



Site 011
 ID # KDHE/AR/11/1
 Break 1710
 Other 11/2/02

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

FAX

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Date November 26 2002

To Ms Mary Peterson EPA Region VII SUPR/IANE
 Fax (913) 551-7063

From *Rob Weber* Rob Weber Assessment & Restoration Section
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 TOPEKA, KS 66612 1367

Subj Kansas ARARs for the Soil Removal Action at CCI Olathe KS

Attached are a transmittal letter and four tables of applicable or relevant and appropriate requirements (ARARs) for the Chemical Commodities Inc site removal action addressing the soil pile and adjacent building

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KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
 BILL GRAVES GOVERNOR
 Clyde D Graeber Secretary

November 26 2002

Ms Mary Peterson
 Remedial Project Manager
 USEPA Region VII
 SUPR/LANE
 901 North 5th Street
 Kansas City Kansas 66101

Subject State of Kansas Applicable or Relevant and Appropriate Requirements and an EPA Action Memorandum for a Time-Critical Soil Removal Action at Chemical Commodities, Inc Site, Olathe, Johnson County, Kansas

Dear Ms Peterson

The Kansas Department of Health and Environment, Bureau of Environmental Remediation (KDHE/BER) received e mail correspondence dated November 21 2002 from the U S Environmental Protection Agency (EPA) Region VII Superfund Division (SUPR) The e mail correspondence requested that the State of Kansas provide applicable or relevant and appropriate requirements (ARARs) for a time-critical soil removal action at the above referenced site Attached in tabular format are the chemical specific (Table 1), location-specific (Table 2), and action specific (Table 3) ARARs for the time critical removal action Also attached is a table that presents a comprehensive listing of both federal and state ARARs Should EPA/SUPR encounter unexpected changed conditions at the site during the time-critical removal action or should additional ARARs become available at a later date during the remedial investigation/feasibility study a revised set of ARARs may need to be developed

An unsigned draft electronic copy of an EPA/SUPR Action Memorandum entitled Request for a Removal Action at Chemical Commodities Inc Site Olathe Johnson County KS was provided in an e mail from EPA dated November 26 2002 KDHE/BER understands that this document is preliminary and may change as the EPA review process progresses Should the document change significantly from its current form KDHE/BER may provide additional comments Based on the draft document, KDHE/BER provides our understanding of site removal activities

Based on the data collected for the time critical removal action, a soil pile generated during a 1991 EPA removal action remains onsite and contains high levels of arsenic, chromium mercury polynuclear aromatic hydrocarbons pesticides and volatile organic compounds The soil pile was left in place due to budgetary constraints at the time of the initial removal action. Recent inspections identified wear degradation slumping of cover soil, and exposure of the polyvinyl chloride (PVC) sheeting containing the pile Root growth from trees on the pile may further compromise the integrity of the PVC sheeting Additionally an adjacent structurally unsound building poses an immediate threat to any removal activities that may occur on or near the soil pile

As KDHE/BER understands, EPA/SUPR will excavate the soil pile and dispose of the soil materials in an offsite Subtitle D landfill The soil will be excavated to a depth of one foot below grade The excavated

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Ms. Mary Peterson
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area will be back-filled with clean soil and vegetated. It is estimated that approximately 1,200 tons of soil will be removed. Due to safety concerns, EPA/SUPR will demolish and remove the building from the area before initial soil pile removal activities. The building debris will be disposed as special waste in a permitted landfill. The amount of building debris estimated to be removed is 1,000 tons. The foundation slab will remain in place onsite. Dust suppression and ambient air monitoring around the site perimeter will be performed during the building demolition and soil pile removal.

Based on the above information, KDHE/BER provides the following comments. It is suggested that EPA conduct soil sampling from the area of completed excavation. Although future remedial actions may occur that may include soil source removal or treatment, the opportune and cost-effective time to collect samples from beneath the soil pile is when the area is exposed. KDHE/BER suggests sampling discrete surface areas to confirm the removal of contaminated soils or to document areas with contamination left in place. The subsequent confirmation analyses should correspond to the chemicals detected onsite. KDHE/BER Risk-Based Standards should be used to determine if soil excavation achieves cleanup goals.

Should you need assistance throughout the removal process, please do not hesitate to contact me. If you have any questions, please call me at (785) 296-8801.

