

28-29-300. Definitions. (a) For the purposes of K.A.R. 28-29-300 through K.A.R. ~~28-29-325~~
28-29-333, the following definitions shall apply:

(1) "C&D" means construction and demolition.

(2) "C&D contact water" means liquid, consisting primarily of precipitation, that has infiltrated through the C&D waste or has been in contact with the C&D waste for any period of time. This term shall include all runoff from the active area of the C&D landfill and all liquid derived from the C&D waste.

(3) "C&D landfill" shall have the meaning assigned to "construction and demolition landfill" in K.S.A. 65-3402, and amendments thereto.

(4) "C&D waste" shall have the meaning assigned to "construction and demolition waste" in K.S.A. 65-3402, and amendments thereto. For the purposes of this definition, the following clarifications shall apply:

(A) "Furniture and appliances" shall not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.

(B) "Treated wood" shall include wood treated with any of the following:

(i) Creosote;

(ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

(iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or

(iv) any other chemical that poses risks a risk to human health ~~and~~ or safety or the environment that ~~are~~ is similar to any of the risks posed by the chemicals specified in paragraphs

(a)(4)(B)(i) through (iii) ~~of this subsection.~~

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(C) "Untreated wood" shall include the following, if the wood has not been treated with any of the chemicals listed in paragraphs (a)(4)(B)(i) through (iv) of this regulation:

(i) Coated wood, including wood that has been painted, stained, or varnished; and

(ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board.

(5) "Hazardous waste" means material determined to be hazardous waste as specified in K.A.R. ~~28-31-4~~ 28-31-261.

(6) "Household hazardous waste" shall have the meaning specified in K.A.R. 28-29-1100.

(7) "Lower explosive limit" and "LEL" mean the lowest percent volume of a mixture of explosive gases in air that will propagate a flame at 25°C and atmospheric pressure.

(8) "Non-C&D waste" means all solid waste that is not specifically defined as construction and demolition waste in K.S.A. 65-3402, and amendments thereto. Non-C&D waste shall include hazardous waste and household hazardous waste.

(b) If a requirement in K.A.R. 28-29-300 through K.A.R. ~~28-29-325~~ 28-29-333 conflicts with a requirement of K.A.R. 28-29-12 or K.A.R. 28-29-23, the requirement in K.A.R. 28-29-300 through K.A.R. ~~28-29-325~~ 28-29-333 shall control.

~~This regulation shall take effect 90 days after publication in the Kansas register.~~ (Authorized by and implementing K.S.A. 65-3406; effective March 17, 2004; amended P-_____.)

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28-29-330. Control of hazardous and explosive gases at C&D landfills; applicability of additional requirements. (a) Applicability of additional design, operating, and postclosure requirements. The additional design, operating, and postclosure requirements of K.A.R. 28-29-332 shall apply to the owner or operator of each disposal unit at a C&D landfill that meets all of the following conditions:

(1) Location. Precipitation in all parts of the county in which the C&D landfill is located averages more than 25 inches per year. The following counties and any county located east of these counties shall be designated as meeting this condition: Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, and Harper.

(2) Capacity. The disposal unit meets one of the following conditions:

(A) The construction of the disposal unit begins on or after the effective date of this regulation, and the capacity of the disposal unit is more than 50,000 cubic yards. Construction of the disposal unit shall be in accordance with a construction quality assurance plan that is specific to the disposal unit and has been approved by the secretary.

(B) The construction of the disposal unit begins on or after January 1, 2014 and the capacity of the disposal unit, in combination with all other disposal units constructed on or after January 1, 2014, is more than 50,000 cubic yards. Construction of the disposal unit shall be in accordance with a construction quality assurance plan that is specific to the disposal unit and has been approved by the secretary.

(3) Hydrogeology. The disposal unit meets one or both of the following conditions, as evaluated and documented by a professional engineer or licensed geologist:

(A) The disposal unit is located within a 100-year floodplain.

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(B) The permeability of the natural soils or the constructed soil liner or the natural geologic formation under the disposal unit is 1×10^{-7} centimeters per second or less, including quarry landfills with competent shale bases, unless the owner or operator demonstrates to the department that design and operational practices ensure that C&D contact water will exit the disposal unit by gravity flow.

(b) Applicability of corrective action requirements. The corrective action requirements of K.A.R. 28-29-333 shall apply to the owner or operator of each C&D landfill during the operating and postclosure periods. (Authorized by and implementing K.S.A. 65-3406; effective

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28-29-331. Control of hazardous and explosive gases at C&D landfills; documentation of conditions used to determine applicability. Each person that submits an application for a new C&D landfill and each owner or operator that proposes to construct a disposal unit at an existing C&D landfill shall submit to the department documentation of the conditions specified in K.A.R. 28-29-330, according to the following requirements:

(a) Required documentation.

