

Kansas Department of Health and Environment  
Bureau of Waste Management Policy 2002-P3  
**Litter and Run-on/Runoff Controls at MSWLFs: Flexibility and Compliance**  
Revised

**Purpose**

This policy explains the conditions under which regulatory compliance flexibility can be provided for municipal solid waste landfill (MSWLF) owners and operators responding to significant windblown litter, damaged run-on/runoff control systems, or damaged/eroded intermediate cover.

**Background**

The owner or operator of an MSWLF is required by Kansas Administrative Regulation (K.A.R.) 28-29-108 to design and maintain run-on and runoff control systems, apply intermediate cover, and control litter. In the past, violations were routinely cited when compliance inspections identified the following:

- Significant litter;
- Conditions that allow surface water to flow onto or off of the active portion of the MSWLF; or
- Significant erosion or other damage to the cover or run-on/runoff control berms.

Because conditions may not allow these issues to be immediately addressed, the Kansas Department of Health and Environment (KDHE) believes that some flexibility should be allowed when inspections are conducted following significant weather events or when there is damage from vehicles and/or landfill equipment.

**Action**

To assist MSWLF owners and operators in their response to the events described above, KDHE is providing the following regulatory flexibility.

Litter Control

K.A.R. 28-29-108(r)(7) requires the owner or operator to patrol the facility to check for litter accumulation and take all necessary steps to minimize blowing litter. When an inspection occurs at an MSWLF either the day of or the day after windy conditions, a violation of the regulation will not be cited if an adequate number of facility personnel are actively engaged in patrolling for litter or addressing litter accumulations. If the inspection finds facility personnel are not actively engaged in patrolling for litter or are not adequately addressing litter accumulations, the non-compliance will be recorded as either a violation or a deficiency, as described in Bureau of Waste Management (BWM) Policy 2014-5.

The facility should prioritize litter control activities as follows:

1. Off-site areas/accumulations;
2. On-site areas/accumulations in the vicinity of water ways; and
3. Other on-site areas/accumulations away from the active face.

Run-on/Runoff Control Systems and Intermediate Cover

K.A.R. 28-29-108(j) requires the owner or operator of an MSWLF unit to design, construct, and maintain both run-on and runoff control systems. K.A.R. 28-29-108(c) requires the placement of intermediate cover under certain conditions. KDHE recognizes that when damage to berms or cover occurs, it may take several days to complete necessary corrective action. The specific time frames for addressing damage are provided in the following two sections.

**BERM DAMAGE DUE TO VEHICLES AND LANDFILL EQUIPMENT**

If an inspector observes that any run-on and/or runoff control berms have been damaged by vehicles and/or landfill equipment, it will not be considered a violation if all of the following conditions are met:

- There is no precipitation occurring and there is not a high probability of precipitation;
- The structures are repaired and/or replaced by the end of that operating day. If two working faces have been approved by KDHE for use for specified time periods, the same requirement and flexibility will apply to both working faces;
- The completed repair and/or replacement of the structures are documented with date-stamped photographs taken the day of the repair and/or replacement (i.e., the date of the inspection).
- The owner or operator submits the date-stamped photographs of the repaired and/or replaced structures to the KDHE inspector by the end of the next working day after the inspection. It is preferred that the photographs be submitted to the inspector via e-mail.

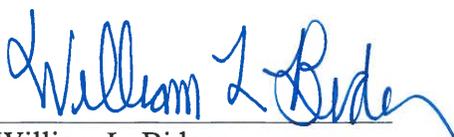
**BERM AND INTERMEDIATE COVER DAMAGE DUE TO RAINFALL**

1. When an inspection occurs following a rainfall event and identifies damage and/or erosion of intermediate cover or minor damage to run-on/runoff control structures, it will not be considered a violation if facility personnel have performed all of the following:
  - Followed the facility's KDHE-approved operating plan for assessing damage due to rainfall;
  - Initiated making repairs within 24 hours after the rainfall event; and
  - Completed making repairs within 7 days after the rainfall event.
2. When an inspection occurs following a rainfall event and identifies total failure of one or more run-on/runoff control structures, it will not be considered a violation if the owner or operator of the facility performs all of the following:
  - Demonstrates that a storm greater than a 24-hour, 25-year storm has occurred within the previous 7-day period. If requested by KDHE, the owner or operator must provide documentation that the berm(s) was constructed as required to prevent run-on or run-off from a 24-hour, 25-year storm;
  - Takes interim measures to address the problem within 48 hours after the rainfall event; and
  - Makes permanent corrections within 7 days after the rainfall event.

For the purposes of the preceding timeframes, continuing rains may be considered a single rainfall event. It is the facility's responsibility to demonstrate the occurrence of continuing rains based on meteorological data collected either on-site or locally.

If the facility is unable to begin or complete repairs within the specified time frames, the owner or operator must contact the BWM permit manager to discuss a reasonable repair schedule.

This policy will remain in effect until it is revoked or until it is rendered obsolete by future amendments to solid waste law or regulations.



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Date