Sincerely,



Robert J. Weber, PG
Environmental Geologist and Project Manager
Superfund Unit/Assessment and Restoration Section

Enclosures

RJW dc

cc Randy Carlson -> Leo Henning -> C4 046 00010 1 (Chemical Commodities Inc. Olathe, KS)
Dan Kellerman KDHE NEDO

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Table 1
Chemical Specific Requirements
State of Kansas Applicable or Relevant and Appropriate Requirements (ARARs)
 U.S. Environmental Protection Agency (EPA) Region VII Superfund Division (SUPR) Time Critical Removal Action
 Chemical Commodities Inc. Olathe Johnson County Kansas
 by
 Kansas Department of Health and Environment Bureau of Environmental Remediation
 Assessment and Restoration Section Superfund Unit 1000 SW Jackson Suite 410 Topeka Kansas 66612 1367
 for
 EPA/SUPR Iowa/Nebraska (IA/NE) Remedial Branch
 901 North 5th Street Kansas City Kansas 66101
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Chemical	Maximum Concentration Allowed	Medium	Reason Why Requirement is an ARAR	Regulatory Citation
Volatiles semi volatiles pesticides herbicides polychlorinated biphenyls heavy metals and other contaminants	See compounds and associated concentrations in 28-15	Water	May be relevant and appropriate if groundwater or surface water is a drinking source	Kansas Drinking Water Rules (K.A.R. 28-15)
Volatiles semi volatiles pesticides herbicides polychlorinated biphenyls heavy metals and other contaminants	See tables in 28-16 regarding numeric criteria	Water	May be applicable to discharge of effluent to surface waters.	Water Pollution Control (K.A.R. 28-16)
Volatiles semi volatiles pesticides herbicides polychlorinated biphenyls heavy metals and other contaminants	See compounds and associated concentrations listed in 28-19	Air	Provides state emission standards for listed hazardous air pollutants and state air quality standards to protect the public health	Ambient Air Quality Standards and Air Pollution Control (K.A.R. 28-19)
Volatiles semi volatiles pesticides herbicides polychlorinated biphenyls heavy metals and other contaminants	See Appendix A KDHE Tier 2 Risk Based Summary Table September 4 2001	Soil and Water	To be considered (TBC)	Risk Based Standards for Kansas (RSK Manual)

Note: The above chemical specific ARARs were developed based on information currently available. Should future information be discovered that provides more detail and enhances knowledge of the site with respect to state regulations, KDHE/BFR will amend the ARARs accordingly.

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Table 2
Location Specific Requirements
State of Kansas Applicable or Relevant and Appropriate Requirements (ARARs)
U.S. Environmental Protection Agency (EPA) Region VII Superfund Division (SUPR) Time Critical Removal Action
Chemical Commodities Inc. Olathe Johnson County Kansas
 by
Kansas Department of Health and Environment Bureau of Environmental Remediation
Assessment and Restoration Section Superfund Unit 1000 SW Jackson Suite 410 Topeka Kansas 66612 1367
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Location Subject to Requirement	Requirement	Reason Why Requirement is an ARAR	Regulatory Citation
Surface Water and Associated Groundwater	Surface Water Use Designations	Provides guidelines for approved uses of certain types of water	Water Pollution Control (K.A.R. 28-15)
Surface Water and Associated Groundwater	Designation of Critical Water Quality Management Areas	Provides for protection of water deemed critical by state authorities	Water Pollution Control (K.A.R. 28-16)

FROM 7852964823

DATE

Note: The above location specific ARARs were developed based on information currently available. Should future information be discovered that provides more detail and enhances knowledge of the site with respect to state regulations, KDHE-BER will amend the ARARs accordingly.

