

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Waste Management, will conduct a public hearing at 9:00 a.m. Thursday, September 27, 2018, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the proposed revocation of K.A.R. 28-55-1, 28-55-2, 28-55-3, 28-55-4, and 28-55-5 regarding polychlorinated biphenyl (PCB) disposal facilities.

A summary of the proposed regulations and estimated economic impact follows:

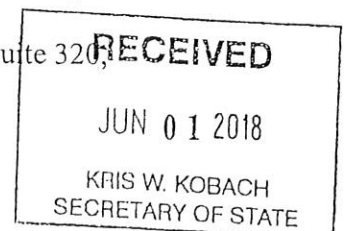
Summary of Regulations:

K.A.R. 28-55-1, 28-55-2, 28-55-3, 28-55-4 and 28-55-5. Revoked. Kansas statutes concerning the regulation of polychlorinated biphenyl (PCB) disposal facilities were repealed effective July 1, 2014. The Environmental Protection Agency (EPA) regulates all aspects of PCB use, storage, clean-up, processing, and disposal under the Toxic Substances Control Act (TSCA) in 40 CFR Part 761. Unlike other federal environmental programs, the TSCA program cannot be delegated to states.

Economic Impact:

Cost to the agency, regulated community and other governmental agencies: There are no costs associated with the proposed revocations.

The time period between the publication of this notice and September 28, 2018, constitutes a public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on September 28, 2018, to Stephanie Fackrell, Kansas Department of Health and Environment, Bureau of Waste Management, 1000 SW Jackson, Suite 320,



Proposed

Topeka, KS 66612-1366, by email to Stephanie.Fackrell@ks.gov, or by fax to 785-559-4252.

During the hearing on September 27, 2018, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding regulatory impact statement may be obtained from the KDHE Bureau of Waste Management website, at http://www.kdheks.gov/waste/p_regsandstatutes.html or by contacting Stephanie Fackrell at Stephanie.Fackrell@ks.gov, 785-296-1606 or fax 785-559-4252. Questions pertaining to the proposed regulations should be directed to Stephanie Fackrell at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Stephanie Fackrell.

Jeff Andersen
Secretary
Kansas Department of Health and Environment

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Proposed

28-55-1. (Authorized by and implementing K.S.A. 65-3481 as enacted by L. 1986, Ch. 226, Sec.

2; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987; revoked P-_____.)

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Proposed

28-55-2. (Authorized by and implementing K.S.A. 65-3481 as enacted by L. 1986, Ch. 226, Sec. 2; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987; revoked P-_____.)

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Proposed

28-55-3. (Authorized by and implementing K.S.A. 65-3481; effective, T-87-37, Nov. 19, 1986;
effective May 1, 1987; amended March 22, 2002; revoked P-_____.)

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Proposed

28-55-4. (Authorized by and implementing K.S.A. 65-3481 as enacted by L. 1986, Ch. 226, Sec.

2; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987; revoked P-_____.)

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Proposed

28-55-5. (Authorized by and implementing K.S.A. 65-3481; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987; amended March 22, 2002; revoked P-_____.)

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Proposed

Kansas Department of Health and Environment
Division of Environment
Bureau of Waste Management

Regulatory Impact Statement
pursuant to K.S.A. 2017 Supp. 77-416

Proposed Revocation of Permanent Regulations

K.A.R. 28-55-1

K.A.R. 28-55-2

K.A.R. 28-55-3

K.A.R. 28-55-4

K.A.R. 28-55-5

February 2018

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Executive Summary of Proposed Revocation of Permanent Regulations

The statutes concerning the regulation of polychlorinated biphenyl (PCB) disposal facilities were repealed effective July 1, 2014. These statutes were generally duplicative of the federal requirements. EPA regulates all aspects of PCB use, storage, clean-up, processing, and disposal under the Toxic Substances Control Act (TSCA) in 40 CFR Part 761. Unlike many other federal environmental programs, the TSCA program cannot be delegated to states.

A consequence of repealing the statutes is that Kansas no longer has regulatory authority for PCB disposal facilities. Therefore, the Kansas Department of Health and Environment (KDHE) proposes to revoke the PCB regulations found in K.A.R. 28-55-1 through 28-55-5.

Environmental Benefit Statement

1) Need for proposed revocation and environmental benefit likely to accrue.

a. Need.

The PCB regulations need to be revoked because the statutory authority for these regulations was repealed in 2014.

b. Environmental benefit.

This section is not applicable. There will not be an environmental benefit or any other impact because these regulations are not being implemented.

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 (revocation).

This section is not applicable.

3) If specific contaminants are to be controlled by the proposed regulations (revocation), a description indicating the level at which the contaminants are considered harmful according to current available research.

This section is not applicable.

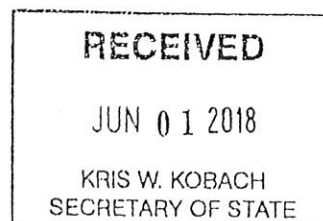
Economic Impact Statement

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

This section is not applicable.

2) Do the proposed regulations (revocation) exceed the requirements of applicable federal law?

This section is not applicable.



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

a. Capital and annual costs of compliance with the proposed regulations (revocation) and the persons who will bear those costs.

This section is not applicable.

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

This section is not applicable.

c. Costs which would likely accrue if the proposed revocation is not adopted, the persons who will bear the costs and those who will be affected by the failure to revoke the regulations.

There will be no costs. Kansas does not have the authority to enforce the regulations because the statutory authority was repealed in 2014.

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 (revocation).

There is no less costly or less intrusive method.

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, the three organizations will be contacted electronically with attached copies of the proposed regulations, regulatory impact statement, and notice of hearing at the time the notice of hearing is published in the *Kansas Register*.