(1) If the C&D landfill meets the location conditions specified in K.A.R. 28-29-330(a)(1), the applicant or the owner or operator shall submit documentation of the capacity of the proposed disposal unit and the capacity of each disposal unit constructed on or after January 1, 2014.

(2) If the proposed disposal unit meets the location and capacity conditions specified in K.A.R. 28-29-330(a)(1) and (2), the applicant or the owner or operator shall submit documentation of the hydrogeologic conditions specified in K.A.R. 28-29-330(a)(3). For the purposes of determining the applicability of K.A.R. 28-29-332, if the disposal unit meets one of the hydrogeologic conditions listed in K.A.R. 28-29-330(a)(3), the applicant or the owner or operator shall not be required to submit documentation of the other hydrogeologic conditions.

(b) Schedule for submission of documentation.

(1) Each applicant for a new C&D landfill permit shall include the documentation specified in subsection (a) with the permit application.

(2) Each owner or operator of an existing C&D landfill that proposes to construct a disposal unit shall submit the documentation specified in subsection (a) on or before the date the construction quality assurance plan for the disposal unit is submitted. (Authorized by and implementing K.S.A. 65-3406; effective P-_____.)

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28-29-332. Control of hazardous and explosive gases at C&D landfills; additional design, operating, and postclosure requirements. The owner or operator of each disposal unit at a C&D landfill that meets the conditions of K.A.R. 28-29-330 for determining the applicability of additional design, operating, and postclosure requirements shall comply with the following requirements:

- (a) The owner or operator shall design, construct, and operate the disposal unit to prevent contact water from accumulating in the waste.
- (b) The owner or operator shall perform both of the following:
 - (1) Demonstrate whether it will be necessary to pump contact water out of the landfill after the landfill closes in order to prevent contact water from accumulating in the waste; and
 - (2) include this information in the operating plan.
- (c) If the operating plan states that contact water will be pumped out of the landfill after closure, the owner or operator shall obtain financial assurance for postclosure, according to the requirements of K.A.R. 28-29-2101 through 28-29-2113. (Authorized by and implementing K.S.A. 65-3406; effective P-_____.)

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28-29-333. Control of hazardous and explosive gases at C&D landfills; response, assessment monitoring, and corrective action. The owner or operator of each C&D landfill shall comply with the following:

(a) Identification of potential problem. If the owner or operator observes or is informed of any indication of a release of landfill gas, the owner or operator shall perform the following:

- (1) Immediately assess the potential danger posed to human health and safety;
- (2) immediately take all the steps necessary to ensure protection of human health and safety;
- (3) notify the department of the observation or information within two business days; and
- (4) in consultation with the department, implement appropriate action to assess the concentrations of gas at the landfill.

(b) Action levels. The owner or operator shall comply with the requirements of subsection (c) if gas concentrations exceed any of the following levels:

- (1) For methane, either of the following:
 - (A) 25% of the LEL (1.25% by volume) in any building on the facility property; or
 - (B) 100% of the LEL (5% by volume) at the facility property boundary;
- (2) for hydrogen sulfide, either of the following:
 - (A) 1 ppm for on-site personnel; or
 - (B) 0.1 ppm in the ambient air at the facility boundary, based on a 15-minute time-weighted average measured when the wind speed is less than 15 mph; or
- (3) for any gas other than methane or hydrogen sulfide, a level that presents a risk to human health or safety equivalent to the levels listed in paragraphs (1) and (2) of this subsection.

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(c) Response and assessment monitoring. If the concentration of any gas exceeds the levels specified in subsection (b), the owner or operator shall perform the following actions:

(1) If an exceedance is found at the facility boundary, immediately notify the local government's public health, environment, and emergency management offices;

(2) notify the department within one business day;

(3) within one week and in consultation with the department, develop a gas monitoring plan;

(4) upon approval of the secretary, implement the gas monitoring plan; and

(5) if gas monitoring has continued for one month and the frequency of the exceedances is not decreasing, take long-term corrective action according to the requirements of subsection (d).

(d) Corrective action. If long-term corrective action is required, the owner or operator shall perform the following actions:

(1) Develop and submit to the department a corrective action plan, including provisions for the installation of an active or passive gas management system. The owner or operator shall submit the plan within 60 calendar days of the date the conditions requiring corrective action were met; and

(2) upon approval of the secretary, implement the corrective action plan. (Authorized by and implementing K.S.A. 65-3406; effective P-_____.)

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