Table 3
Action Specific Requirements
State of Kansas Applicable or Relevant and Appropriate Requirements (ARARs)
 U.S. Environmental Protection Agency (EPA) Region VII Superfund Division (SUPR) Time Critical Removal Action
 Chemical Commodities Inc Olathe Johnson County Kansas
 by
 Kansas Department of Health and Environment Bureau of Environmental Remediation
 Assessment and Restoration Section Superfund Unit, 1000 SW Jackson Suite 410 Topeka Kansas 66612 1367
 for
 EPA/SUPR Iowa/Nebraska (IA/NC) Remedial Branch
 901 North 5th Street Kansas City Kansas 66101
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Action Subject to Requirement	Requirement	Reason Why Requirement is an ARAR	Regulatory Citation
Removal of contaminants from drums soils or other media onsite	Provides emission standards for listed hazardous air pollutants and state air quality standards to protect the public health.	May be applicable if the remedy results in threshold emissions of any listed pollutants.	Ambient Air Quality Standard and Air Pollution Control Regulations (K.A.R. 28-19)
Removal of solid wastes or reburial of solid wastes	Provides state regulations on solid waste management including all aspects of storage transport and treatment	May be applicable if solid wastes are transported from the site	Solid Waste Management Regulations (K.A.R. 28-29)
Presence of hazardous wastes and removal transportation and disposal of hazardous wastes	Provides state regulations on hazardous waste management including all aspects of storage transport and treatment	May be applicable if hazardous waste is present at the site and for any disposal of hazardous waste	Hazardous Waste Management Regulations (K.A.R. 28-31)
Contaminant discharge to surface waters	Provides for definition of pollution and statutory authority to regulate and protect waters of the state	May be applicable to a discharge of effluent to surface waters	Water Pollution Control (K.A.R. 28-16)
Removal or transport of materials that may result in a spill	Provide state regulations for reporting spills that affect the soils or surface waters of the state	May be applicable if a spill occurs on or offsite	Spill Reporting (K.A.R. 28-48)
Hazardous substances or chemicals located onsite	Provides for emergency planning and informing the community	May be applicable if hazardous materials are present onsite	Emergency Planning and Right To Know (K.A.R. 28-65)

Note: The above action specific ARARs were developed based on information currently available. Should future information be discovered that provides more detail and enhances knowledge of the site with respect to state regulations, KDHE/BER will amend the ARAR accordingly.

Table 3
Action Specific Requirements
State of Kansas Applicable or Relevant and Appropriate Requirements (ARARs)
 U.S. Environmental Protection Agency (EPA) Region VII Superfund Division (SUPR) Time Critical Removal Action
 Chemical Commodities Inc Olathe Johnson County Kansas
 by
 Kansas Department of Health and Environment Bureau of Environmental Remediation
 Assessment and Restoration Section Superfund Unit 1000 SW Jackson Suite 410 Topeka Kansas 66612 1367
 for
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 901 North 5th Street Kansas City Kansas 66101
 Page 2 of 2

Action Subject to Requirement	Requirement	Reason Why Requirement is an ARAR	Regulatory Citation
Removal remediation or characterization of a hazardous substance onsite and the associated design	Establishes the requirements for licensing of engineers land surveyors, geologists and architects	May be applicable if the services of a geologist engineer or land surveyor are required for site remediation	Kansas Board of Technical Professions K.A.R. 66-6 through 66-14

Note: The above action specific ARARs were developed based on information currently available. Should future information be discovered that provides more detail and enhances knowledge of the site with respect to state regulations, KDHE/BER will amend the ARARs accordingly.

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
<p>Archaeological and Historic Preservation Act of 1974</p> <p>16 U S C § 469 et seq</p>	<p>Provides for the preservation of historical or archaeological data which might be destroyed or lost as the result of 1) flooding building of access roads relocation of railroads and highways and other alterations of terrain caused by the construction of a dam by government or persons or 2) alteration of terrain caused by Federal construction projects or federally licensed activity or program</p>	<p>Will be applicable if construction projects or alteration of terrain at a site have the potential to destroy historical or archaeological materials</p>
<p>Clean Air Act (CAA)</p> <p>42 U S C § 7401 et seq as amended in 1977 and 1990</p> <p>Standards of Performance for New Stationary Sources (40 CFR 60)</p> <p>National Emission Standards for Hazardous Air Pollutants (40 CFR 61)</p> <p>National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR 63)</p>	<p>Regulates air emissions from area stationary, and mobile sources. Authorizes EPA to establish National Ambient Air Quality Standards</p> <p>Identifies standards of performance for new stationary sources of air emissions. Provides emission guidelines and compliance times</p> <p>Identifies emission standards for specific hazardous air pollutants</p> <p>Identifies emission standards for hazardous air pollutants that originate from specific categories of sources</p>	<p>May be applicable if remedial actions result in emissions of contaminants to the air</p> <p>Will be applicable for new stationary sources of air emissions</p> <p>Will be applicable if the identified hazardous air pollutants are emitted from a site</p> <p>Will be applicable if the identified hazardous air pollutants are emitted from a specific source category that has been identified</p>
<p>Clean Water Act (CWA) of 1977</p> <p>33 U S C § 1251 et seq as amended in 1987</p> <p>National Pollutant Discharge Elimination System (NPDES) (40 CFR 122)</p> <p>Storm Water Discharge Requirements NPDES (40 CFR 122.26)</p> <p>Federal Water Quality Standards (40 CFR 131)</p>	<p>Implements a system to impose effluent limitations on or otherwise prevent discharges of pollutants into any waters of the United States from any point source</p> <p>Regulates discharges of pollutants from any point source into waters of the United States</p> <p>Provide requirements to obtain a permit to discharge to the storm water sewer system under the NPDES program</p> <p>Establishes methods and requirements for states in the development of ambient water quality criteria for the protection of aquatic organisms and/or the protection of human health</p>	<p>Will be applicable if discharges to streams rivers or lakes occur from a site</p> <p>Will be applicable if water from the site will be discharged onto land or into streams rivers or lakes</p> <p>Will be applicable if the site has storm water that comes in contact with construction or industrial activity or if the selected remedy involves discharge of treated water to surface waters</p> <p>May be indirectly applicable to surface water remediation and is directly applicable to surface water discharges.</p>

