFPA 30, "flammable and combustible liquids code 1977," 1977 edition; and

(2) NFPA 30, "flammable and combustible liquids code 1981," 1981 edition; and

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(d) API. In API publication 2517, "evaporative loss from external floating-roof tanks," third edition, published February 1989 by the American petroleum institute, pages vii through ix and pages 1 through 61. (Authorized by and implementing K.S.A. 65-3431; effective P-_____.)

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28-31-268. Land disposal restrictions; adoption and modification of federal regulations. (a) Adoption. The provisions of 40 CFR part 268, including appendices III, IV, VI through ~~IX~~ VIII, and XI, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 268 shall be excluded from adoption:

(1) All comments and all notes~~, except in subpart D and appendix IX~~;

(2) 40 CFR 268.13; and

(3) 40 CFR 268.44(o).

(c) Modifications. The following modifications shall be made to 40 CFR part 268:

(1) Each occurrence of the following phrases shall be deleted:

(A) "(incorporated by reference, see § 260.11 of this chapter)";

(B) "as incorporated by reference in § 260.11";

(C) "as incorporated by reference in § 260.11 of this chapter";

(D) "as incorporated by reference in 40 CFR 260.11"; and

(E) "as referenced in § 260.11 of this chapter."

(2) ~~In~~ Paragraph 40 CFR 268.1(e)(1)~~, the term "small quantity" shall be deleted and the phrase "100 kilograms"~~ shall be replaced with "~~25 kilograms~~ Waste generated by conditionally exempt small quantity generators or Kansas small quantity generators (KSQGs), except KSQGs shall comply with 40 CFR 268.7(a)(5) and (10)."

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(3) In 40 CFR 268.3(a), the phrase "RCRA section 3004" shall be replaced with "40 CFR part 268."

(4) In 40 CFR 268.7(a)(9)(iii), the phrase "except for D009" shall be added to the end of the sentence.

(5) In 40 CFR 268.7(a)(10), the phrase "and Kansas small quantity generators" shall be inserted after the term "Small quantity generators."

(6) In 40 CFR 268.7(d), the phrase "§ 261.3(e)" shall be replaced with "§ 261.3(f)."

(7) 40 CFR 268.7(d)(1) shall be replaced with the following: "A one-time notification, including the following information, shall be submitted to the department:".

(8) In 40 CFR 268.14(b) and (c), the phrase "section 3001" shall be replaced with "40 CFR part 261."

(9) In 40 CFR 268.44(i), the phrase "in § 260.20(b)(1)-(4)" shall be replaced with "required by EPA's rulemaking petition program."

(10) In 40 CFR 268.50(a), the phrase "of RCRA section 3004" shall be deleted.

(11) In 40 CFR 268.50(e), the phrase "or RCRA section 3004" shall be deleted.

(Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011; amended P-_____.)

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