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
<p>Clean Water Act (CWA) of 1977</p> <p>General Pretreatment Regulation for Existing and New Sources of Pollution for Publically Owned Treatment Works (POTW) (40 CFR 403)</p> <p>Wetlands Protection (40 CFR 22 40 CFR 230 to 233 and 33 CFR 320 to 330)</p>	<p>Provides effluent limitations and guidelines for existing sources standards of performance for new sources and pre treatment standards for new and existing sources</p> <p>Allows for permitting of discharge of dredged or fill material to the waters of the United States if no practicable alternatives exists that are less damaging to the aquatic environment Applicants must demonstrate that the impact to wetlands is minimized</p>	<p>Will be applicable if wastewater from a site is discharged to a POTW</p> <p>Will be applicable if designated wetlands are impacted by a remedy</p>
<p>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980</p> <p>42 U.S.C. § 9601 et seq as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986</p> <p>National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)</p>	<p>Enacted to provide Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health and the environment Established a trust fund (i.e. Superfund) to provide for cleanup when no responsible party is identified Provides for liability of persons responsible for releases of hazardous substances Established prohibitions and requirements concerning closed and abandoned hazardous waste sites.</p> <p>Federal government blueprint for responding to spills or releases of oil and hazardous substances</p>	<p>Will be applicable if the site is on the EPA National Priorities List (NPL)</p> <p>May be applicable for any site where a release of hazardous substances has occurred</p>
<p>Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986</p> <p>42 U.S.C. § 11001 et seq</p>	<p>Designated to help local communities protect public health safety and the environment from chemical hazards Enables states and communities to prepare to respond to unplanned releases of hazardous substances Requires facilities at which hazardous substances are present to report the presence of these materials to emergency responders Requires companies to report the release of hazardous substances</p>	<p>Will be applicable if hazardous chemicals are stored or used at a facility</p>
<p>Endangered Species Act of 1973</p> <p>7 U.S.C. § 136</p> <p>16 U.S.C. § 460 et seq</p>	<p>Provides a program for conservation of threatened and endangered plants and animals and the habitats in which they are found</p>	<p>Will be applicable if threatened or endangered species or their habitats are present at or near a site.</p>

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
Explosives 18 U S C § 847	Regulates commerce in explosives. Requires licensing and permitting, record keeping, and reporting for purchase and use of explosives. Provides standards for storage of explosive materials.	Will be applicable if explosives are purchased, stored or used at a site.
Federal Hazardous Materials Transportation Law 49 U S C § 5101 et seq	Regulates the transportation of hazardous wastes and hazardous substances by aircraft, railcars, vessels, and motor vehicles. Requires employers to train, test and maintain training records for all hazmat employees.	Will be applicable if hazardous materials are transported to or from a site.
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1972 7 U S C § 136 et seq	Provides Federal control of pesticide distribution, sale and use. Allows EPA to study the consequences of pesticide use. Requires users of pesticides to take exams for certification as applicators of pesticides. Pesticide users must register purchases of these materials.	May be applicable if pesticides were distributed, sold or used at a site.
Fish and Wildlife Conservation Act 16 U S C § 2901 to 2911	Action to conserve fish and wildlife, particularly those species which are indigenous to the state.	Will be applicable if significant populations are present at a site or are they are affected by site activities.
Fish and Wildlife Coordination Act 16 U S C § 661, 667a	The Act allows the Departments of Agriculture and Commerce to assist Federal and State agencies to study the effects of domestic sewage, trade wastes and other polluting substances on wildlife.	Will be applicable if significant populations are present at a site or are they are affected by site activities.
Flood Control Act of 1944 16 U S C § 460	Provides the public with knowledge of flood hazards and promotes prudent use and management of flood plains.	Will be applicable if a site is located on a designated flood plain.
National Historic Preservation Act of 1966 16 U S C § 470 et seq	Establishes a national registry of historic sites. Provides for preservation of historic or prehistoric resources.	Will be applicable if a site is listed on historic registry and if activities requiring permitting are initiated at a site.

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
<p>Occupational Safety and Health Act (OSHA) of 1970</p> <p>29 U S C § 651 et seq</p> <p>Occupational Safety and Health Standards (29 CFR 1910)</p> <p>Safety and Health Regulations for Construction (29 CFR 1926)</p>	<p>Enacted to ensure worker and workplace safety Employers are required to provide workers a place of employment that is free from recognized hazards to safety and health</p> <p>Provides standards for workers and the workplace including working surfaces means of egress ventilation noise hazardous materials personal protective equipment sanitation medical services and first aid fire protection detection and suppression materials handling and storage machinery and machinery guards power tools and welding and electrical equipment Also requires training for workers</p> <p>Provides standards for construction activities including work practices safety equipment scaffolding and ladders fall protection heavy equipment, excavations concrete and masonry construction steel erection tunnels and shafts demolition use of explosives power transmission and distribution and overhead protection</p>	<p>Applies to workers and workplaces</p> <p>Will be applicable to workers and workplaces including hazardous waste sites</p> <p>Will be applicable to workers and workplaces where construction activities take place</p>

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
<p>Resource Conservation and Recovery Act (RCRA) of 1976</p> <p>42 U.S.C. § 6901 et seq. as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and 1986, the Federal Facilities Compliance Act of 1992, and the Land Disposal Program Flexibility Act of 1996</p> <p>Solid Waste Disposal Facility Criteria (40 CFR 257-258)</p> <p>Standards for Identification and Listing of Hazardous Waste (40 CFR 261)</p> <p>Standards Applicable to Generators of Hazardous Waste (40 CFR 262)</p> <p>Standards Applicable to Transporters of Hazardous Waste (40 CFR 263)</p> <p>Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (40 CFR 264)</p> <p>Manifesting, Record Keeping and Reporting Requirements (40 CFR 264.70 to 264.77)</p> <p>Releases from Solid Waste Management Units (40 CFR 264.90 to 264.101)</p> <p>Closure and Post-Closure Requirements (40 CFR 264.110 to 264.120)</p>	<p>Enacted to provide control of hazardous waste by imposing management requirements on generators and transporters of hazardous waste and upon owners and operators of treatment, storage and disposal (TSD) facilities. Also set forth a framework for management of non-hazardous waste. Focuses only on active or future facilities. HSWA requires phasing out land disposal of hazardous waste.</p> <p>Regulations apply to owners and operators of facilities that treat, store or dispose of solid wastes.</p> <p>Provides criteria for identification of hazardous and solid wastes.</p> <p>Regulates the manifesting, pre-transport requirements, and record keeping and reporting for hazardous waste generators.</p> <p>Establishes standards which apply to persons transporting hazardous waste within the United States if the transportation requires a manifest under RCRA.</p> <p>Regulations apply to owners and operators of facilities that treat, store or dispose of hazardous waste through the use of surface impoundments, waste piles, incinerators, land treatment units, and landfills.</p> <p>These standards apply to owners and operators of all facilities which treat, store or dispose of hazardous wastes.</p> <p>Regulations apply to owners or operators of hazardous waste treatment, storage or disposal facilities.</p> <p>Facility owner or operator must close a hazardous waste facility in a way that minimizes the need for further maintenance and maximizes the protection of human health and the environment.</p>	<p>Applies to active hazardous and solid wastes including facilities that treat, store and dispose of these materials as well as generators and transporters of hazardous wastes.</p> <p>Will be applicable if site activities are analogous to solid waste facility activities.</p> <p>Will be applicable for identifying hazardous wastes.</p> <p>Will be applicable if hazardous waste is generated at a site.</p> <p>Will be applicable if hazardous waste is disposed off site.</p> <p>Will be applicable if site activities are analogous to hazardous waste facility activities.</p> <p>Will be applicable if site activities are analogous to hazardous waste facility activities.</p> <p>Will be applicable if solid waste is stored at a site.</p> <p>Will be applicable upon the closure and post-closure of a hazardous waste facility.</p>

Potentially Applicable Relevant and Appropriate Requirements (Federal)	Description	Comment
<p>Resource Conservation and Recovery Act (RCRA)</p> <p>Interim Status Standards for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities (40 CFR 265)</p> <p>Land Disposal Restrictions (40 CFR 268)</p> <p>Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR 280)</p>	<p>Regulations apply to owners and operators of facilities that treat store or dispose of hazardous waste</p> <p>Identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed</p> <p>Establishes regulations relating to underground storage tanks</p>	<p>Will be applicable if site activities are analogous to hazardous waste facility activities</p> <p>Will be applicable depending on the type of waste generated at the site</p> <p>Will be applicable if underground storage tanks are present at a site</p>
<p>Safe Drinking Water Act (SDWA) of 1974</p> <p>42 U.S.C. § 300f et seq. as amended in 1986</p> <p>National Primary Drinking Water Regulations and Implementation (40 CFR 141 and 142)</p> <p>National Secondary Drinking Water Standards (40 CFR 143)</p> <p>Underground Injection Control Program (40 CFR 144 to 148)</p>	<p>Established to protect the quality of drinking water in the United States. Focuses on all waters actually or potentially designed for drinking use whether from above ground or underground sources. The Act authorized EPA to establish safe standards of purity and required all owners or operators of public water supply systems to comply with primary (health related) standards</p> <p>Establishes maximum contaminant levels (MCLs) which are health risk based standards for public water systems</p> <p>Establishes welfare based secondary standards for public water systems</p> <p>Assures that Underground Injection will not endanger drinking water sources. Provides regulations governing the use of underground injection wells including identification of the classifications of injection wells and the permitting construction operation monitoring testing and reporting requirements. Also provides requirements for plugging of injection wells</p>	<p>May be applicable relevant or appropriate at sites where waters that are used or may potentially be used as drinking water supplies are impacted or threatened.</p> <p>Will be applicable at the distribution point (i.e. at the tap). Will be relevant and appropriate for groundwater cleanup at sites where potential drinking water sources (aquifers) are impacted</p> <p>Will be applicable at the distribution point (i.e. at the tap)</p> <p>Will be applicable if underground injection of liquids or air is conducted as part of a site remedy</p>

Potentially Applicable Relevant and Appropriate Requirements (State)	Description	Comment
Ambient Air Quality Standards and Air Pollution Control K.A.R. 28-19	Regulates air emissions from processing operations indirect heating equipment and incinerators Establishes requirements for Attainment and Non Attainment Areas Establishes requirements for Stack Heights Restricts open burning	Will be applicable if a remedy results in the release of contaminants to the air
Asbestos Control K.A.R. 28-50	Established the requirements for licensing of businesses and examination and certification of asbestos workers Established requirement for notification of asbestos projects Establishes work practices for asbestos projects Establishes rules for disposal of asbestos containing materials	Will be applicable if asbestos is handled or removed from a site or encapsulated
Agricultural Chemicals Commercial Fertilizers Anhydrous Ammonia and Chemigation K.A.R. 41-4-4-10 and 4-20	Requires labeling and registration of agricultural chemicals Provides regulations for storage and secondary containment transportation and record keeping for commercial fertilizers and anhydrous ammonia. Requires permitting and certification of operators of chemigation equipment	Will be applicable if agricultural chemicals commercial fertilizers or anhydrous ammonia are used at site Will be applicable if chemicals or animal wastes are applied by chemigation
Construction, Operation Monitoring and Abandonment of Salt Solution Mining Wells K.A.R. 28-43	Regulates the construction operation monitoring testing and abandonment of salt solution mining wells	Will be applicable if salt solution mining wells are present
Emergency Planning and Right to Know K.A.R. 28-65	Designated to help local communities protect public health safety and the environment from chemical hazards Enables communities to prepare to respond to unplanned releases of hazardous substances Requires facilities at which hazardous substances are present to report the presence of these materials to emergency responders Requires companies to report the release of hazardous substances	Will be applicable if hazardous chemicals are stored or used at a site
Explosive Materials K.A.R. 22-4	Requires all contractors to obtain explosive storage site permits before moving storing or using any explosives or blasting agents at any job site with the state	Will be applicable if explosives or blasting agents are used or stored at a site

Potentially Applicable Relevant and Appropriate Requirements (State)	Description	Comment
Hazardous Waste Management Standards and Regulations K A R 28 31	Identifies the characteristics and listing of hazardous waste Prohibits underground burial of hazardous waste except as granted by EPA or KDHE Establishes restrictions on land disposal Establishes standards for generators or transporters of hazardous waste Establishes standards for hazardous waste storage treatment and disposal facilities	Will be applicable if hazardous wastes are present at a site
Hydrocarbon Storage Wells and Well Systems K A R 28 45	Establishes a system for permitting of hydrocarbon storage wells Establishes requirements for construction operation and monitoring and plugging of hydrocarbon storage wells	Will be applicable if hydrocarbon storage wells are present at a site
Kansas Board of Technical Professions K A R 66 6 through 66 14	Establishes the requirements for licensing of engineers land surveyors geologists and architects	Will be applicable if the services of a geologist engineer or land surveyor are required for site investigations or remediation
Kansas Drycleaner Environmental Response Act K A R 28 68	Enacted to provide funds to assist with assessment and corrective action of former and existing drycleaner facilities Requires registration of drycleaning facilities and compliance with waste management measures	May be applicable if a drycleaner operated onsite
Kansas Historic Preservation Act K.A.R. 118 3	Provides for the protection and preservation of sites and buildings listed on state or federal historic registrie	Will be applicable if a site or building is listed on the state or federal historic registry and if activities requiring permitting are initiated at a site
Kansas Water Appropriations Act K A R 5 1 through 5 10 and 5 20	Establishes the requirements for obtaining and maintaining and transferring water appropriations	Will be applicable if water appropriations are required for groundwater remediation
Mined Land Reclamation K A R 47 16	Allows for the reclamation of mined land and associated waters	Will be applicable if mined land or associated waters are to be reclaimed
Non-Game, Threatened or Endangered Species K A R 115 13	Identifies Threatened and Endangered Species	Will be applicable if any of the identified species are present at a site
PCB Facility Construction Permit Standards and Regulations K.A.R 28 53	Establishes the requirement for permitting of facilities constructed for the treatment storage or disposal of materials containing polychlorinated biphenyls (PCBs) Establishes standards for PCB facilities	Will be applicable if treatment, storage or disposal of materials containing PCBs occurs

Potentially Applicable Relevant and Appropriate Requirements (State)	Description	Comment
<p>Pesticides K A R 4 13</p>	<p>Requires licensing of pesticide businesses and certification of persons that apply pesticides</p>	<p>Will be applicable if pesticides are present at a site or application of pesticides occurs</p>
<p>Petroleum Products Storage Tanks K A R 28 44</p>	<p>Provides requirements for permitting of the installation and operation of underground storage tanks (USTs) Provides requirements for design and construction of storage tanks Provides a system for licensing contractors who install and test USTs Requires implementation of method for detecting releases and reporting releases from USTs</p>	<p>Will be applicable if petroleum storage tanks are or were present at a site</p>
<p>Radiation K A R 28 35</p>	<p>Regulations require registration of radiation producing devices and licensing of sources of radiation Provides standards for protection against radiation Provides requirements for industrial radiographic operations and wireline and subsurface tracer studies</p>	<p>Will be applicable if radiation producing devices or sources of radiation are present at or are used at a site</p>
<p>Solid Waste Management K A R 28 29</p>	<p>Provides standards for management of solid wastes Establishes administrative procedure Establishes the requirement for development and submittal of Solid Waste Management Plans</p>	<p>Will be applicable if solid waste is generated stored or disposed at a site</p>
<p>Spill Reporting K A R 28 48</p>	<p>Requires reporting of unpermitted discharges or accidental spills Requires that containment and immediate environmental response measures are implemented Also provides for technical assistance for mercury related spills</p>	<p>Will be applicable if unpermitted discharges or accidental spills occur at a site</p>
<p>Underground Injection Control Regulations K A R 28-46</p>	<p>Provides regulations governing the use of underground injection wells including identification of the classifications of injection wells and the permitting construction operation monitoring testing and reporting requirements Also provides requirements for plugging of injection wells</p>	<p>Will be applicable if the remedy involves the injection of fluids or air into the subsurface</p>
<p>Underground Storage, Disposal Wells and Surface Ponds K A R 28 13</p>	<p>Regulates the construction and use of underground storage reservoirs disposal wells and surface ponds for the confinement storage and disposal of industrial fluids including but not limited to brine Also pertains to removal of material from surface ponds upon abandonment Does not include regulations pertaining to oil field activities</p>	<p>Will be applicable if underground reservoirs disposal wells or surface pond are used for storage or disposal of industrial fluids at a site Will be applicable if use of a surface pond is discontinued</p>

Potentially Applicable Relevant and Appropriate Requirements (State)	Description	Comment
<p>Pesticides K A R 4 13</p>	<p>Requires licensing of pesticide businesses and certification of persons that apply pesticides</p>	<p>Will be applicable if pesticides are present at a site or application of pesticides occurs</p>
<p>Petroleum Products Storage Tanks K A R 28-44</p>	<p>Provides requirements for permitting of the installation and operation of underground storage tanks (USTs) Provides requirements for design and construction of storage tanks Provides a system for licensing contractors who install and test USTs Requires implementation of methods for detecting releases and reporting releases from USTs</p>	<p>Will be applicable if petroleum storage tanks are or were present at a site</p>
<p>Radiation K A R 28 35</p>	<p>Regulations require registration of radiation producing devices and licensing of sources of radiation Provides standards for protection against radiation Provides requirements for industrial radiographic operations and wireline and subsurface tracer studies</p>	<p>Will be applicable if radiation producing devices or sources of radiation are present at or are used at a site</p>
<p>Solid Waste Management K A R 28 29</p>	<p>Provides standards for management of solid wastes Establishes administrative procedures Establishes the requirement for development and submittal of Solid Waste Management Plans</p>	<p>Will be applicable if solid waste is generated stored or disposed at site</p>
<p>Spill Reporting K A R 28-48</p>	<p>Requires reporting of unpermitted discharges or accidental spills Requires that containment and immediate environmental response measures are implemented Also provides for technical assistance for mercury related spills</p>	<p>Will be applicable if unpermitted discharges or accidental spills occur at a site</p>
<p>Underground Injection Control Regulations K A R 26-46</p>	<p>Provides regulations governing the use of underground injection wells including identification of the classifications of injection wells and the permitting construction operation monitoring testing and reporting requirements Also provides requirements for plugging of injection wells</p>	<p>Will be applicable if the remedy involves the injection of fluids or air into the subsurface</p>
<p>Underground Storage, Disposal Wells and Surface Ponds K A R 28 13</p>	<p>Regulates the construction and use of underground storage reservoirs disposal wells and surface ponds for the confinement storage and disposal of industrial fluids including but not limited to brine Also pertains to removal of material from surface ponds upon abandonment Does not include regulations pertaining to oil field activities</p>	<p>Will be applicable if underground reservoirs disposal wells or surface ponds are used for storage or disposal of industrial fluids at a site Will be applicable if use of a surface pond is discontinued</p>

Potentially Applicable Relevant and Appropriate Requirements (State)	Description	Comment
Voluntary Cleanup and Property Redevelopment Program K A R 28 71	Provides a mechanism for property owners facility operators prospective purchasers and local governments to voluntarily address contaminated properties with technical and regulatory guidance from KDHE	May be applicable if a site meet the criteria for acceptance into the Voluntary Cleanup Program
Water Pollution Control K A P 28 16	Provides regulation of sewage discharge Establishes pre treatment standards for industry Designates uses of rivers and streams Establishes River Basin Quality Criteria and Surface Water Quality Criteria Provides for the establishment of Critical Water Quality Management Areas	Will be applicable if water is to be discharged to state waterways
Water Well Contractor s License Water Well Construction and Abandonment K A R 28 30	Establishes the requirements for licensing of drillers Regulates drilling activities including the construction of wells	Will be applicable if drilling and/or well construction or abandonment is conducted at a site